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 5th December, 1995.

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MISSING

Most Rev. M. Malone, D.D.,  
 Bishop of Mountbatten-Dunwich.

Dear Bishop,

Enclosed please find my response to your letter and documents received during the month of November. As I had no transport, I have had to depend for the most part on someone collecting my mail and delivery it to me. In it I have endeavoured to supply an honest appraisal of the situation as I have seen it over the 46 years of my priesthood.

On leaving the Philippines, my plan had been to retire to Ireland, as Bishop Clarke demanded in a letter he wrote to Bishop Banting. However, after a visit to my doctor - Dr. A. Pang - in W.A., I was referred to a specialist who recommended an operation as urgent. Fortunately, my medical cover with H.B.F. was still available, otherwise I could never have afforded the operation which cost in excess of \$20,000. With a second operation pending early in the new year, I was able to renew my medical cover with H.B.F., after which - trusting it would be successful - had planned to return to Ireland as soon as capable of travelling.

My immediate plan, on advice, is to go up-country from now till after Christmas in order to prepare for the next operation arranged for January 2nd. The hospitality of some of the priests has truly remarkable - in both Perth and Geraldton Dioceses.

May I wish you all the joys and blessings of the Christmas season.

Sincerely yours in Christ.  
 Denis M. O'Shane.

To Those Whom It May Concern

I have studied the documents sent me, and especially the Canons as marked relating to "Irregularities & other Impediments" in Can. 1044, and "Obligations & Rights of Clerics" in Can. 277; I shall endeavour to reply honestly to the best of my ability.

A. Canon 1044 - §1 and §2.

I do not in any way consider that at the time of reception of Orders there existed any irregularity for reception of Orders nor any impediment to the reception of Orders.

Just prior to Ordination - at most within a year of the event - I had completed a full course in Applied Psychology and Child Psychology under Professor Dr. Thomas Long, C.S.B., and was fully aware of whatever could be classified as an "aberration".

I had a very normal childhood in a family of 4 boys & 2 girls, during which time there was no evidence of deviation from what is perfectly normal, mentally or morally. Neither was there any evidence of this during my Juniorate which I entered at the age of about 19 years. During those years at the Redemptorist Juniorate very strict supervision was maintained and carefully monitored on matters such as "particular friendships", and never ever was any suggestion made that I had shown the least inclination towards such a tendency. At least once during each term every student had a very searching head-to-head interview with the Director, which would certainly have disclosed any "aberration" had such been present. In fact, the same could be said of my years in the Noviciate and Major Seminary - likewise conducted by the Redemptorists. In all those years my favourite companions were those who engaged in vigorous games on the football field or handball courts. Indeed, I was looked upon, and at times made fun of, as belonging to the group noted for vigorous sports, strenuous hiking and mountain climbing; most

was planning to spend our lives on foreign missions where we considered life to be rugged and demanding. Some of that group are alive and active to-day, whose names I could supply to back up my testimony.

Prior to Ordination (1949), I had become very much obsessed with the idea of going to China, but by '49 the Communists had taken over that country. Meantime Bishop Gleeson, C.S.B. invited me to Maitland Diocese, at a time when many migrants were arriving there.

Hence, my first assignment was Chaplain to a Migrant ship travelling to Australia with around 3,000 people. During the 6 weeks voyage I had to contact all families from Ireland, the U.K. and Malta, and became quite friendly with many of them and their children for whom we organized schooling and sports; but never for a moment was there any thought or inclination to do anything wrong with them.

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Bishop Gleeson had promised that after some years he would release me to go to foreign missions; but when Bishop Tooley took over the Diocese he insisted there was no record of such a promise — I had received an invitation from Bishop Cavaleira in Kenya with books on the Swahili language. However, during those early years I had continued to keep fit, playing Rugby League, Handball and Marist Brothers, Squash etc., still with a view to going on the Missions. Even after my accident in 1962, that barred me from all sports, I still continued annually to request to go to the Missions, till eventually Bishop Tooley gave in early in 1969, though I was obliged to return to Maitland after each 3 year period, until in 1981 I was forced to return for a hip-replacement — the result of the 1962 accident. During all those years in P.N.G. I had no problems whatsoever, even though I was called on to do regular clinical work before we got a permanent nurse and hospital

On the various occasions when things did go wrong, I never for a moment tried to minimise my guilt by blaming some uncontrollable tendency — always making sure of receiving the Sacrament of Penance before offering Mass. Likewise when I visited a qualified psycho-analyst some years ago in Castle Hill, after 5 or 6 consultations, he assured me he found nothing in the nature of an aberration.

