

An Open Letter to Bishop Clarence Kelly
on the “Thuc Bishops” and the Errors
in *The Sacred and the Profane*

by Mario Derksen, M.A.

Lovingly Dedicated to the Immaculate Heart of Mary

“But prove all things; hold fast that which is good.”
(1 Thessalonians 5:21)

To: His Excellency, the Most Reverend Clarence Kelly, CSPV

CC: His Excellency, the Most Reverend Joseph Santay, CSPV
The Clergy of the SSPV and CSPV
Various Other Clergy and Parishioners

+ J.M.J. +
+ A.M.D.G. +

January 8, 2011 A.D.
Cincinnati, Ohio (U.S.A.)

Your Excellency:

For over 20 years now, the Society of St. Pius V¹ has distinguished itself as being adamantly opposed to the episcopal consecrations of Bishops Moises Carmona, Adolfo Zamora, and Michel-Louis Guerard des Lauriers by His Excellency, Bishop² Pierre-Martin Ngo-Dinh-Thuc, in 1981.³ Traditional Catholics have been warned by the SSPV and especially Your Excellency that these consecrations were of dubious validity, that they were scandalous and sacrilegious, and that it is not permissible even in our difficult times to have anything to do with the bishops or priests whose orders can be traced back to Bp. Thuc, nor even with those who, though not themselves part of the Thuc line of clergy, nevertheless acknowledge their validity and lawfulness and work together with them. This hard line has been “enforced” by the SSPV by a refusal to administer the sacraments to those people who disagree with this position and receive the sacraments from bishops or priests of the Thuc line or from their associates.

Though for the most part only an American phenomenon, as the SSPV does not operate outside the United States and its position is practically unheard-of elsewhere, this stance has bitterly divided sedevacantists for decades now. Entire families have been torn apart over allegedly “doubtful sacraments” and “scandalous associations.” Good, pious Catholics have had their Catholicity or moral character held suspect, and many relationships that could have resulted in holy matrimony have been broken up or prevented altogether. Year after year, the SSPV’s position causes discord at baptisms, confirmations, weddings, and First Holy Communions between family members from different churches, whose only desire is to practice the true Roman Catholic Faith.

Affected by this division in my personal life, I took it upon myself to research these issues to see which side had the evidence in its favor. Attending an SSPV parish at the time, I was surprised to find that the information I had been given by the SSPV on these topics could not stand up to rigorous scrutiny when compared to the evidence produced by the “Thuc side.” It is this evidence that I now wish to share with you. I do so in an *open* letter to Your Excellency, mailed to all the clergy of the SSPV as well as select

1 The phrase “Society of St. Pius V” (SSPV) will be used loosely in this letter to include also the Congregation of St. Pius V (CSPV), which Your Excellency established in 1996, and which includes Bp. Joseph Santay.

2 In some traditional Catholic literature, Vietnamese Bp. Ngo-Dinh-Thuc (1897-1984) is referred to as “Archbishop” because John XXIII raised him to the archbishopric on November 24, 1960. As I do not acknowledge John XXIII’s claim to the papacy as valid—a separate topic outside the scope of this study—the title “Bishop” will be used throughout this letter. While it would be more correct and proper to refer to Bp. Thuc as “Bp. Ngo,” as “Ngo” is his last name and “Thuc” is his first name, nevertheless he is mostly known as “Bp. Thuc,” and so I have chosen to refer to him by that name.

3 Bp. Thuc consecrated Bp. des Lauriers (1898-1988) on May 7, 1981, and Bps. Carmona (1912-1991) and Zamora (1910-1987) on October 17, 1981. Bp. des Lauriers was French; Bps. Carmona and Zamora were Mexican.

parishioners and clergy of different SSPV and non-SSPV chapels, and published on the internet at www.ThucBishops.com, with the twofold purpose of (1) sharing the evidence with everyone who is interested in the topic, that everyone may see for himself what this evidence is and examine it; and (2) to elicit a *public response* from Your Excellency so that, should I have accidentally misrepresented any point of your position, or missed any crucial evidence that would corroborate your position rather than mine, you would feel urged to make it known to the public *in writing*.

Your Excellency, in your work *The Sacred and the Profane (TSTP from now on)*, you state that you wrote your book because “[a] response has to be made” and “[t]he truth must be told” in order to “warn the faithful” and to “minimize the harm done to souls. . . .”⁴ Ironically, these are the exact same reasons for which I now publish this study, examining your claims, arguments, and references regarding these issues, mainly as set forth in your book *TSTP*.⁵

In a letter published in 2002 as a follow-up to a public debate about the Thuc bishops and the SSPV’s policy of refusal of the sacraments to Catholics who attend Thuc-line parishes, Fr. William Jenkins counseled his faithful:

To those of you who have not already done so, I recommend that you read Bishop Kelly’s book on this subject, *The Sacred and the Profane*, which contains much good information. If you have not read the book, nor will you do so, then you have no right to criticize what you don’t know.⁶

Truly, one should not criticize what one does not know. However, I *have* read the book, examined it carefully, and compared its claims to my own in-depth research; I am, therefore, in a position to criticize what I *do* know. The question is: Will people—and will Your Excellency—agree to read the evidence *against* the SSPV’s position and give it an honest and impartial look? If not, then I can only make Fr. Jenkins’ words my own: “If you have not read the [letter], nor will you do so, then you have no right to criticize what you don’t know.”

This letter is divided into four major sections:

- PART I - The Fact of Bp. Thuc’s 1981 Episcopal Consecrations
- PART II - The Validity of these Consecrations
- PART III - The Lawfulness of these Consecrations
- PART IV - Summary & Concluding Remarks

These four main parts are followed by a series of nine appendices:

- Appendix A - Is Rejecting the Thuc Consecrations just “Following the Safer Course”?
- Appendix B - Did Bp. Thuc *Simulate* a Sacrament?
- Appendix C - Bp. Thuc’s Intervention Regarding Non-Christians at the Second Vatican Council

4 Most Rev. Clarence Kelly, *The Sacred and the Profane* (Round Top, NY: Seminary Press, 1997), p. 7.

5 Lest it be said that I am wholly unqualified for this task, let it be noted that I hold an accredited Master of Arts degree in philosophy (2004) from Holy Apostles College & Seminary in Cromwell, Connecticut. I do not claim to be a scholar, but I am well acquainted with, and capable of engaging in, intellectual research on undergraduate and graduate levels.

6 Rev. William W. Jenkins, “A Letter from Fr. Jenkins” (locally circulated manuscript, Oct. 6, 2002), p. 4; bold print removed.

- Appendix D - Was Bp. Thuc Guilty of Heresy?
- Appendix E - Did Bp. Thuc Change the Rite of Episcopal Consecration?
- Appendix F - Is the Episcopal Lineage of Bp. Thuc “Sordid”?
- Appendix G - Photographs of the 1981 Thuc Consecrations
- Appendix H - The Consecration Certificate of Bp. Carmona
- Appendix I - Short Bibliography

Realizing that some people may not have the time to read this lengthy letter in its entirety, I wish to suggest to them that they skip ahead to Part IV for a concise point-by-point summary of the major arguments made. At the same time, let me emphasize that merely perusing the summary will not be a substitute for reading the complete, meticulously-researched document. All readers are urged to examine this study in its entirety, including all of the footnotes, which often contain crucial content. While it is somewhat inconvenient to constantly have to interrupt reading the text in order to glance at footnotes, this will be necessary for a full and proper understanding of the arguments made. Readers should not skip over the footnotes and still expect to get the “full picture.” Likewise, a lot of additional important information will be found in the appendices, which complement the main text of this letter.

It is a curious fact that in the traditional Catholic landscape today, the SSPV is virtually the only group of clerics to consider the 1981 Thuc consecrations doubtful. In your July 16, 1994, “Open Letter on Mount St. Michael’s & the Thuc Consecrations” to Fr. Thomas Zapp, you confidently predicted: “[A]s time goes by and the truth gets out about the persons involved in the Thuc consecrations, the circumstances of the consecrations, the lack of proof and the problems with the mental state of Abp. Thuc, there will be fewer and fewer priests who accept the validity of the Thuc consecrations.”⁷ It is now over 16 years later, and the exact opposite has occurred: As time has gone by and more and more facts have become known, almost *no cleric* still entertains doubt regarding the Thuc consecrations.⁸ Your Excellency’s position is practically unique, and this is so because it is based upon a distortion of the principles and teachings of Catholic theology and canon law on this subject matter, as this study will demonstrate.

In 2006, Fr. Kevin Vaillancourt of Spokane, Washington, published a book entitled *The Answers*,⁹ in which he gives both sides of the debate surrounding the 1981 consecrations and the person of Bp. Thuc, and in which are reprinted many articles by different authors who have written about this topic over the years. Copious reference to your book, *TSTP*, both pro and con, is also made in *The Answers*. Reading this book gave me an additional incentive to research this subject matter in depth and ultimately helped me to come to a better understanding of the issues involved in this debate.

Your Excellency, I have put a lot of time and effort into this study. Please do not dismiss it lightly. I have written this letter for a love of the truth, the refutation of error, the lifting of an unnecessary burden on many people’s consciences, but most of all, for the greater glory of God and the salvation of souls. I have written it for the well-being of your own soul also, which is most precious in God’s sight. I do not write in the spirit of vengeance or anger, but in the spirit of charity. Please remember this while reading the lines that follow. Thank you.

7 Most Rev. Clarence Kelly, “An Open Letter on Mount St. Michael’s & the Thuc Consecrations” to Fr. Thomas Zapp (July 16, 1994), p. 26.

8 Some sedevacantist clerics that do and are not associated with the SSPV have doubt regarding the validity of the Lefebvre line of bishops and priests as well—and just as unreasonably.

9 Rev. Kevin Vaillancourt, *The Answers: A Summary of Objections to the Validity of the ‘Thuc Consecrations’ accompanied by numerous Answers that have been given to these Objections* (Spokane, WA: OLG Press, 2006). This book is still available and can be purchased from www.olgpress.com.

PART I
The *Fact* of the Consecrations
of Bps. Carmona, Zamora, and des Lauriers by Bp. Thuc

There is no question that whoever claims to be a Roman Catholic bishop must prove that he is one, regardless of how difficult the times may be that we live in. No one can simply come out of a basement with a miter on his head and demand that everyone recognize him as a valid Catholic bishop, without any proof. The only question is: At what point do we have sufficient evidence¹⁰ to allow us to accept someone's claim to having valid episcopal orders?

When considering the reception of a sacrament, theologians distinguish between the fact of its administration and its validity.¹¹ In other words, we must consider the question of *whether* Bp. Thuc *administered* the rite of episcopal consecration to Fathers Carmona, Zamora, and des Lauriers; and then we must consider whether the Church requires us to regard this administration as actually *valid*, that is, as having truly conferred upon the recipients the order of the episcopacy.

Everyone Agrees the Consecrations Took Place

Naturally, whoever has been *actually present* at an episcopal consecration has sufficient evidence that it occurred, and he could legitimately consider the new bishop a valid bishop and accept his ordinations and confirmations, even if he cannot prove to anyone else that the ceremony took place. As for everyone else, they must have (*strict*) *moral certitude*—as Your Excellency himself acknowledges in *TSTP*¹²—that the event took place, and this may be proved in any way that we would prove anything else that can be known with strict moral certitude. In the case at hand, we have: (1) Your Excellency's own admission; (2) photographs; (3) the sworn testimony of several parties; (4) the testimony of the ordaining bishop and the testimony of the ordinands; (5) a written certificate issued by Bp. Thuc; (6) a Vatican document declaring the participating bishops "excommunicated," as well as a letter to Bp. Thuc from "Cardinal" Joseph Ratzinger. We will now consider each of these in some detail:

(1) Your Excellency's own admission

Your Excellency, the fact that Fr. des Lauriers, Fr. Carmona, and Fr. Zamora underwent the rite of episcopal consecration at the hands of Bp. Thuc is so certain that you yourself state this fact over and over again, e.g.:

Dr. Kurt Hiller and Dr. Eberhard Heller . . . were the laymen who were present at the consecration of Fr. Guerard des Lauriers . . . and at the consecration of Fr. Moises Carmona. . . .¹³

10 For the purposes of this study, the terms "evidence" and "proof" will be used synonymously, even though they are not synonymous in the Church's canon law.

11 See Very Rev. H. A. Ayrinhac, *Legislation on the Sacraments in the New Code of Canon Law* (New York, NY: Longmans, Green and Co., 1928), p. 9.

12 See *TSTP*, p. 38. It does not seem that *strict* moral certitude is *required* but rather that *wide* moral certitude is sufficient, since we are dealing here with the question not of the validity of a sacrament but the fact of its administration. Nevertheless, we *do have* strict moral certitude for the fact of the Thuc consecrations, so the point is moot.

