



DICASTERO
PER GLI ISTITUTI DI VITA CONSACRATA
E LE SOCIETÀ DI VITA APOSTOLICA

Prot. n. 2566/2020

DECREE

I. FATTISPECIE:

1. In April 2023, the Most Rev. Michael Olson, Bishop of Fort Worth, Texas, received information from the Reverend Jonathan C. Wallis, Vicar General of the Diocese of Fort Worth, that the Reverend Mother Teresa Agnes (Gerlach) of Jesus Crucified, O.C.D., Prioress of the Holy Trinity Monastery in Arlington, Texas, had told him that she had violated the sixth commandment of the Decalogue with a priest from outside the Diocese of Fort Worth.
2. On April 26, 2023, Bishop Olson issued an admonition (cann. 1371 §1 and 1347 §1) which warned, "the members of the Monastery of the Most Holy Trinity, in Arlington, Texas, that subsequent obstruction of my efforts to conduct the aforementioned investigation and subsequent outside communication could result in the imposition of penalties."

II. Procedure:

3. Against this decree the nine members of the Monastery presented, on May 8, 2023, to the Bishop of Fort Worth, a *remonstratio* (c. 1737), requesting its revocation.
4. By a decree dated May 10, 2023 (served on May 11, 2023), the Bishop of Fort Worth responded to the *remonstratio*, rejecting the requests and amending it stating: "I, hereby, warn, in accord can. 697, 1° CIC and cann. 1347 § 1 and 1371 § 1 CIC, each member of the Monastery of the Most Holy Trinity, in Arlington, Texas, that subsequent obstruction of my efforts to conduct the aforementioned investigation and subsequent outside communication could result in the imposition of penalties, not excluding an interdict of that member and her dismissal from the Order of Discalced Carmelites for stubborn disobedience to the legitimate prescripts of superiors in a grave matter (cf. can. 696 § 1 CIC)".
5. Then, on May 25, 2023, the nine members of the Monastery filed hierarchical appeal against the decree of May 10, 2023 (served on May 11, 2023).

III. THE ARGUMENTS

Argument 1: Lack of competence

6. In their joint appeal, the nine members of the Monastery argue that the jurisdiction of the diocesan bishop, ex canon 615, is limited by the canonical clause, *ad normam iuris* (cf. canons. 628 § 2, 630 § 3, 637, 667 § 4, and 688 § 2).

Reply:

7. The special vigilance of the diocesan bishop over a monastery *sui iuris* is to be exercised within the boundaries of his diocese, as stated in canon 615, however, no reference was made in the nuns appeal to *Cor Orans* which further specifies such special vigilance and competencies (arts. 75, and 80-83).

Argument 2: Denial of the right to defense.

8. The sisters argue that the bishop's competence to impose an admonition threatening canonical criminal prosecution on all individual members of the perpetually vowed religious community of the Monastery, which resulted from the preliminary inquiry into Mother Superior's conduct, fails to state "the indication of the cause of dismissal, expressly required by c. 697 no. 2 CIC," and especially denies the sisters "the possibility of putting in place all their defenses."

Reply:

9. It is clear that the canonical admonition of April 26, 2023 to the members of the Community clearly indicated the cause of the canonical admonition itself. The bishop claims that shortly after initiating the preliminary investigation he "encountered obstruction by some members of the Monastery to my efforts to conduct the investigation of Mother Teresa Agnes' admitted sexual misconduct, and that he received reports of communications outside the Monastery from some members who sought to foment animosity and/or hatred against me because of my acts of ecclesiastical office." Thus, the admonition warned against willful disobedience to the legitimate prescriptions of superiors in serious matters.

Argument 3: The nature of the precept

10. The nuns challenge the admonition's threat to impose sanctions. Their argument complains that the formula "imposition of penalties, not excluding" makes the punishment entirely indeterminate since it remains open to countless other penalties.

Reply:

11. Canon 1371 §1 states that, by disciplinary precept, the competent ecclesiastical executive authority may threaten certain penalties. In the present case, the sanction threatened was specified, namely, "interdict." For this reason, the bishop cited canon 1347 §1, which states that for the imposition of the penalty to be valid, notice must be given.

IV. OBSERVATIONS

12. The juridical relationship between the bishop and the monastery in question is established by Can. 615, which reads as follows: *An autonomous monastery which does not have another major superior besides its own moderator and is not associated to another institute of religious in such a way that the superior of the latter possesses true power over such a monastery as determined by the constitutions is entrusted to the special vigilance of the diocesan bishop according to the norm of law.*
13. By this act, canon 615 has become the foundational basis of the bishop's claim to have the right and duty to exercise supervision over Arlington Monastery, a legal fact not disputed by the appeal of the monastic community. What is disputed is the scope and limits of this supervision, which are not agreed upon by either party.
14. The appellants ignore canon 628 §§ 2-3 and *Cor Orans* (articles 75 §3 and 80-83), which further delineates this special vigilance.

canon 628 §§ 2-3:

§2. It is the right and duty of a diocesan bishop to visit even with respect to religious discipline 1) the autonomous monasteries mentioned in can. 615; 2) individual houses of an institute of diocesan right located in his own territory

§3. Members are to act with trust toward a visitor, to whose legitimate questioning they are bound to respond according to the truth in charity. Moreover, it is not permitted for anyone in any way to divert members from this obligation or otherwise to impede the scope of the visitation.

15. This canon relates directly to canon 615, and gives the diocesan bishop the right to visit the monastery, including to question them about their observance of religious discipline.
16. Moreover, paragraph 3 clearly urges religious to answer truthfully the questions put to them so as not to hinder the visitation.
17. The canon does not limit the kind of questions concerning religious discipline that may be presented. Certainly, a serious infraction of the law in matters of governance, finance, and behavior must be provided for as matters for the bishop to investigate. This canon permits the type of visitation that has all the components of an investigation, but it does not determine how such visits that reveal disciplinary problems are to be resolved.

V. CONCLUSION


18. In conclusion, it is determined that all the canonical elements necessary to produce a valid canonical admonition are found in the bishop's amended admonition of May 10, 2023, lawfully served to the members of the Carmelite Monastery of the Holy Trinity (Arlington). The members of the monastery legitimately exercised their right of defense by submitting a *remonstatio* to the bishop and subsequently to this Dicastery.

WHEREFORE, having evaluated the documents in possession of this Dicastery, and after hearing the opinion of the Congress of the same Dicastery on March 12, 2024, this *Dicastery for Institutes of Consecrated Life and Societies of Apostolic Life*, for the reasons above presented, with this Decree rejects, in accordance with canon 1739, the individual appeals of the nine members of the Arlington Carmel, and thereby reaffirms the validity of the decree imposing the precept and admonition on the recurrences issued by the Bishop of Fort Worth on May 10, 2023.

Anything to the contrary notwithstanding.

Given at the Vatican, April 30, 2024.


João Braz Card. de Azevedo
Prefect


Sr. Simona Brambilla, M.C.
Secretary