Hence, the Conclusion is obvious that at the time of my Ordination, during the years of preparation for the same, and for several years afterwards, during my years in P.N.C., ~~at~~ ~~no~~ no sign of any aberration that could give rise to an impediment for the reception of Orders was apparent. Nor was it a case of Ignorance of Irregularities or Impediments — they were just not present. So that, even if I wanted a dispensation — (which I certainly do not) — I could not in conscience seek for it, knowing that the conditions do not apply.

∴ at the time of my Ordination there was no impediment whatsoever to the valid and lawful reception of Orders, and hence Canon 1044 does not apply.

Canon 279

Yes, here I have failed miserably in observation of "perfect and perpetual continence" in relation to my view of Chastity in matters about which I have been accused and of which I have accused myself, though some of the individual cases mentioned by Fr. Lucas (1993) did not occur, most of all that concerning

AK who had divorced her husband and entered a civil marriage to another, after failing to bring up her children as Catholics, neither did the case happen that was brought to court in W.A. in 1992.

I have seen in these failures the fact that I allowed my spiritual life to become weakened with the excuse of being too busy — barely, "fitting in" prayers of obligation such as Divine Office, though managing a daily Rosary.

However, as I explained to Fr. Lucas in '93, that, by the grace of God and the help of our Blessed Lady, I had already become completely free from all such wrong-doings, in fact, regarded as an abomination. The following practices have been ever so effective: —

(1) In 1987, I joined the Marian Movement of Priests, having made a Retreat with a group of priest-members. (I am aware that, for some unknown reason, some Bishops have not approved of this Movement, though Archbishop Hickey does sponsor it in his Diocese).

Have found that the daily consecration to our Lady: "I who belong to the Marian Movement of Priests, called to form the army of your Priests, today renew my consecration to your Immaculate Heart" — and "by this act of consecration I intend to live with you and through you all the obligations assumed by my baptismal and priestly consecration" — as a daily reminder of my obligations and duties as a priest, and the need to seek graces and helps I require to comply.

- ② This led me to put into practice the advice and example of the late Bishop Fulton Sheen to make a daily Holy Hour; this I have done ever since <sup>now for several years.</sup> Even when not able to get to a Church at my usual hour 3-4 p.m., I've made the Holy Hour wherever I happened to be.
- ③ In 1990 I went to Rome for the International Retreat "Towards A.D. 2000", having, on the way, spent 8 days at Medjugorje; found the Retreat a wonderful booster to this renewal of priestly life. After this the main theme of the daily Holy Hour centred around Devotion to the Divine Mercy — which gave me new hope.
- ④ Shortly after this I went back to one of my early practices of Devotion, that sadly had lapsed over the years — namely, the daily "Way of the Cross"; this frequently is joined to my Holy Hour which extends it to an extra  $\frac{1}{2}$  hour, using the meditations of Fr. Berchmans Walsh, the Cistercian, "Divine Mercy and the Eucharistic Way of the Cross".
- ⑤ Even long before 1987, I had begun the practice of saying the 15 Decades of the Rosary daily, but usually this was while driving in the car. Since '87 I've endeavoured to keep up the practice, but more often in an environment more suitable for meditation on at least 5 Decades.
- ⑥ Each day at Mass and on several other occasions, such as Holy Hour, Rosary, Divine Office, I pray for all those who may have been injured in any way by my actions.

Fortunately, at a very early age, I'd been taught the Power of prayer, and now feel I can claim to be living example of that Power. So much so, that when I spoke to Fr. Lucas, about 3 yrs ago, I assured him I had no worry or fear of falling back into the problems of the past. In fact, no way would I have opened up and confessed so freely to Fr. Lucas, admitting my past failings, had I not been convinced that this

was a thing of the past.