13 Kelly, "Open Letter," p. 1.

Dr. Kurt Hiller and Dr. Eberhard Heller . . . were present at the consecration of the French Dominican priest, Fr. Guerard des Lauriers, by Archbishop Ngo-Dinh-Thuc. They were also present at the consecrations of two Mexican priests, Fr. Moises Carmona and Fr. Adolfo Zamora, who were also consecrated by Archbishop Thuc.¹⁴

This evidence needs no further comment. If there was not sufficient proof that these consecrations occurred, we would not even be having this controversy. You yourself, then, acknowledge the fact that these priests underwent the rite of episcopal consecration at the hands of Bp. Thuc, even though you do not believe that the *Church* would accept these consecrations as a fact: “The Thuc consecrations are doubtful as to *fact* and validity because there is not sufficient . . . evidence to establish them according to the norms of Church law,” you write.¹⁵ So, even though you believe there is not enough proof for the Church to accept them, nevertheless you yourself, personally, seem convinced that they occurred—for the simple reason, presumably, that the evidence is so overwhelming. Let us keep this in mind as we consider the other evidence.

(2) Photographs published in *Einsicht* magazine

Photographs of the consecrations in question were published many times in different editions of the German magazine *Einsicht*, a sedevacantist review edited by Dr. Eberhard Heller (it is common for *Einsicht* to reprint/repeat important articles and features over and over again over the years, sometimes also in different languages).¹⁶ I have included copies of these photos in Appendix G of this letter. These photos are also readily available on the internet.¹⁷ One would be hard-pressed to find better evidence than that of photographs because photos sometimes prove more than written testimony itself does. True, photos can be tampered with, but so can signatures on documents, whether “official,” “public,” “authentic,” or otherwise. These photos provide a welcome different kind of evidence, for by means of them we do not simply need to rely on the testimony of individuals we do not know. In the case of these consecrations, the written testimony and the photographs tell exactly the same story. There are no contradictions; on the contrary, the photos confirm the written testimony, and the written testimony confirms what the photos show.

(3) The sworn testimony of several parties

In February of 1988, Dr. Kurt Hiller participated in an interview about these consecrations, conducted by Your Excellency, Fr. William Jenkins, and Fr. (now Bp.) Donald Sanborn.¹⁸ Dr. Hiller testified *under oath* that he was present at the consecrations of Bps. des Lauriers, Carmona, and Zamora.¹⁹ Parts of this interview are published in *TSTP*.

¹⁴ *TSTP*, p. 11.

¹⁵ *TSTP*, p. 236; emphasis added. I deny the assertion, of course, because the norms of Church law say that notorious facts do not need further corroboration, and the Thuc consecrations are notorious by notoriety of fact, as will be shown.

¹⁶ For example, see *Einsicht* [Insight] XIII, no. 1 (May 1983), pp. 13-15. Dr. Heller is a philosopher and professional photographer. His former associate, Dr. Kurt Hiller, is a veterinarian. As of the date of publication of this letter, *Einsicht* is still being published. Issues may be accessed online at <http://www.einsicht-aktuell.de> and <http://www.einsicht-online.org>.

¹⁷ For example, see <http://www.einsicht-online.org/assets/download/e1301.pdf> (accessed Nov. 24, 2007).

¹⁸ Fr. Sanborn was consecrated to the episcopacy by Bp. Robert McKenna on June 19, 2002. Bp. McKenna had received episcopal consecration in the Thuc line from Bp. des Lauriers on August 22, 1986.

¹⁹ See *TSTP*, pp. 47-48, 56-61.

Between 1991 and 1992, Dr. Eberhard Heller *twice* published a sworn affidavit in his *Einsicht* magazine, as follows:

In order to set aside any doubts concerning the Episcopal Consecrations by the deceased (+1984) Archbishop Pierre Martin Ngô-dinh-Thuc, which not only certain persons and groups in the United States, and in Central and South America, but recently also again in Germany, have asserted, I, Eberhard Heller, declare on oath that I was personally present at the aforesaid Consecrations dispensed by His Excellency, Archbishop Ngô-dinh-Thuc:

I testify that His Excellency Mgr. M.L. Guérard des Lauriers O.P., was consecrated bishop on the 7th day of May, 1981 in Toulon, France, by His Excellency Archbishop Pierre Martin Ngô-dinh-Thuc; and that Their Excellencies Mgr. Moisés Carmona and Mgr. Adolfo Zamora also received Episcopal Consecration in Toulon, France on the 17th day of October, 1981, by His Excellency Archbishop Pierre Martin Ngô-dinh-Thuc. The Consecration was according to the “Pontificale Romanum” (Rome, 1908). Mgr. Ngô-dinh-Thuc performed the ceremony in full possession of his faculties and in view of assisting the head [*sic*] of the Roman Catholic Church, which he has presented in his public “Declaratio” on February 25, 1982, concerning “Sede Vacante”.

Munich, 14th of February 1992

(sig.:) Eberhard Heller²⁰

The third party who swore to the truth of his claims is the French priest Fr. Noel Barbara, whom you quote and make reference to in *TSTP* numerous times. While Fr. Barbara was not present at the consecrations, he did visit Bp. Thuc in 1982 and said that Bp. Thuc acknowledged to him that he had indeed performed the consecrations in question. This Fr. Barbara stated in an interview Your Excellency conducted with him, under oath, in May of 1990 in Greenwich, Connecticut, as well as in his review *Fortes in Fide*.²¹

(4) The testimony of the ordaining bishop and the ordinands

In concert with the foregoing, we have further evidence that comes directly from the ordaining bishop as well as the ordinands themselves. Bp. Thuc himself acknowledged having performed the consecrations, first, by means of certificates he issued (we know of at least one such certificate in the case of Bp. Carmona, and may presume that he issued certificates also for Bps. Zamora and des Lauriers, even if these have not been located at this time²²), as well as by joining these bishops later in liturgical functions

20 Eberhard Heller, “Affidavit Declaring the Episcopal Consecrations of Their Excellencies Bishop M. L. Guérard des Lauriers, Bishop Moisés Carmona and Bishop Adolfo Zamora,” *Einsicht* XXI, no. 5 (February 1992), p. 119. This declaration was published in Latin, German, French, Spanish, and English. On July 10, 1991, Dr. Heller had already sworn to this in the same way, but the affidavit was published in German only (see Eberhard Heller, “Eidesstattliche Erklärung zu den Bischofsweihe von I.E. Mgr. M. L. Guérard des Lauriers, Mgr. Moisés Carmona und Mgr. Adolfo Zamora,” *Einsicht* XXI, no. 2 [July 1991], p. 47).

21 See Rev. Anthony Cekada, “The Validity of the Thuc Consecrations” (1992), in Vaillancourt, *The Answers*, p. 106, n. 21. See also Rev. Noel Barbara, “The Episcopal Consecrations Conferred by His Excellency Archbishop Peter-Martin Ngo Dinh Thuc” (1993), in Vaillancourt, *The Answers*, pp. 69-70.

22 In fact, Bp. Thuc had even issued a certificate for the conditional conferral of holy orders to the diaconate, priesthood, and

and meeting with them on different occasions—thereby openly accepting their claims to being bishops. Bp. Thuc was even involved in a sedevacantist seminary in Rochester, New York, together with Bp. Louis Vezelis, who had been consecrated by Bp. George Musey, who had been consecrated by Bp. Carmona. It is clear that not only did Bp. Thuc perform these consecrations, he also consistently and publicly acknowledged the men he consecrated—and the men they, in turn, consecrated—as Catholic bishops. In fact, several photographs of Bp. Thuc posing with Bp. Vezelis are available on the internet.²³

The ordinands themselves, of course, have amply testified to their consecrations by the public exercise of their episcopal orders and by writing about their consecrations. This nobody doubts. Bp. des Lauriers, furthermore, himself testified in two interviews to the fact of his consecration;²⁴ and Bp. Carmona even had correspondence with his local *Novus Ordo* “bishop,” Rev. Rafael Bello Ruiz, regarding his consecration.²⁵

(5) The consecration certificate issued by Bp. Thuc

On October 18, 1981, Bp. Thuc used his own personal stationery to issue and sign a hand-written statement testifying that he had consecrated Bp. Carmona the day before, and that Dr. Hiller and Dr. Heller had been present to witness the ceremony. The signatures of the two laymen also appear on the certificate. The document is photographically reproduced in Appendix H of this letter and can be viewed on the internet.²⁶ This certificate was found among Bp. Carmona’s personal files after his tragic death on All Saints’ Day in 1991.

(6) The Vatican’s “excommunication” of the bishops and “Cardinal” Ratzinger’s letter

On March 12, 1983, the Modernist Vatican’s so-called “Congregation for the Doctrine of the Faith” issued a “notification” against Bp. Thuc and the bishops he consecrated, declaring that all the bishops involved had excommunicated themselves by means of these “illicit” consecrations.²⁷ Even though this notification does not address the question of validity,²⁸ the Vatican could hardly declare that Bp. Thuc had excommunicated himself unless it were certain that he had actually performed the consecrations, which is the offense for which he was being punished. The notification, after all, does not speak of an “alleged consecration,” nor does it make the “excommunication” conditional; instead, it affirms *categorically* that the consecrations took place, and that for this reason the “excommunication” applies.

episcopacy for the unworthy ordinand Jean Laborie in 1977. This will be considered in greater detail later.

23 See http://www.franciscanfathers.com/bishop_ngo.html (accessed Jan. 4, 2011).

24 See Cekada, “The Validity of the Thuc Consecrations,” in *The Answers*, p. 106, nn. 19-20.

25 See Most Rev. Moises Carmona, “*Brief von S.E. Mgr. Carmona an den Modernisten-‘Bischof’ Rafael Bello von Acapulco*,” trans. by Heinrich Beckmann, *Einsicht* XV, no. 3 (July 1985), pp. 9-10. The letter is dated Nov. 29, 1984.

26 Appendix H also discusses the erroneous claim that Bp. Carmona did not recognize Dr. Hiller and Dr. Heller as witnesses to his consecration.

27 See *Acta Apostolicae Sedis* LXXV (1983), pp. 392-393.

28 Contrary to claims made by Bp. Daniel Dolan in his 1999 article “Archbishop Thuc: A Brief Defense” (in Vaillancourt, *The Answers*, p. 140), two Latinists whom I consulted have confirmed to me that the wording as it appears in the Vatican document, namely, “*quidquid est de ordinum validitate*,” does not concede the validity of the orders but leaves the entire question of validity untouched (though there is other evidence to suggest the *Novus Ordo* Vatican considers the consecrations valid, such as the reception of Bp. Alfred Seiwert-Fleige, a convert from the Palmar de Troya cult, without requiring a conditional ordination). Regardless, it would obviously be nothing short of absurd to rely on the Modernist Vatican’s position regarding the validity or invalidity of any sacrament.

In a previous letter to Bp. Thuc from “Cardinal” Ratzinger, dated February 1, 1983, the “cardinal” even makes clear that his congregation had engaged in a “well-founded inquiry” into the consecrations, and explicitly confirmed that Bp. Thuc had “conferred . . . episcopal ordination on the French religious M.L. Guerard des Lauriers[,] O.P.[,] as well as the priests Moises Carmona and Adolfo Zamora.”²⁹

All this evidence suffices to make the Thuc consecrations *notorious* by notoriety of fact. The canonist Fr. William Doheny says: “A thing is notorious by notoriety of fact if it is publicly known and committed in such circumstances that it cannot be concealed by any subterfuge nor be excused by any legal device.”³⁰ Given the evidence presented above, it would be hard to see how Bp. Thuc’s consecrations of Bps. des Lauriers, Carmona, and Zamora could be “concealed by any subterfuge” or “excused by [some] legal device.” In fact, it may be surmised that if it were possible to conceal these consecrations, Your Excellency would have already attempted to do so. Through the dissemination of photographs, letters, and similar documents, through the sworn testimony of witnesses, and especially through the denunciation of the official Vatican newspaper, which enjoys worldwide circulation, Bp. Thuc’s consecrations have also certainly become “publicly known.” This is confirmed by Fr. Barbara, whom Your Excellency quotes so frequently: “They [the consecrations] became public and so rapidly so that Rome was immediately aware of them and intervened. This intervention on the part of Rome provided these consecrations with the notoriety which they formerly lacked.”³¹ As being notorious in fact, these consecrations by Bp. Thuc are now “so obvious and well substantiated that they need no further legal proof,” as Fr. Doheny says.³²

But we need not merely rely on Fr. Doheny in this matter. The *Code of Canon Law* specifically states that when a fact has been proved to be notorious, the Church does not require further evidence: “Requiring no evidence are: 1.º Notorious facts. . .”³³ The *Catholic Encyclopedia* elaborates on this point:

Canonists have variously classified the legal effects of notoriety, especially in matters of procedure; but, ultimately, they may all be reduced to one: the judge, and in general the person in authority, holding what is notorious to be certain and proved, requires no further information, and therefore, both may and ought to refrain from any judicial inquiry, proof, or formalities, which would otherwise be necessary. For these inquiries and formalities having as their object to enlighten the judge, are useless when the fact is notorious.³⁴

The Church herself, then, acknowledges that a notorious fact need not be proved any further by legal

29 Sacred Congregation for the Doctrine of the Faith, “Protocol Letter No. 7/76” (Feb. 1, 1983); anonymous translation from the original French: “Après le délai nécessaire à une enquête fondée, la S. Congrégation pour la Doctrine de la Foi a pu s’assurer qu’au moins depuis 1981 . . . vous avez également conféré . . . l’ordination épiscopale au religieux français M.L. Guérard des Lauriers, OP, ainsi qu’aux prêtres mexicains Moises Carmona et Adolfo Zamora.” Available online at <http://www.essan.org/Thuc%20Consecrations/Thuc/Thuc%20Archbishop/ratzingerdoc.html> (accessed Nov. 28, 2010). A facsimile of the original document in French is posted on this web site.

30 Rev. William J. Doheny, *Canonical Procedure in Matrimonial Cases*, vol. 1, 2nd ed. (Milwaukee, WI: The Bruce Publishing Company, 1948), p. 303.

31 Barbara, “Episcopal Consecrations,” in *The Answers*, p. 80.

32 Doheny, *Canonical Procedure*, vol. 1, p. 303. Doheny’s claim is based on Canon 2197 n. 3.

33 Canon 1747 n. 1. Unless otherwise noted, all quotes from canon law and translations thereof are taken from Edward N. Peters, ed. and trans., *The 1917 Pio-Benedictine Code of Canon Law* (San Francisco, CA: Ignatius Press, 2001).

34 Charles G. Herbermann, et al., eds., *The Catholic Encyclopedia*, vol. 11 (New York, NY: The Encyclopedia Press, Inc., 1913), s.v. “Notoriety, Notorious,” p. 127; available online at <http://www.newadvent.org/cathen/11126b.htm> (accessed Nov. 7, 2010).

formalities because the fact is certain already, and this very certainty is all that the formalities aim to produce.

It will help to look at this question from the opposite point-of-view for a moment: If someone sought to prove that the 1981 Thuc consecrations did *not* occur, the burden of proof would now be on him to show this. Given all the evidence that the consecrations *did* occur, how do we think someone trying to prove the contrary would fare in an ecclesiastical court? How could he argue against the photographs, the documents, the signatures, the sworn testimony, the Vatican condemnation? Obviously, he couldn't, and this shows how entirely unreasonable it is to deny the fact of the consecrations—*whether we approve of them or not*. Facts, to be facts, do not depend on our approval, after all.

Since Your Excellency nevertheless *disputes* that there is sufficient evidence for the Thuc consecrations, it will be useful to enter more deeply into the question of what constitutes sufficient evidence and moral certitude.

What Constitutes Sufficient Certitude?

Since the Church's law says that we do not need further proof of something that is notorious in fact, and since all the evidence for the Thuc consecrations renders them notorious in fact, we must conclude that the *fact* of the consecrations is *certain* with *strict moral certitude*. As Your Excellency quotes in *TSTP*, Fr. Andrew Browne defines "strict moral certitude" as certitude "which allows a possibility but not a probability of error" and says it is necessary to have this "when there is question of the validity of a sacrament."³⁵ At this point, we are not even considering the validity of the sacrament yet but simply the fact that the external ceremony occurred, so *strict* moral certitude may not even be necessary regarding this point.

As some people may find concepts like "moral certitude" rather confusing, it will be helpful to make clear that "moral certitude" really isn't much more than the "run-of-the-mill" type of certitude upon which we base our everyday actions; it is nothing more than the "ordinary" kind of certitude we use in daily life. It is distinguished from two other kinds of certitude, namely, metaphysical certitude and physical certitude.

Metaphysical certitude is the absolute and infallible certitude we have regarding things that could not possibly be different, such as the truth that $2+2=4$. Such certitude is had in mathematical truths, deductive logic, and the like. For example, we know with metaphysical certitude that any triangle whatsoever has angles totaling 180° . If it didn't, it wouldn't be a triangle. It is part of the definition of a triangle to have angles totaling 180° . Physical certitude is the kind of certitude had in what we know to be true from the laws of nature. For example, we know that water boils at 212°F . We know this with physical certitude. This differs from metaphysical certitude in that God could change or override the laws of nature if He so wished (as He does in miracles); in other words, it is *conceivable* that water should boil at some other temperature (God could have created water to boil at, say, 250°F), whereas it is *inconceivable* that a triangle could be a triangle but not have angles totaling 180° . Not even God could change this because even God is bound by the laws of logic. None of this is controversial or disputed by any traditional Catholic.

35 Rev. Andrew F. Browne, *Handbook of Notes on Theology*, rev. ed. (St. Louis, MO: Redemptorist Fathers, 1944), p. 3; qtd. in *TSTP*, p. 38.

It now remains to explain how moral certitude differs from metaphysical and physical certitude. We may say that whatever is certain without either metaphysical or physical certitude is *morally* certain. The moral theologians Fr. John McHugh and Fr. Charles Callan state: “Judgments are *morally* certain, when error is impossible according to what is customary among mankind, the opposite of what is held by the mind being so unlikely that it would be imprudent to be moved by it.”³⁶ According to the great moral theologian Fr. Dominic Prummer, moral certitude “is said to be *perfect (strict)* when it excludes prudent doubt, and *imperfect (wide)* when some slight reasons militate against the truth of a decision which is founded on serious motives.”³⁷ In other words, whatever is morally certain is *reasonably* certain. It is the kind of certitude that is not absolute; we *could* be wrong, but it is so unlikely that we be wrong as not to deserve serious consideration. For example, I am morally certain that my car is in my garage—because I put it there two hours ago, and I locked the garage, and I held on to the key. It is *possible* that someone broke into my garage and stole the car without me noticing it, but absent any positive evidence to this effect, I am certain that my car is still there. If I were not morally certain regarding this, I should run out of the house at this very moment to check whether my car is still there—and do this again and again every time I take my eyes off the garage. Unless somebody constantly does this, he is *morally certain* that his car is in the garage. This is what Fr. Prummer means by the exclusion of “prudent doubt”; it is simply not prudent to constantly run out of the house to check if one’s car is still in the garage simply because it is, strictly speaking, *possible* that it might no longer be there.

When we apply these considerations to the case of the Thuc consecrations we are discussing, it becomes clear that we know, *with strict moral certitude*, that these consecrations occurred, based on the evidence presented and on the absence of evidence to the contrary. Whoever says otherwise must *prove* that there is *prudent doubt*—the kind that would actually warrant me leaving my house all the time to check that my car is still in the garage—regarding the fact of these consecrations. To my knowledge, no one has ever come up with such prudent doubt regarding the fact of the consecrations, which necessitates that we conclude with strict moral certitude that the consecrations in question have indeed occurred.

Given the foregoing evidence and the Catholic teaching on moral certitude, the idea that Bp. Thuc did *not* consecrate the bishops in question using the 1908 *Roman Pontifical* is, strictly speaking, still *possible*³⁸—but not probable. Hence strict moral certitude is established, and a Catholic need not have any qualms of conscience about the fact of these consecrations, and, therefore, neither about their validity, as will be demonstrated in Part II of this letter.

Moral Certitude and Church Law

Your Excellency, in your Open Letter to Fr. Zapp, you write: “But the Thuc consecrations were done in secret. They must therefore be proved. And the proof must be to the satisfaction of the law and not simply to Fr. Sanborn’s or Fr. Cekada’s satisfaction.”³⁹ Unaware of or ignoring the evidence that the Thuc consecrations are notorious in fact and therefore *do* fulfill the legal requirements of the Church for being accepted as a fact because they require no further proof, you claim that there must be evidence to

36 Rev. John A. McHugh and Rev. Charles J. Callan, *Moral Theology: A Complete Course*, vol. 1 (New York, NY: Joseph F. Wagner, Inc., 1958), p. 232.

37 Rev. Dominic M. Prummer, *Handbook of Moral Theology* (Cork, Ireland: The Mercier Press, 1956), p. 62.

38 Strictly speaking, it is *possible* that all the individuals involved in the consecrations and the dissemination of the evidence are liars and crooks, that the photos are doctored and the signatures forged, that witnesses were bribed, etc., but obviously such an idea would be totally unreasonable and absurd, absent any clear evidence.

39 Kelly, “Open Letter,” p. 24.

the satisfaction of other, more stringent requirements of the law. But the truth is that the *ultimate* criterion the Church uses for determining whether or not a fact has been proved is *moral certitude*, to be achieved by the *judge* deciding the case in an ecclesiastical trial. *That* is what the Church's law says: "For the pronouncement of any sentence the judge is required to achieve moral certitude concerning the matter to be settled in the sentence."⁴⁰

Moral certitude, then, is sufficiently established by any fact that is notorious simply in virtue of its notoriety; for facts that are *not* notorious, the Church ultimately accepts any proof that produces sufficient moral certitude, as will be shown below. The Church is not unreasonable in her demands and does not impose upon her children any excessive standards that are at grave odds with ordinary human conduct.⁴¹

In normal circumstances, the moral certitude required by the Church to accept the claim that a sacrament has been received is easily attained simply by verifying the fulfillment of the ordinary legal requirements regarding reception of this sacrament.⁴² Nevertheless, if circumstances arise under which these legal requirements cannot be or have not been fulfilled, moral certitude can be achieved by other means. The Church herself acknowledges that when the ordinary requirements of proving a sacrament cannot be met, the bar is then lowered, and other proofs are admitted that would not ordinarily be permitted: "When no records are available, proof must be sought from other sources," Fr. Doheny makes clear.⁴³ This agrees with common sense, which tells us that the law does not exist for itself but is there to serve the higher purpose of ensuring the common good of the faithful and the salvation of souls.⁴⁴ Indeed, Pope Pius XII himself, in an address to the Sacred Roman Rota, stated that a judge can never allow legal formalities to conflict with what is morally certain outside of the law:

[I]t is not admissible that a judge declare that personally, from the record of the case, he has moral certainty regarding the truth of the fact at issue, while at the same time, in his capacity as judge, he denies the same objective certainty on the basis of procedural law. . . . [S]uch conflicts between the official opinion of judges and the reasonable public opinion of a well educated people should be avoided and reconciled.⁴⁵

Moral certitude, thus, is not bound up with legal formalities *per se*. It is achieved, we recall, whenever we have such strong reason to believe something that the opposite, while technically possible, is so unlikely that it would be imprudent to believe it. This shows the Church's reasonableness in the demands she makes of those who wish to prove a fact. The idea is simply to know with certainty that a given sacrament was conferred—not with an irrationally or artificially high standard of certainty but with a reasonable kind of certainty that we would use to prove anything else of great importance in our daily lives.

40 Canon 1869 §1

41 In this she shows herself to be of the same Mind as her Divine Founder, who upbraided the Pharisees for imposing excessive burdens on the people.

42 For example, a baptism would be verified by referring to the official baptismal register in the parish where the person was baptized. The reception of holy orders would be proved by consulting the official record of ordination in the diocesan curia where the cleric was ordained. See Rev. Eugene H. Sullivan, *Proof of the Reception of the Sacraments* (Washington, D.C.: The Catholic University of America Press, 1944), pp. 51, 116.

43 Rev. William J. Doheny, *Canonical Procedure in Matrimonial Cases*, vol. 2 (Milwaukee, WI: The Bruce Publishing Company, 1948), p. 72.

44 See Part III of this letter for a more detailed treatment of the purpose of ecclesiastical law.

45 Pope Pius XII, "Allocution to the Sacred Roman Rota" (Oct. 1, 1942), in Rev. Lawrence G. Wrenn, *Annulments*, 4th ed. (Washington, D.C.: Canon Law Society of America, 1983), p. 131.

We see, then, that it would be wrong to think that moral certitude can only be had by a Church judgment, or that only the Church's law can give moral certitude.⁴⁶ If that were the case, the judge could never have the required moral certitude on which to base his judgment because it would have to presuppose his judgment, which is a contradiction.