Hence, while I have failed miserably regarding Canon 277, I believe I'm now more a priest than for many years — a repentant priest. So, while condemning myself in no uncertain terms, the sad experience has taught me greater compassion towards others who have sinned, so that the work of the Confessional had become one of the greatest means of making reparation for my past sins. In my own priestly ministry, I've always made a special effort, not only to be available for Confessions, but endeavored to encourage frequent Confessions wherever I happened to be, and have always felt a share in that heavenly joy when one sinner repents.

In 1990 on the way to Rome for the Retreat, I spent up to 8 hours daily <sup>at midnight</sup> on 7 days hearing Confessions. So to be deprived of Faculties was the greatest punishment I ever had to suffer. In fact, it was that, more than anything else, that drew me to the Philippines, something that came about in quite an extraordinary manner — again, I believe it was the power of prayer. Since being deprived of Faculties, I'd prayed earnestly each day for a return of privilege, but had no idea how it could come about.

Then I received an invitation from Bishop Bantigue of San Pablo, Laguna, through the apparent intervention of a Somascan Priest who knew of my situation and with whom I had previously spent many hours hearing Confessions at Councils and <sup>on</sup> days of Recollection.

Bishop Bantigue at first asked me to undertake the position of Chaplain to the San Pablo College Complex where there was an enrollment of over 7,500 pupils, ranging from kindergarten through primary, secondary, teachers college, university and including Medical College. However, I made a point of explaining my situation and past history to the good Bishop, and advised him why my Faculties had been withdrawn. This, at first, prompted him to alter the appointment, and

instead posted me to the Cathedral of San Pablo with full faculties of the Diocese. — Here, on each Wednesday and Friday, I could spend up to a minimum of 6 hours in the Confessional, as well as becoming regular Confessor to priests, seminarians and nuns, as well as to other individuals at various times in bays and during Fiestas.

However, after a few months, Bishop Bantique again appointed me to San Pablo College Complex, thinking, like myself, that here was an opportunity to make up for past failures. There I was surprised to discover that the practice of Confessions had been sadly neglected, though there was daily Mass for each grade of school. It became necessary, therefore, to re-instruct the students, after an absence of up to 4 years, after which it was a case of regular, 6 to 8 hours on 5 days each week, not only for pupils, but also for the staff. Hence, for the next 6 months or so I would have heard no less than 10 thousand Confessions. So, here again, I had a most tremendous experience of the power of prayer, and had a conviction that God had really forgiven me and truly restored me to full priestly life again. When I was leaving, as Bishop Blake had demanded, Bishop Bantique, who had been quite ill, sent for me to thank me, most of all, as he remarked, for my work in the Confessional in both San Pablo Cathedral and the College Complex. I regard the good Bishop as very much a genuine good shepherd, a man of compassion and understanding.

Hence, while I admit my failures in the past regarding Canon 277, I know of other repentant Priests and even a few Bishops, who are serving as active ministers in the Church. I can understand why, in view of some objections, it is necessary to be restricted to private practice of priestly duties, something I am now prepared to be content with; but I see no reason to be completely deprived of those priestly duties. Nowhere do I recall having condemned anyone for what he had done provided he genuinely repented — not even St. Peter —



who, far from being denoted, was restored to the Papacy. As noted in the original letter and document from Bishop Clarke, I have the right to appeal; hence, I wish to make it quite clear that, if necessary I am prepared not only to make my appeal but to go to Rome if necessary in order to maintain my Priesthood. I was ordained a "Priest for ever" and intend to remain so till death, be that sooner or later, — and the way matters stand at present it could be sooner.

② I do regard to the threat of someone contacting the police, I fail to see where this has any relevance to any of the Canons; indeed, if you would advise it, I'd be prepared to go to the Police and accuse myself. There may even be work to be carried out in prison, as I had occasion to discover. On the night before the judge's summing up of my case in the Court in Perth, I had to spend the night in maximum security prison. In the course of conversation with the prison nurse I discovered she had contracted an invalid marriage after the death of her first husband, and subsequently had given up the practice of her faith. While I cannot recall the conversation which we had, I was informed shortly after that she had gone to have her marriage rectified and had returned to the Church. This information was conveyed to me by Titiano Bogoni who is now a seminarian at Propaganda. He was given the information by the woman's very delighted son, who happened to be a friend of his and wished to thank me. So, it seems that there is room for the apostolate even in prison.

N.B. 2. In the study of applied psychology we were strongly warned against forcing individual cases into particular categories.