The notion that moral certitude is the basis upon which an ecclesiastical judge needs to make his decision is not only found in the Church's canon law but also in Fr. Doheny's *Canonical Procedure in Matrimonial Cases*,⁴⁷ which you quote in *TSTP*, as well as Fr. Eugene Sullivan's *Proof of the Reception of the Sacraments*, which you also make reference to in your book several times. The following excerpts from Fr. Sullivan all show that the bottom line in judging a sacrament to have been conferred is moral certitude that the rite has been carried out—all the rest is legal formalities⁴⁸ that merely aim at *bringing about, ensuring, or increasing* that moral certitude:

The Pope replied that their oath should not be accepted as a proof that they had received orders, nor was it permissible to promote them to higher orders until they could prove their canonical ordination by reliable evidence (*idonea argumenta*).⁴⁹

The question of what evidence was required to establish the reception of baptism was contingent upon the particular case at issue.⁵⁰

In certain circumstances, however, if only one witness was available, his testimony constituted sufficient proof of the sacrament's reception.⁵¹

Other forms of proof that one had been confirmed were acceptable only if the document of confirmation could not be located.⁵²

Proof of one's ordination could be established through the introduction of witnesses who could testify to the fact of one's ordination. . . .⁵³

That the testimony of witnesses testifying to the celebration of a marriage might be accepted as conclusive, it was only necessary that they be able to affirm the mutual exchange of consent before the pastor. The canonists therefore concluded that they could

46 This is totally contradicted by moral theology anyway.

47 "Art. 197 – §1. Moral certitude, about the matter to be defined by the sentence, is required in the mind of the judge for the pronouncement of any sentence" (Doheny, *Canonical Procedure*, vol. 1, p. 467. Likewise: "Before an ecclesiastical judge can issue a sentence, he must have moral certitude about the point of the controversy" (Doheny, *Canonical Procedure*, vol. 1, p. 302).

48 This can be seen, for example, by looking at Fr. Sullivan's explanation of the term "authentic document": "The term 'authentic' . . . signifies a proper observance of the legal solemnities in the issuance of the document" (*Proof of the Reception*, p. 57).

49 Sullivan, *Proof of the Reception*, p. 12. Note that "reliable evidence" is all the Pope demanded, pointing once again simply to obtaining moral certitude that the sacrament had been received—and of such we have plenty for the Thuc consecrations.

50 Sullivan, *Proof of the Reception*, p. 31.

51 Sullivan, *Proof of the Reception*, p. 32.

52 Sullivan, *Proof of the Reception*, p. 35. Note that the Church *lowered* the bar for proof of the sacrament once it was clear that the regular requirements could not be fulfilled.

53 Sullivan, *Proof of the Reception*, p. 39. Note that the witnesses are to testify merely to the *fact* of the ordination, not to its validity, i.e., to the sacramental matter and form used by the bishop.

not fulfill the office of witness unless they were cognizant of what was taking place and perceived either by sight or hearing the exchange of consent.⁵⁴

In addition to the godparents, the parents and relatives of the child baptized will often come to see the ceremony take place. Should necessity require it, all such persons could furnish testimony adequate to confirm the reception of baptism. The evidence inherent in the testimony of those who were present when the sacrament was administered sufficiently determines one's reception of this sacrament.⁵⁵

Although generally bound to accept only authentic certificates of baptism, in certain circumstances the pastor is justified in accepting other reliable forms of proof. This is certainly the case when the parties are unable to secure a baptismal certificate.⁵⁶

In default of an authentic certificate of baptism, the person about to marry will have to prove in some other fashion that he has been baptized. This can usually be conveniently accomplished by means of oral testimony. The person whose baptism must be established as a fact may call upon his godparents, parents or relatives, or anyone who may have been present when he was baptized, as witnesses who will testify in favor of his reception of baptism. These witnesses, as long as they are trustworthy, furnish by their testimony sufficient evidence for the fact of baptism.⁵⁷

There certainly must be moral certitude that the candidate has been baptized before he can be admitted to sacred orders.⁵⁸

The minister of the sacrament, the pastor, the sponsor or anyone else who witnessed the confirmation could supply the desired evidence.⁵⁹

If considered alone . . . it [the supplementary oath] would not seem to constitute sufficient proof [of having received holy orders]. . . . [I]t seems that some other proof would necessarily have to accompany the oath which of itself does not absolutely furnish full proof.⁶⁰

54 Sullivan, *Proof of the Reception*, p. 46. This passage, referring specifically to the sacrament of holy matrimony, is extremely insightful, as it makes clear that it would be sufficient for the witnesses to *see* the exchange of consent, even without hearing any words spoken. This shows how little the Church requires of witnesses even in the very sacrament for which witnesses are required to make it valid.

55 Sullivan, *Proof of the Reception*, pp. 69-70. This passage could not be more clear: The Church wishes to have moral certitude that the sacrament was conferred, and if need be, any reliable witness or reasonable evidence will do to establish this fact. There is no mention here of the godparents, parents, or relatives having to certify that the priest conferred the sacrament correctly.

56 Sullivan, *Proof of the Reception*, p. 86.

57 Sullivan, *Proof of the Reception*, pp. 86-87. Again, we notice the striking absence of any requirement of positive proof that the matter and form of the sacrament were valid.

58 Sullivan, *Proof of the Reception*, p. 95. Here we find explicit mention of the fact that the ultimate criterion is that of moral certitude that the sacrament was conferred, not a certain number of seals, signatures, qualified witnesses, or public or private documents.

59 Sullivan, *Proof of the Reception*, p. 109. Speaking here of the sacrament of confirmation, Fr. Sullivan explicitly says that the testimony of the minister of the sacrament would be sufficient evidence to acknowledge that the sacrament has been conferred. As shown, Bp. Thuc himself very much testified to having consecrated Bps. Carmona, Zamora, and des Lauriers.

60 Sullivan, *Proof of the Reception*, p. 122. Here Fr. Sullivan speaks of holy orders. Again, it is clear that what the Church

The evidence drawn from official ecclesiastical records constitutes the most natural and most certain proof of the celebration of marriage. Since this is the most secure proof of one's reception of this sacrament, it is also the preferable one. Consequently when evidence based upon ecclesiastical records is available, no other type of proof should be accepted.⁶¹

The entrance of a couple into a marital union is a fact and therefore may be demonstrated by any method which may be lawfully used to establish a given fact.⁶²

This method of proof [the sworn assertion of the parties] may be used only in extraordinary circumstances, that is, when a thorough investigation has failed to disclose the availability of the usual forms of evidence for the celebration of the marriage.⁶³

The testimony of any trustworthy witness furnishes sufficient proof of the reception of orders, at least to permit the cleric to exercise the ordinary functions of his office.⁶⁴

As is clearly evident here, the Church's own ultimate criterion for judging that a sacramental rite has been carried out is *moral certitude* regarding this fact.⁶⁵ The reason why moral certitude is sufficient is that this is the highest kind of certitude that can be had in daily life, even with a legal judgment of the Church. Your Excellency himself concedes this by saying: "[M]oral certitude is *produced* by a decision of the S[acred] Congregation of the Sacraments or the Holy Office."⁶⁶ It is good to know that Your Excellency apparently agrees, after all, that it is sufficient to have moral certitude regarding the Thuc consecrations to be able to accept that they occurred, for even a legal judgment of the Church cannot produce any higher kind of certitude.⁶⁷

aims at moral certitude that the orders have been received. While the oath of the person ordained does not suffice, "some other proof" has to be adduced as well, but this is precisely the point: "Some other proof" is all it takes, as long as it produces moral certitude.

61 Sullivan, *Proof of the Reception*, p. 134. Again, Fr. Sullivan makes clear that the Church requires the ordinary legal proof only under the condition that such proof is available. She does not, however, reject other kinds of proof if the ordinary legal proof *cannot* be produced. The goal, after all, is simply determining that the sacrament was conferred, nothing more.

62 Sullivan, *Proof of the Reception*, p. 136. This statement is highly significant, because it proves explicitly that moral certitude regarding the *fact* that a sacrament was conferred is sufficient. And, of course, facts can be proved by means of witnesses, photographs, documents, etc.

63 Sullivan, *Proof of the Reception*, p. 139. It is clearly stated here that the Church accepts extraordinary proof if the circumstances warrant it. Again, the bar is lowered if the ordinary requirements cannot be fulfilled.

64 Sullivan, *Proof of the Reception*, p. 144. Fr. Sullivan here summarizes the evidence examined in his book for the proof required for the reception of holy orders: At the end of the day, we need moral certitude that the sacrament was conferred, and even one trustworthy witness suffices to give us this certitude.

65 Faced with such evidence from Fr. Sullivan's work, Fr. Jenkins said to Fr. Sanborn in 1993: "The Church has the perfect right and authority to allow such exceptions. You and I do not" (Rev. William W. Jenkins, *The Thuc Consecrations: An Open Appeal to Fr. Donald Sanborn* [Oyster Bay, NY: Society of St. Pius V, 1993], p. 30). However, this rejoinder fails to grasp the essential point: We are not talking about exceptions to the law *per se*; rather, what the evidence given by Fr. Sullivan shows is that the ultimate purpose of ecclesiastical law regarding proof of the reception of a sacrament, is *moral certitude* that the sacrament has been received. This ultimately suffices for the Church, and therefore it ought to suffice for us also, especially for Fr. Jenkins, who has said that one of the things that keeps us faithful Catholics is "our unwavering submission to the standard of Roman Catholic Tradition, as made known to us through the Church's long and venerable history" (Jenkins, "A Letter," p. 3).

66 Kelly, "Open Letter," p. 17; italics added. I note here that even though I do not dispute this claim, Your Excellency does not cite a reference for it, and it is important to recognize that saying that moral certitude is produced by a judgment of the Church is not the same as saying that it is *only* produced by such a judgment.

67 Your Excellency actually contradicts himself in the same paragraph. Though you acknowledge that moral certitude is pro-

But we *have* this moral certitude for the Thuc consecrations. *How we arrived at it*—whether through witnesses, certificates, notarized statements, photographs, videotape, a papal judgment, direct revelation from God, etc.—is of secondary concern. Your Excellency’s implied claim that moral certitude cannot be had *except through* a legal judgment by the Church, which alone allegedly produces moral certitude, is without foundation, as the Church’s law says that the judge himself must *base* his judgment on moral certitude, as we have just seen, and as the numerous quotes from Fr. Sullivan’s book also demonstrate. In short, it is possible to have moral certitude regarding the fact that a sacrament has been conferred *independent from* a legal judgment by the Church.

Therefore, while none of the evidence presented can *legally* establish the Thuc consecrations *before the Church*,⁶⁸ this does not concern us because this is neither necessary nor possible right now, as there is currently no functioning ecclesiastical court to begin with, and no other traditional Catholic episcopal consecration—whether conferred by Archbishop Marcel Lefebvre (1905-1991) or Bishop Alfred Mendez (1907-1995)—has been legally established before the Church anyway. We do, however, have sufficient evidence for the fact of the Thuc consecrations that *meets the requirements* of the Church’s law (through notoriety of fact; see Canon 1747 n. 1). Furthermore, even if these consecrations did not meet the level of notoriety, we nevertheless have sufficient testimony and other proof that would be accepted by an ecclesiastical judge, as the Church’s own historical practice confirms, because it suffices to produce strict moral certitude regarding the fact of their administration.

From the foregoing evidence, it is clear that Bp. Thuc conferred episcopal consecration on Bps. Carmona, Zamora, and des Lauriers in 1981, and there should remain no doubt in the mind of a reasonable person. Having thus proved the *fact* of these consecrations, we must now examine how the Church requires us to regard their *validity*.

duced by a Church judgment, yet you also hold that it “is not a substitute for the authority of the Church” and “does not take the place of the S. Congregation of the Sacraments and the Holy Office when it comes to establishing an episcopal consecration ‘as a fact before church law’” (“Open Letter,” p. 17)—two claims which cannot help but leave the attentive reader puzzled. Perhaps you could clarify this in your response to my letter.

68 In your 1994 “Open Letter” to Fr. Zapp, you indicated that this was necessary, whereas you do not repeat this claim in your 1997 book *TSTP*. It seems you have softened your stance and now acknowledge that it suffices to have sufficient proof that is simply *in accordance with* the norms of Church law. But this I have shown to be the case for the 1981 Thuc consecrations: All the evidence available makes them notorious in fact, which suffices for Church law so as to require no further proof because it produces sufficient moral certitude, which suffices for an ecclesiastical judge to render a judgment.

PART II
The *Validity* of the Consecrations
of Bps. Carmona, Zamora, and des Lauriers by Bp. Thuc

The Presumption of Validity

We proceed from the fact of the consecrations to a consideration of their validity. As being notorious in fact and morally certain, the consecrations can be considered “duly established” because no further evidence is needed, as the official law of the Church says. What this means for their validity is that they must be considered valid because the Church obliges us to presume this: “When the fact of ordination is duly established, the validity of the orders is naturally to be presumed,” says Fr. Doheny.⁶⁹ The context in which he is speaking is one of a hypothetical cleric who wishes to get married. The reception of holy orders is an impediment to the sacrament of holy matrimony which would render any “marriage” not just unlawful but also invalid. Fr. Doheny is saying that as long as there is proof that he underwent the rite of ordination, which is ordinarily “ascertained from the register of ordinations kept in the Curia of the place of ordination, or in the Curia of the candidate’s own bishop, or from the record entered in the baptismal register,”⁷⁰ the orders are presumed valid, and he is forbidden from attempting to marry—and any attempted marriage would be invalid.

But Fr. Doheny says that even if the ordinary proof of ordination is lacking, this does not mean the cleric is off the hook and free to marry: “When no records are available, proof must be sought from other sources.”⁷¹ Examples of such “other sources” include witnesses to the ordination, testimony of the ordaining bishop, etc., as Fr. Sullivan shows in his book *Proof of the Reception of the Sacraments*.⁷² To be considered a witness, it is not necessary that someone specifically intend to act in such a capacity, but it is sufficient that one have been present at the ceremony.⁷³ Hence Your Excellency’s bewilderment at Dr. Hiller’s admission that even though he attended the consecrations of Bps. Carmona, Zamora, and des Lauriers, he was not there *to act as a witness*, is unwarranted.⁷⁴

So, in ascertaining whether or not we can accept a sacrament as valid, the Church merely asks us to have moral certitude that the sacramental ceremony has been carried out by the proper minister, because the validity of this ceremony is then presumed. Neither Doheny nor Sullivan nor any other Catholic authority I am aware of mentions any requirements here of additional positive proof, once the fact of the ordination has been duly established, that the matter and form of the sacrament were used correctly; this is simply taken for granted unless and until there is *proof to the contrary*.

69 Doheny, *Canonical Procedure*, vol. 2, p. 72. Your Excellency criticized Bp. Sanborn for using this quote (see *TSTP*, p. 63), saying that the Thuc consecrations were not “duly established.” This, however, is false, as Part I of this letter demonstrates.

70 Doheny, *Canonical Procedure*, vol. 2, p. 72.

71 Doheny, *Canonical Procedure*, vol. 2, p. 72.

72 Sullivan, *Proof of the Reception*, p. 121.

73 As already quoted, Fr. Sullivan says, speaking of baptism: “The evidence inherent in the testimony of those who were present when the sacrament was administered sufficiently determines one’s reception of this sacrament” (*Proof of the Reception*, pp. 69-70). He also says that “anyone who may have been present when [someone] was baptized” may be called upon to “testify in favor of his reception of baptism,” and that these people are by the very fact of their presence considered witnesses who “furnish by their testimony sufficient evidence for the fact of baptism,” assuming they are trustworthy, of course (p. 87).

74 *TSTP*, p. 56.

This is in no wise contradicted by Fr. Charles Augustine, whom you quote as follows:

The general rule is that if the matter and form required for these three sacraments [i.e., “Baptism, Confirmation, and Holy Orders”] have been properly applied by the respective minister, they are supposed and presumed to have been conferred validly.⁷⁵

You point out in *TSTP* that Fr. Augustine teaches here that the *matter and form must be applied correctly* for the sacrament to be presumed valid, and you argue that because we do not have positive evidence that Bp. Thuc used the correct matter and form, there is doubt about the validity of the consecrations.

However, this argumentation confuses apples with oranges—it confuses the *validity* of a sacrament with the *presumption* of its validity. Of course the matter and form must be used correctly in the conferral of a sacrament in order for it to be valid. However, Fr. Augustine is speaking here of the technicalities required for validity; he is speaking of what it is that makes the sacrament valid, specifically, when read in context, that the required *intention* is presumed to be present if the matter and form have been properly applied. He is *not* speaking of when the Church asks us to presume that the *matter and form* were applied correctly. The canonist Fr. Henry Ayrinhac addresses this very question, stating clearly: “[F]acts are not presumed, but must be proved. On the other hand, the validity of an act is presumed unless there be some proof to the contrary.”⁷⁶

Thus, when a bishop consecrates another, it is *presumed* that, being the minister of the sacrament, he correctly applies the matter and form. In fact, he is required to do so by canon law, as we will see later when discussing the role of assistant priests at an episcopal consecration.

The Necessity of Witnesses

Your Excellency, however, claims that before we can accept the Thuc consecrations as valid, we need witnesses who can assure us that Bp. Thuc employed the matter and form correctly when consecrating Bps. Carmona, Zamora, and des Lauriers, because these consecrations were done “in secret.” Yet, Your Excellency fails to adduce any convincing proof that once the *fact* of the consecrations has been sufficiently established, such positive evidence for the right use of the matter and form of the sacrament is still required by the Church.

Where is this evidence, Your Excellency? It does not exist. In *TSTP*, you cobble together this alleged requirement by (1) a hapless appeal to canon law, confusing the fact of the administration of a sacrament with its validity, and by (2) pointing to a grossly-misunderstood Vatican decree regarding the role of assistant priests at an episcopal consecration. Considerations from daily traditional Catholic liturgical life will further serve to underscore the unreasonableness of your position.

⁷⁵ *TSTP*, p. 64; quoting Rev. P. Chas. Augustine, *A Commentary on the New Code of Canon Law*, vol. 4, 2nd rev. ed. (St. Louis, MO: B. Herder Book Co., 1921), p. 23.

⁷⁶ Very Rev. H. A. Ayrinhac, *Marriage Legislation in the New Code of Canon Law* (New York, NY: Benziger Brothers, 1919), p. 152. Fr. Ayrinhac specifically uses as an example the Church’s presumption of the validity of a baptism once the fact of its conferral has been established.

(1) Witnesses and Church Law

First, let us examine your argument from canon law: “[B]y drawing an analogy from canons 779 and 800, which deal with proving the reception of Confirmation and Baptism by the testimony of witnesses, the experts [in canon law] say that an ordination may be proved by testimonial evidence.”⁷⁷ The basis for your claim is research done by Fr. Sullivan, who, however, also states: “Drawing an analogy from canons 779 and 800, Cappello declares that the reception of orders may be proved by the testimony of even one trustworthy witness, provided that this does not jeopardize the rights of another party.”⁷⁸ Sullivan then continues:

The fact of one’s admission to a given order could be established by the testimony of any reliable official, e.g., the ordaining bishop, one’s proper Ordinary, the vicar general, the chancellor, or the pastor. Even if the only witness were not one of this character it seems that his testimony could afford sufficient assurance of the cleric’s identity to permit him the exercise of the functions of his office.⁷⁹

Needless to say, the ordaining bishop—Bp. Thuc—has testified to having consecrated Bps. Carmona, Zamora, and des Lauriers, and the consecrations are notorious in fact, as shown in Part I of this letter.

None of this, however, has anything to do with the validity of the orders conferred. Canons 779 and 800 both deal with proving the *conferral* of the sacrament, not its validity.⁸⁰ Hence, the best Your Excellency’s argument for witnesses can accomplish is prove that the Church requires witnesses to the ceremony, but this no one denies (see Part I).

Witnesses able to testify that the ceremony occurred are one thing; witnesses able to testify that the matter and form were definitely used correctly are another and are certainly *not* required by the Church. Not only do Cappello and Sullivan *not* claim that Canons 779 and 800 require positive evidence of the correct use of matter and form in the conferral of holy orders, but they *could not possibly* have done so because in 1944, when Sullivan’s book was published, the Church had not yet definitively determined precisely what constitutes the matter and form for holy orders to begin with!⁸¹ It would be an odd requirement indeed for Holy Mother Church to demand witnesses to testify to the correct use of matter and form for holy orders without yet having determined precisely what makes up that matter and form.

Next, Your Excellency attempts to provide proof for the requirement of positive evidence of the correct use of matter and form at an episcopal consecration by pointing to the Church’s requirement for such at a private baptism:

⁷⁷ *TSTP*, p. 52. Cf. also *TSTP*, p. 32.

⁷⁸ Sullivan, *Proof of the Reception*, p. 121.

⁷⁹ Sullivan, *Proof of the Reception*, p. 121. Fr. Ayrinhac adds that in some cases, “even the testimony of the party concerned may be accepted” (*Marriage Legislation*, p. 152).

⁸⁰ Canon 779: “In order to prove the conferral of baptism, if it is not prejudicial to anyone, one witness entirely above suspicion is sufficient, or the oath of the baptized person himself if he received baptism as an adult.” Canon 800: “In order to prove the conferral of confirmation, if it is not prejudicial to anyone, it suffices that there be one witness above all exception, or the oath of the one confirmed [suffices], unless confirmation was received while an infant.” Both canons are listed under chapters dealing with the “recording and proving” of the respective sacrament (see Peters, *Canon Law*, pp. 285, 290), not with sacramental validity.

⁸¹ Your Excellency himself points out in *TSTP* (p. 52) that the Church did not decide on the precise matter and form for holy orders until 1947, when Pope Pius XII issued the Apostolic Constitution *Sacramentum Ordinis*. The full text of the constitution may be found online at <http://www.papalencyclicals.net/Pius12/P12SACRAO.HTM>.

If witnesses are expected to observe “everything closely” at a private Baptism so “that they may testify to the validity of the Sacrament conferred,” is it unreasonable to expect that the witnesses to a secret episcopal consecration “should observe everything closely” so “that they may testify to the validity of the” consecration?⁸²

Quite frankly, the answer is yes, it is manifestly unreasonable to expect this, and this explains the confusion and bewilderment you must have caused in Dr. Hiller and Dr. Heller when you confronted them with these non-existent “requirements.” To elucidate this, let me quote the moral theologian Fr. Heribert Jone in full, as you do also in *TSTP*:

If possible, two or at least one *witness* should be present in private Baptism, so that the administration of Baptism can be attested to (C[anon] 742). Witnesses should observe everything closely that they may testify to the validity of the Sacrament conferred.⁸³

Fr. Jone here makes reference to Canon 742—not Canon 779, by the way—which is listed in the *Code of Canon Law* under the section entitled “On the minister of baptism.”⁸⁴ The reason why the Church requires witnesses to testify to the matter and form used at a private baptism has to do mainly with the *minister* of the sacrament: Ordinarily, a priest confers baptism, and extraordinarily, it is a deacon; in a private baptism, however, it will often be a layman. The moral theologian Fr. Henry Davis makes clear that the Church’s requirement for witnesses at a private baptism regarding the correct use of the matter and form applies only to those instances when the person conferring the baptism is a layman:

Obviously, care must be taken to employ the proper matter and form and to have the intention [of doing what the Church does], and *in cases of lay Baptism* two witnesses or one witness at least must, if possible, be present that the Baptism may be proved, if ever called in question.⁸⁵

Even so, both Jone and Davis, as well as Canon 742 itself, say that this requirement only binds “if possible”—it is not absolute, in other words: “The phrase *quatenus vero fieri potest* [from Canon 742] indicates that a notable inconvenience would excuse from the necessity of having such witnesses.”⁸⁶

The Church’s requirement for witnesses is not absolute because there can be cases where there is simply no reason to suspect the valid administration of the private baptism, such as if a Catholic priest or deacon conferred the sacrament, or a layman known to be well-trained in the proper manner of baptizing (e.g., a Catholic midwife). Thus, Fr. Walter Conway notes:

82 *TSTP*, pp. 54-55; italics removed.

83 Rev. Heribert Jone, *Moral Theology*, trans. and adapted by Rev. Urban Adelman (Westminster, MD: The Newman Press, 1962), p. 327; italics given.

84 Peters, *Canon Law*, p. 274.

85 Rev. Henry Davis, *Moral and Pastoral Theology*, vol. 3, 3rd ed. (New York, NY: Sheed and Ward, 1938), p. 47; italics added.

86 Rev. Joseph F. Waldron, *The Minister of Baptism: An Historical Conspectus and Commentary* (Washington, D.C.: The Catholic University of America Press, 1942), p. 150. Fr. Ayrinhac says the same: “Whenever possible . . .” (*Legislation on the Sacraments*, p. 20). The full text of Canon 742 §1 in the original Latin reads: “*Baptismus non sollemnis, de quo in can. 759, § 1, potest a quovis ministrari, servata debita materia, forma et intentione; quatenus vero fieri potest, adhibeantur duo testes vel saltem unus, quibus baptismi collatio probari possit*” (Petro Cardinal Gasparri, ed., *Codex Iuris Canonici* [New York, NY: P. J. Kenedy & Sons, 1918], p. 213).

In regard . . . to private baptism conferred in Catholic hospitals, there will generally be little or no justification for doubting its validity, since the hospital's personnel is well instructed concerning the proper time for the conferring of private baptism and the correct manner of its administration.⁸⁷

Assuming, for the sake of argument, that this legislative demand on the part of the Church for witnesses at a private baptism could be extended to episcopal consecrations at which there are only one consecrator, no assistant priests, and only two laymen present—a claim which I absolutely deny—even then the Thuc consecrations could be accepted on the obvious grounds that Bp. Thuc, being a valid Catholic bishop, was the ordinary minister of the sacrament⁸⁸ and was, naturally, sufficiently trained in how to confer episcopal consecrations, and, in fact, had done it many times before Vatican II.⁸⁹

But, of course, Your Excellency's curious attempt to draw an analogy between the Church's treatment of a private baptism and how you claim she would treat a "clandestine" episcopal consecration is not legitimate. The canons you reference in support of this analogy—namely, 779 and 800⁹⁰—have nothing to do with witnesses verifying validity, as already pointed out, and they do not reference *private* baptism at all, so you cannot draw an analogy based on these canons.

This only leaves Canon 742, regarding the witnesses required for a private baptism. But this will not suffice, either, for what makes a private baptism private is not the number of people in attendance, nor how many people are invited, nor whether the doors are locked, nor whether the sacrament has been established before the law of the Church or not.⁹¹ A private baptism is contrasted not with a *public* baptism—as you contrast the "clandestine" Thuc consecrations with the public consecrations conferred by Archbishop Lefebvre in 1988⁹²—but with a *solemn* baptism. The distinction between private and solemn baptism consists in this:

Solemn baptism is that which is conferred with all the rites and ceremonies prescribed by the Church, and private baptism is that which may be administered at any time or place according to the exigencies of necessity.⁹³

Catholic theology makes a distinction between solemn Baptism (*baptismus solemnus*) and private Baptism (*baptismus necessitatis*). Any one [*sic*] can administer private Baptism,

87 Rev. Walter J. Conway, *The Time and Place of Baptism* (Washington, D.C.: The Catholic University of America Press, 1954), p. 94.

88 "The ordinary minister of sacred ordination is a duly consecrated bishop" (Rev. Henry Davis, *Moral and Pastoral Theology*, vol. 4, 2nd ed. [New York, NY: Sheed and Ward, Inc., 1936], p. 18).

89 We will examine Bp. Thuc's pre-Vatican II record of episcopal consecrations later in this letter. We will also investigate the question of the minister's obligation of ensuring sacramental validity, as well as the Church's requirement for co-consecrating bishops or at least assistant priests.

90 See *TSTP*, pp. 32, 52.

91 Conversely, if the pastor of a church chose to confer a solemn baptism with only two people present and locked the doors, this would not make the baptism a "private" baptism—it would still be a solemn one. This goes to show how totally inappropriate it is to try to compare a private baptism with an episcopal consecration at which there are only two laymen assisting.

92 See *TSTP*, p. 27.

93 Charles G. Herbermann, et al., eds., *The Catholic Encyclopedia*, vol. 2 (New York, NY: The Universal Knowledge Foundation, Inc., 1913), s.v. "Baptism," p. 269; available online at <http://www.newadvent.org/cathen/02258b.htm> (accessed Dec. 4, 2010).

whereas solemn Baptism requires a specially qualified minister.⁹⁴

Baptism is called private (*baptismus non sollemnis*) when its administration consists solely in the application of the essential matter and form, without the attendant blessings and exorcisms prescribed in the Roman Ritual.⁹⁵

This is the difference between private and solemn baptism. Needless to say, Catholic theology and canon law know of no such distinction between “private” and “solemn” when it comes to episcopal consecrations.⁹⁶ There is only one way to consecrate a bishop in the Roman rite, and that is by means of an ordinary minister—a bishop—using all the rites and ceremonies prescribed in the *Roman Pontifical*, which is the book used by Bp. Thuc, as documented in the March 1982 edition of *Einsicht*, which first made public the consecrations that had occurred in 1981.⁹⁷

In light of this, it would seem rather unreasonable to try to equate a “clandestine” episcopal consecration with a private baptism, would it not? The two simply cannot be compared, and hence any attempt to force the requirements for a private baptism onto an episcopal consecration is illegitimate. This goes to show that Your Excellency’s expectation of Dr. Hiller and Dr. Heller to testify to the correct use of the matter and form employed during the Thuc consecrations was entirely unreasonable and based on a flawed understanding of canon law and moral and sacramental theology.

(2) The Role of Assistant Priests at Episcopal Consecrations

The next point to be examined is Your Excellency’s claim regarding the role of assistant priests at episcopal consecrations when no co-consecrating bishops are able to participate in the ceremony. According to you, this is another piece of “evidence” that the Church requires positive proof of the correct use of the matter and form of the sacrament.⁹⁸ Your Excellency contends:

These priests are present not only to lend solemnity to the ceremony but also to insure that the details of the *Roman Pontifical* are followed, including—and most especially—the details that have to do with the essential matter and form of the Sacrament.⁹⁹

94 Right Rev. Msgr. Joseph Pohle, *The Sacraments: A Dogmatic Treatise*, adapted and ed. by Arthur Preuss, vol. 1 (St. Louis, MO: B. Herder Book Co., 1946), p. 254.

95 Waldron, *The Minister of Baptism*, p. 130.

96 If Your Excellency has evidence to the contrary, please provide it.

97 In *TSTP* (pp. 56-58), Your Excellency shows that in the interview you conducted with him in 1988, Dr. Hiller was unable to identify correctly the ritual book used (the *Roman Pontifical*) during the consecrations six and a half years prior. This is of no consequence, however, as (1) Dr. Hiller was not obliged to know this to begin with, as the duty to know which ritual book to use for an episcopal consecration does not fall upon a layman, even if he be acting as a witness, but upon the consecrating bishop, as will be shown; (2) the *Roman Pontifical* was correctly and publicly identified as the book used in the March 1982 edition of *Einsicht*, so there was in fact no need even to ask Dr. Hiller about it; (3) the *Roman Pontifical* (1908 edition) was in fact used at the Thuc consecrations. In a telephone interview I conducted with him on May 1, 2007, Dr. Eberhard Heller explained to me that he himself owns the copy of the 1908 *Roman Pontifical* used at the consecrations, and that he possesses only one such copy. As German is my native language as well as Dr. Heller’s, there was no possibility of a misunderstanding.

98 Apparently this has now been upgraded to a blanket requirement by the Church for episcopal consecrations in general, not just “clandestine” ones? Certainly none of the “evidence” you cite says anything about verification of matter and form being required for *clandestine* consecrations only.

99 *TSTP*, p. 67.

You then quote Fr. Walter Clancy to substantiate your position:

When two co-consecrating bishops are not available, a dispensation must be sought. In this case the Supreme Pontiff, in granting the dispensation, always commands that the consecrator be assisted by two or three priests of some special dignity.¹⁰⁰ These assisting priests cannot be described as co-consecrators, for they are unable, as priests, to share the intention of the minister to consecrate. They should, however, follow in detail the directions of the Roman Pontifical in assisting the consecrator.¹⁰¹

As there were no such assistant priests in the case of the Thuc consecrations, Your Excellency concludes that we have positive doubt regarding the proper conferral of the sacrament: “There were no Assistant Priests to insure that things were done correctly and who could later testify that such was the case at the secret Thuc consecrations.”¹⁰²

The main problem with Your Excellency’s argument is that it rests on a colossal misunderstanding of the role of the assistant priests and how their role differs essentially from that of the co-consecrating bishops whom these priests are replacing. This misunderstanding is due to shallow and inadequate research on your part, for if you had examined Fr. Clancy’s own writing more attentively and looked closely at the references he gives in his footnotes, you would have been able to prevent such a monumental and embarrassing error, as will now be shown.

You start by pointing out, quite rightly, that the co-consecrating bishops at an episcopal consecration, assisting the main consecrator, are obliged to ensure that the sacrament is conferred validly. You write:

The Assisting Bishops [at an episcopal consecration] are . . . not only witnesses to the consecration but true co-consecrators, so as to, as Fr. Clancy says, make “more certain the valid transfer of the Order of the episcopate.” Thus, upon them falls the obligation to insure that the consecration is performed correctly and validly. Therefore, they are obliged, as Fr. Clancy explains, “to see that no change is made in the rites of episcopal consecration and to effect any supply of rites that is demanded by law.”¹⁰³

This is entirely correct. The co-consecrating bishops are indeed obligated to ensure that the sacrament is conferred validly. However, this obligation has nothing to do with the Church requiring “validity witnesses” to ensure that the principal consecrator doesn’t invalidate the sacrament; rather, it arises from the fact that the co-consecrators are, like the principal consecrator, true ministers of the sacrament, really and truly conferring the order of the episcopacy as much as the principal consecrator does,¹⁰⁴ and, as such, they are required by canon law to ensure validity: “The co-consecrators, since they are ministers,

100 Please allow me to raise a question here, Your Excellency. At your own episcopal consecration, who were the two or three priests *of some special dignity*? None of the priests present—Frs. Thomas Mroczka, Paul Baumberger, Joseph Greenwell, William Jenkins, and Martin Skierka—are priests *of some special dignity*, as though they were papal legates, monsignors, or anything of the kind. Does this mean we need to conclude that Your Excellency is guilty of a “reckless disregard for the practice and requirements of the Church” (*TSTP*, p. 69)?

101 Rev. Walter B. Clancy, *The Rites and Ceremonies of Sacred Ordination (Canons 1002-1005)* (Washington, D.C.: The Catholic University of America Press, 1962), p. 74.

102 *TSTP*, pp. 67-68.

103 *TSTP*, pp. 66-67.

104 “Since they do this with the intention of consecrating, they confer, together with the consecrator, the sacrament of Orders” (Clancy, *Rites and Ceremonies*, p. 78).

are likewise obliged by the provisions of canon 1002 to see that no change is made in the rites of episcopal consecration, and to effect any supply of rites that is demanded by law,” Fr. Clancy points out.¹⁰⁵ Canon 1002 states: “In conferring any order, the minister must thoroughly observe the proper rites in the Roman Pontifical and other rites described in the liturgical books approved by the Church, and for no reason is he permitted to omit or invert them.”

So, it is because they are actual *ministers* of the sacrament—and not mere *witnesses*—that the co-consecrating bishops share in the obligation of ensuring that the rite is followed integrally and that the sacrament is conferred validly. You yourself seem to acknowledge this by noting that the co-consecrating bishops are obliged to ensure the valid conferral of the sacrament *because* they are co-consecrators: “The Assisting Bishops are . . . true co-consecrators. . . . Thus, upon them falls the obligation to insure that the consecration is performed correctly and validly.”¹⁰⁶

Understanding the reason why the co-consecrators have an obligation to ensure validity allows us to see that when in a case of necessity the co-consecrating bishops are replaced by assistant *priests*, this same obligation does *not* fall upon these priests because, as priests, they are incapable of being ministers of the sacrament—i.e., co-consecrators—because no priest can consecrate a bishop, as a priest does not have sufficient sacramental power to make another priest a bishop.

However, as we have seen, Your Excellency nonetheless claims that these priests have the duty to ensure that the ceremony is done correctly: “These priests are present . . . to insure that the details of the *Roman Pontifical* are followed, including—and most especially—the details that have to do with the essential matter and form of the Sacrament,”¹⁰⁷ making it appear as though their absence called into doubt the validity of the sacrament. As we have seen, this is an erroneous idea.

Fr. Clancy, then, is clear that the assistant priests do not actually share in the conferral of the episcopal order. Since Canon 1002 obliges only the actual *minister* of the sacrament to ensure validity, and since the priests are not ministers of this sacrament, the assistant priests do not—*cannot*—share in this obligation. What Fr. Clancy says they should do, however, is “follow in detail the directions of the Roman Pontifical in assisting the consecrator.”¹⁰⁸ What does he mean?

Taken at face value, the priests simply have the task of *assisting* the consecrating bishop *as directed* in the *Roman Pontifical*. Since they are replacing the co-consecrating bishops, they have to perform the same actions at the ceremony as these bishops normally would. There is not a word here about ensuring validity, verifying matter and form, or anything of the kind.¹⁰⁹ Assisting a bishop at a consecration is different from verifying that the bishop is conferring the sacrament correctly. Any altar server assists a priest at Holy Mass, but obviously the server does not make sure the priest does not invalidate the sacrament, which would be an absurd idea. And just as it is not the server’s task to check on the priest, so it is not the assistant priests’ task to check on the bishop (it might be nice if they do, but it is certainly not required).

105 Clancy, *Rites and Ceremonies*, pp. 78-79. Fr. Clancy explains this further in the following sentence: “With regard to the former obligation, the demands of the law affect all three consecrators equally. . . .” (p. 79).

106 *TSTP*, pp. 66-67; italics added. Unfortunately, Your Excellency does not seem to grasp the implications of this statement.

107 *TSTP*, p. 67.

108 Clancy, *Rites and Ceremonies*, p. 74.

109 Even though, as already stated, the co-consecrating bishops have the obligation of ensuring that the sacrament is properly conferred, this obligation arises from the fact that they are true ministers of the sacrament and not because the *Roman Pontifical* tells them to ensure validity.

But there is no need to take my word for this. Fr. Clancy, after all, does not pull this out of thin air. The source he gives in footnote no. 56 to back up his claim is a decree of the Sacred Congregation of Rites of June 9, 1853. In this decree, the Holy See responds to a bishop's inquiry¹¹⁰ regarding the function the assistant priests are to perform when there are no co-consecrating bishops. Bp. Sanborn pointed this out in his 1993 booklet *The Thuc Consecrations: A Postscript*:

All the author [Fr. Clancy] meant by "follow in detail the directions..." was that the assistant priests must perform the same ritual actions (e.g., imposition of hands, kiss of peace) the Roman Pontifical prescribes for the assistant bishops whom the assistant priests are replacing.¹¹¹

Fr. Clancy himself confirms this: "It should be noted that the priest-assistants to the consecrator who act with papal dispensation effect nothing sacramental with their imposition of hands, but only complete or fill out the ceremony."¹¹²

But the best confirmation of this comes from the decree itself. Since the decree was issued in Latin, I consulted an expert to give me an exact translation of the relevant parts of the decree, as follows:

3. When for the Consecration of a Bishop the faculty has been granted that two Priests assist in place of two Bishops, it is asked: Whether these assistant Priests ought to touch with both hands the head of the one to be consecrated, after the consecrating Bishop, and receive the [newly] Consecrated one at the kiss of peace? . . .
To 3 [the reply is]: "Let the Rubric of the Roman Pontifical be observed in the same manner."¹¹³

This, Your Excellency, is the context in which Fr. Clancy is speaking. This is the actual quote on which a substantial part of your case for the necessity of competent witnesses rests! As is plain to see here, the original quote has nothing to do with witnesses, whether priests or laymen, ensuring the validity of anything.¹¹⁴

But what makes this worse, Your Excellency, is that this was not simply a good-faith mistake on your part, because in his 1993 *Postscript*, Bp. Sanborn already pointed out to you the real context and mean-

110 Remarkably, the question was submitted by a bishop from the then-vicariate of Cochinchina, a part of what is known today as Vietnam.

111 Rev. Donald J. Sanborn, *The Thuc Consecrations: A Postscript* (1993), in Vaillancourt, *The Answers*, p. 115.

112 Clancy, *Rites and Ceremonies*, p. 75.

113 *Decreta Authentica Congregationis Sacrorum Rituum*, vol. 2 (Rome, Italy: Ex Typographia Polyglotta S. C. de Propaganda Fide, 1898), no. 3014, pp. 380-381. Translation provided by Mr. Craig Toth in personal email message to me, Dec. 23, 2010. Original text in Latin: "*Quando pro Consecratione Episcopi facta fuit facultas ut assistant duo Presbyteri loco duorum Episcoporum; quaeritur: Utrum hi Presbyteri assistentes debeant ambabus manibus caput consecrandi, post Episcopum consecrantem, tangere, et recipere Consecratum ad osculum pacis?.... Ad 3. 'Servetur eodem modo Rubrica Pontificalis Romani.'*"

114 Discussing the role of assistant priests at episcopal consecrations, Msgr. Joachim Nabuco in his famous commentary on the *Roman Pontifical* does indeed refer to the priests as "witnesses" ("*testes*"), but this is to be understood simply in the sense of witnesses to the *fact* of the sacrament rather than to its validity, similar to the way anybody can be a witness to the fact that a sacrament has been conferred. If Nabuco had understood the assistant priests to have the obligation of ensuring the ordaining bishop doesn't mistakenly invalidate the sacrament, this would have been the perfect time to mention it and to outline these requirements and how they are to be fulfilled (see Msgr. Joachim Nabuco, *Pontificalis Romani Expositio Juridico-Practica*, vol. 1 [Petropolis, Brazil: Sumptibus Editora Vozes Ltda., 1945], pp. 242-243).

ing of this particular decree. Even though you make reference to and quote from the *Postscript* in *TSTP*,¹¹⁵ you nevertheless totally *ignore* Bp. Sanborn's refutation and simply repeat your original argument—with absolutely *no* attempt at a refutation. This is irresponsible and, sadly, shows intellectual dishonesty on your part.

In light of this, Your Excellency, and with all due respect, I shake my head at your condemnation of two of your theological antagonists, about whom you say in *TSTP*: “What they say has to be checked out for truth and accuracy. We simply cannot take at face value what they say. They cannot be relied upon to present the facts as they are.”¹¹⁶ This would be humorous if it weren't so sad.

Thus, given that the Church herself presumes the validity of a sacrament once it has been established that it has been conferred, and given that the Church does not require witnesses to testify specifically that the matter and form were in fact applied correctly, except in the case of lay administration of a private baptism “if possible,” it follows that the only way to raise doubt regarding the validity of the Thuc consecrations would be to demonstrate positively that the matter or the form were not in fact employed correctly.¹¹⁷ What proof do you have, Your Excellency, that Bp. Thuc did *not* use the correct matter or form when he consecrated Bps. Carmona, Zamora, and des Lauriers? Since all the Church requires is evidence that the ordination ceremony took place, and since we have this evidence, the burden of proof has now shifted to those who would question the ordination either regarding its fact or its validity.¹¹⁸

(3) Considerations from Traditional Catholic Liturgical Life

The Church's own attitude regarding *presuming* versus *proving* the correct use of matter and form of a sacrament can easily be verified by considering some examples of daily liturgical life amongst traditional Catholics. If it were true that a Catholic could not accept a *non-public*¹¹⁹ episcopal consecration without specially-trained witnesses independently testifying that the sacrament was valid, then this would have to hold true not just for episcopal consecrations, but for all other sacraments as well,

115 For example, Bp. Sanborn's *Postscript* is referenced on pp. 42-43 of *TSTP*, thus proving that you have read the document and must be very much aware of the refutation.

116 *TSTP*, p. 171.

117 As regards the necessary sacramental intention, we will deal with this question when discussing the required mental state of the minister.

118 Regarding the issue of proof that one did *not* receive baptism, Fr. Sullivan says: “[T]he fact of non-baptism may be established in either of two ways, namely by demonstrating that one has never been baptized in any sect or by demonstrating the invalidity of the baptism conferred” (*Proof of the Reception*, p. 100). Applying the same principle to the sacrament of holy orders, you would have to either demonstrate that Bps. Carmona, Zamora, and des Lauriers did *not* undergo a ceremony of episcopal consecration (impossible), or else that the consecration was invalid. The key word here is *demonstrate*. All you have done so far is made insinuations and claims based upon poor and misleading research.

119 Cf. *TSTP*, p. 27. This is ultimately what Your Excellency's claim amounts to, as the Thuc consecrations have been *proved* to have occurred. While you may wish to contrast Bp. Thuc's “clandestine” 1981 consecrations with the “public” Lefebvre consecrations of 1988, publicity really has nothing to do with it *per se*, as hardly anyone who either attended or was made aware of the Lefebvre consecrations would have been able to testify that Abp. Lefebvre used the correct matter and form in the administration of the sacrament anyway. In other words, of what use is it to point out that the Lefebvre consecrations occurred “in the presence of thousands of people” and were “reported in the press and broadcast on world radio and television” if virtually none of these people could have vouched that the consecrations were done correctly?

whether solemn baptism, penance,¹²⁰ extreme unction, holy matrimony,¹²¹ confirmation, or the Holy Eucharist.

Let us consider the daily occurrence of priests offering Holy Mass. The people who assist at the Mass can never hear the priest actually pronounce the words of consecration. For all they know, the priest *could* have omitted them; he could have changed them and thereby invalidated them. Yet, all *presume* that this is *not* the case because they have no reason to suspect this; and based on this *strict moral certitude*—which is by no means infallible—based on this *strict moral certitude* that the sacrament has been conferred, they adore the Host and the Blood in the chalice when the priest elevates them.

Consider how grave a matter this is. If the priest does not validly confer the sacrament—perhaps because he is inattentive and doesn't pronounce the words right, or perhaps because he is drunk, half asleep, or just plain evil—then the bread and wine do not become the Body and Blood of Christ, and the people assisting at Mass would actually be adoring mere bread and wine—a mortal sin of idolatry. Yet, we are *morally certain* that the priest pronounces the words right and has the right intention, simply because this is what the Church asks us to presume when the priest puts on vestments and says Mass and we have no evidence to suggest the contrary. To all appearances, the priest simply goes through the rite of Mass, and that's all the faithful assisting need to worry about—no special validity witnesses required (or permitted!).

There is certainly a significant element of trust in Divine Providence here, but this trust is not foreign to the Church, who is well aware that *any* sacrament *could* always be invalid, without anybody realizing it: “[E]very sacrament may be *possibly* invalid or valid,” says Fr. Nicholas Halligan.¹²² Fr. Raphael De Salvo remarks: “[T]he lack of correct matter and form . . . could happen without the least suspicion on the part of the faithful.”¹²³ Likewise, Fr. Pierre Pourrat says:

[A] perverse minister can nullify the sacramental action not only by vitiating his intention, but as well by altering the essential matter and form, *without the attendants knowing it*. In the work of our salvation, no small share anyway must be left to trust in

120 One would probably be hard-pressed to find many Catholics wishing to have a third-party “qualified witness” present in the confessional ensuring the priest pronounces the words of absolution correctly. And yet, the sacrament of penance is the most “clandestine” of all the sacraments—by its very nature! Would it not stand to reason that, if the Church required witnesses for sacraments not administered “publicly” (whatever that might mean), this would be *the* sacrament in need of third-party witnesses? How many people actually *hear* the words of absolution (while making their act of contrition, no less), and if they did, would be able to tell if the priest pronounced them right or left something out?

121 It is true that there must be witnesses for holy matrimony; however, the use of witnesses for this sacrament has nothing to do with verifying the correct matter and form (Fr. Jone, again, says they need not even hear any words of consent but merely observe such consent through external signs [cf. *Moral Theology*, p. 523]; Fr. Ayrinhac mentions explicitly that “passive presence [suffices] and no special qualifications are required in them” [*Marriage Legislation*, p. 238]; and Fr. Davis says witnesses to a marriage can be present “without wishing to be formal witnesses” [*Moral and Pastoral Theology*, vol. 4, p. 193]), but, by the decision of the Church, the witnesses are required for the sacrament's very validity, unlike the priest, whose presence is not *absolutely* required (cf. Canons 1094, 1098-1099), though Davis says there are cases where even the two witnesses are not required (*Moral and Pastoral Theology*, vol. 4, p. 201). One will look in vain for theological manuals that mention the necessity of special *validity* witnesses in the case of episcopal consecrations, or any other sacrament besides private baptism conferred by a layman, as discussed above.

122 Rev. Nicholas Halligan, *The Administration of the Sacraments* (New York, NY: Alba House, 1963), Chapter I, p. 23; italics given.

123 Rev. Raphael De Salvo, *The Dogmatic Theology on the Intention of the Minister in the Confection of the Sacraments* (Washington, D.C.: The Catholic University of America Press, 1949), p. 106.

God.¹²⁴

This is true even if the sacrament in question has all the official documentation and legal requirements behind it: “[F]rom the mere baptismal record it cannot be concluded that the sacrament was validly conferred. The register proves only that the external celebration or baptismal ceremony has taken place,” Fr. Sullivan makes clear.¹²⁵ So, we never *really* know whether a given sacrament is valid, anyway; we can only *presume* it based on the guidelines given us by the Church. It is good to keep this in mind as we evaluate the acceptability of the Thuc consecrations, because this allows us to free ourselves from any unreasonable anxiety or scruples, trusting in God and in the Church, rather than in human witnesses, who are fallible anyway.

Consider also how we do not wait for an official Church judgment—or for some certificate signed and notarized—before adoring the Blessed Sacrament after the consecration. We actually rely upon our very *own* judgment that it is *morally certain* that the priest has conferred the sacrament. If this standard is good enough to allow us to adore as God what appears to be bread and wine, then this standard is also good enough to allow us to accept the validity of the Thuc consecrations, because the exact same principles and circumstances apply: (1) The obligation to confer the sacrament validly is upon the priest, not upon the layman assisting; (2) the layman need not check independently if the sacrament was valid, and could not do so anyway, as the priest could always secretly withhold his intention; (3) the layman does not know *absolutely* whether the priest actually omitted something from the rite or used invalid matter (who verifies that the ingredients in the hosts and the wine constitute valid matter?); (4) the layman nevertheless accepts the sacrament as valid, *and acts on that certain belief through his adoration*, because, to all external appearances and as far as he knows, the Church’s rite was employed and therefore the sacrament is *presumed* valid; (5) any claim to the contrary must be supported by proof, not mere claims or scrupulous worries about what *might* have happened.

In other words, the same considerations that tell us that we *may*—and *must!*—adore the Blessed Sacrament on the altar also tell us that the Thuc consecrations are valid—unless someone can provide reasonable *proof* to the contrary. We recall here that Bp. Thuc was a fully-trained Catholic bishop, appointed to his office by Pope Pius XI, and consecrated on May 4, 1938; he was not some self-appointed pseudo-cleric who came out of the woodwork at some point in time and declared himself to be a bishop. Before the end of the so-called Second Vatican Council (1962-65), Bp. Thuc had been the principal consecrator of six bishops, at a total of two separate ceremonies, and he had been a co-consecrator of six other bishops, at six separate ceremonies.¹²⁶ At the time of the consecrations in 1981,

124 Very Rev. P. Pourrat, *Theology of the Sacraments: A Study in Positive Theology* (St. Louis, MO: B. Herder Book Co., 1930), pp. 389-90; italics added. We note that the Church tells us that we nevertheless have *strict* moral certitude with regard to validity, which she requires, as we have seen (see Browne, *Handbook of Notes on Theology*, pp. 2-3).

125 Sullivan, *Proof of the Reception*, p. 62. Fr. Sullivan speaks specifically of baptism here, but obviously one can extend the underlying principle to apply to any sacrament because it is not specific to baptism alone. Later in the same book, Fr. Sullivan says: “The objective possibility that the person in question was never baptized may always be said to remain, no matter how many witnesses are produced to testify in favor of the reception of baptism. The question is, however, how much evidence is needed to allow one to feel that this possibility has been sufficiently obviated” (p. 89).

126 Details of Bp. Thuc’s pre-1965 consecrations may be found online at <http://www.catholic-hierarchy.org/bishop/bngo.html> (accessed Dec. 19, 2010). By contrast, Bp. Alfred Mendez, to whom Your Excellency traces his own episcopal orders, was still involved in consecrating invalid “bishops” for the Modernist Church as late as 1978; see <http://www.catholic-hierarchy.org/bishop/bmendez.html>. According to the principles of genuine Catholic theology, episcopal consecrations performed in the new rite promulgated in 1968 are in themselves *invalid* (see Rev. Anthony Cekada, “Absolutely Null and Utterly Void,” available online at <http://www.traditionalmass.org/images/articles/NewEpConsArtPDF2.pdf> [accessed Dec. 4, 2010]); this is something the priests of the SSPV themselves agree with, holding as doubtful ordinations per-

Bp. Thuc had been a bishop for 43 years! It is therefore all the more unreasonable to seriously question the bishop's proper use of the *Roman Pontifical* when he consecrated Bps. Carmona, Zamora, and des Lauriers. Such proper use is simply presumed until the contrary is *proved*, so Your Excellency must provide *evidence* that Bp. Thuc did not follow the rite of episcopal consecration properly,¹²⁷ or that he somehow invalidated the sacrament.

Every time we receive a sacrament from a traditional priest or bishop, we presume that he conferred it correctly. No traditional priest or bishop today has the legal endorsement, appointment, or blessing of a true Pope, save those few remaining who were ordained under Pope Pius XII. Yet, the lay faithful rightly presume that the sacraments they receive are valid because they have *moral certitude* that the priests in question have been properly trained—even outside of any endorsement or appointment by proper or ordinary ecclesiastical authority. Today, all laymen are, in essence, at the “mercy” of today's traditional Catholic clergy, so to speak.

Keeping all of this in mind, then, we can appreciate better the importance of Fr. Doheny's statement, quoted earlier, that *of course* an ordination is presumed valid once it has been duly established that it occurred. Your Excellency, you yourself concede this in *TSTP* but say: “The Thuc consecrations have not been ‘duly established.’ That is precisely the point.”¹²⁸ This is false, however. As the foregoing evidence shows, the Thuc consecrations *have* been duly established, that is, sufficiently proved. They have been sufficiently proved because all that is necessary for us to know that they occurred has been supplied. We have more certitude that Bp. Thuc consecrated Bps. Carmona, Zamora, and des Lauriers than we have for any traditional priest keeping a validly consecrated Host in the tabernacle. Because of sundry photographs, documents, eyewitness testimony, and worldwide circulation in the Vatican press, the Thuc consecrations have become public and notorious in fact and therefore require no further proof.

When it is clear that there is enough evidence to allow for moral certitude regarding the fact of the consecrations—something which we have seen is essentially judged no differently than any other sacrament conferred by a traditional cleric at any time, such as at daily Mass¹²⁹—then the consecrations

formed in the new rite, as alluded to in your 1984 “Statement of Principles in a Time of Crisis,” available at http://www.stpiusvchapel.org/flash_paper/articles/003_declaration_principles.swf [accessed Dec. 4, 2010]). This is not so much to find fault with Bp. Mendez as merely to point out the objective and public record, which must be just as much “fair game” for Bp. Mendez as it is for Bp. Thuc. We will come back to Bp. Mendez's 1978 consecration later.

127 It has been claimed that Bp. Thuc made changes to the ceremony of consecration when conferring the episcopacy on Bp. des Lauriers (see *TSTP*, p. 138). For an analysis of and response to this argument, please see Appendix E.

128 *TSTP*, p. 63. The following observation may help to underscore the unreasonableness of the position that we cannot know that a sacrament has been conferred unless either all the ordinary legal requirements have been fulfilled or specially-trained witnesses have confirmed it to us: The official and ordinary proof of a person's baptism, for example, is the entry in the baptismal register of the parish where the baptism took place. Yet, this proof, of course, is not available until after the actual baptismal ceremony has occurred and the pastor makes the appropriate entry. Do we conclude from this that the people in attendance at the baptism—and the person baptized—do not know that the baptism has been administered or was valid until the pastor makes the entry in the register? This would be quite absurd. But what if the people who were present at such a ceremony can convince other people who were not present, that the sacrament in question has been conferred on a particular person, even without the corresponding entry in the baptismal register? What if they swear an oath to this truth or show photographs of the ceremony? Would it not be silly to suggest that this would not allow others to accept the sacrament also? What need is there for legal proof *per se*, as long as it can be demonstrated with moral certitude that the sacrament has been conferred? Are traditional Catholics now required to inspect each priest's baptismal certificate first before they even consider his claims to holy orders?

129 In fact, as Fr. Sullivan says: “The entrance of a couple into a marital union is a fact and therefore may be demonstrated by any method which may be lawfully used to establish a given fact” (*Proof of the Reception*, p. 136). Note in particular the word “therefore.” Fr. Sullivan says that *because* the entrance into a marital union is a *fact*, for that very reason it may

can and must be accepted as valid. Pope Pius XII himself assures us that this certitude is sufficient even for an ecclesiastical judge.¹³⁰

The certainty of which We are now speaking [i.e., moral certainty] is necessary *and sufficient* for the rendering of a judgment, even though in the particular case it would be possible either directly or indirectly to reach absolute certainty. Only thus is it possible to have a regular and orderly administration of justice, going forward without useless delays and without laying excessive burdens on the tribunal as well as on the parties.¹³¹

The Pope's statement on the issue is clear. If moral certitude is good enough for an ecclesiastical judge, why should it not be good enough for us? Why should it not be good enough for you, Bp. Kelly? Does your position not, as Pope Pius XII anticipated, cause "useless delays" in accepting the facts regarding the Thuc consecrations, while "laying excessive burdens" on the traditional Catholic faithful?

The Mental State of Bp. Thuc

Despite all, Your Excellency does not admit the validity of the Thuc consecrations for yet another reason: You claim that Bp. Thuc's mental state was (probably) not sufficient to allow him to confer sacraments validly. You question the bishop's mental lucidity based on his prior consecrations of unfit candidates, his waffling over whether the Apostolic See was vacant, and "strange behavior," for which you give anecdotal evidence that is entirely one-sided;¹³² and then you conclude that there is sufficient doubt regarding his ability to confer sacraments. However, this line of reasoning is unjust and omits several crucial factors, namely: (1) the principles of Catholic sacramental theology regarding the required mental state of the minister of the sacrament; (2) people's eyewitness testimony of Bp. Thuc at the time of the consecrations regarding his mental state; (3) the significance of the previous consecrations of unfit candidates with regard to mental lucidity. All of these factors will now be examined:

be established by any method permitted to establish a fact. Needless to say, the conferral of holy orders on a person, too, is a fact, and thus any legitimate method may be used to prove it, if the ordinary requirements of the Church, for one reason or another, cannot be fulfilled. Again, this shows the reasonableness and charity of the Church in these matters.

130 Please allow me to clarify here that I am not saying that any layman can replace an ecclesiastical judge. Rather, I am arguing that we are merely trying to ascertain whether or not to *accept* the Thuc consecrations as valid—we are not trying to render a *legal judgment binding as a matter of Church law*. My argument above simply makes the point that moral certitude can be had in this matter without a legal judgment from the Church and, in fact, provides a sufficient basis for such a judgment and hence precedes it. This shows that moral certitude is essentially independent of the legal judgment. Your Excellency himself agrees that by examining the provisions the Church has laid down for ecclesiastical judges, we may "discern the mind of the Church" on a given matter (*TSTP*, p. 34), so this should not be a point of contention.

131 Pius XII, "Allocution to the Roman Rota," in Wrenn, *Annulments*, p. 129; italics added. The context in which the Pope is speaking is that of a marriage tribunal, but the principle being enunciated here is a general one.

132 *TSTP*, pp. 73-84. I do not at all claim to find all of Bp. Thuc's behavior acceptable or even consistent; my point here is only that in order to evaluate a state of affairs justly, it is necessary to consider all sides of the story, not just one, and this is something you have entirely neglected to do. For example, a lot of your claims are based simply on the testimony of one single man, Fr. Noel Barbara (the phrase "according to Fr. [Noel] Barbara" alone appears as many as 13 times in *TSTP*), a French priest who, incidentally, accepted the Thuc consecrations as valid and, by the end of his life, also as licit (see Barbara, "Episcopal Consecrations," in *The Answers*, pp. 65-81). This is not to say that Fr. Barbara was not being truthful, but sometimes a state of affairs will appear in a different, less subjective light when other people are consulted and more evidence becomes available. We will return to this issue later.

(1) The Required Mental State of the Minister of a Sacrament

(a) Catholic Teaching on the Human Act, Intention, and Attention

All that is required for a sacrament to be administered validly is a qualified¹³³ minister's right use of the correct matter and form with the intention of doing what the Church does:¹³⁴ "Every sacrament essentially consists of three elements for validity: matter, form and the intention of the minister," Fr. Joseph Waldron reminds us.¹³⁵ The Council of Florence, approved by Pope Eugene IV, teaches:

All these sacraments are dispensed in three ways, namely, by things as the matter, by words as the form, and by the person of the minister conferring the sacraments with the intention of doing as the Church does; if any of these is lacking the sacrament is not fulfilled.¹³⁶

The reason why a sacramental intention is necessary is that the minister must act as a rational agent: "That he must have some intention is clear from the fact that he is to act as a rational agent, and to act rationally some intention is necessary," says Fr. Davis.¹³⁷

This, of course, also implies certain minimal requirements in the mental state of the minister of the sacrament, because otherwise he would not be able to form the necessary intention. Your Excellency quotes Msgr. Joseph Pohle on this subject:

The combination of matter and form into a sacramental sign (*confectio*), and its application to the individual recipient (*administratio*),—two factors which, with the sole exception of the Holy Eucharist, invariably coincide,—require a minister who has the full command of reason. Hence lunatics, children, and others who have not the full use of reason are incapable of administering a Sacrament.¹³⁸

Your Excellency then claims: "The preponderance of the evidence clearly indicates that Archbishop Thuc did not have 'the full use of reason'; and hence, the consecrations he performed are at least doubtful as to validity."¹³⁹ You then go on to make the reader aware of anecdotal "evidence" which you claim raises sufficient doubt about Bp. Thuc's mental state.¹⁴⁰

133 The term "qualified" here is not to be understood in the sense of "specially trained" but rather "possessing the required sacramental powers." In the case under consideration here, i.e., that of an episcopal consecration, it is a validly consecrated bishop, which everyone in this debate concedes Bp. Thuc definitely was.

134 The technical phrase "doing what the Church does" has a very precise meaning in Catholic theology, one that sets the bar fairly low for the valid conferral of a sacrament. As Dr. Ludwig Ott, professor of dogmatic theology, says: "The minister ... does not need to intend what the Church intends, namely, to produce the effects of the Sacraments, for example, the forgiveness of sins; neither does he need to intend to execute a specific Catholic rite. It suffices if he have the intention of performing the religious action as it is current among Christians [i.e., Roman Catholics]" (Dr. Ludwig Ott, *Fundamentals of Catholic Dogma*, 4th ed. [May 1960], ed. by James Canon Bastible, trans. by Patrick Lynch [Rockford, IL: TAN Books and Publishers, Inc., 1974], p. 344).

135 Waldron, *The Minister of Baptism*, p. 138.

136 Council of Florence, Bull "Exultate Deo" (1439), in Rev. Henry Denzinger, ed., *The Sources of Catholic Dogma*, 30th ed., trans. by Roy J. Deferrari from *Enchiridion Symbolorum* (St. Louis, MO: B. Herder Book Co., 1957), p. 695.

137 Davis, *Moral and Pastoral Theology*, vol. 3, p. 16.

138 Pohle, *The Sacraments*, vol. 1, p. 162; qtd. in *TSTP*, p. 70 (italics removed).

139 *TSTP*, p. 71.

140 *TSTP*, pp. 71-84.

However, what you have not done, Your Excellency, is explain first what is meant by the fairly vague expression “full command of reason” which Msgr. Pohle contrasts with a lack thereof in “lunatics, children, and others who have not the full use of reason.” Though Msgr. Pohle does not elaborate on this point, Dr. Ludwig Ott explains the “mental state” requirement in a bit more detail:

The human minister is a creature endowed with reason and freedom. The act involved in the execution of the administration of the Sacrament must *therefore* be an *actus humanus* [human act], that is, an activity which proceeds from understanding and free will.¹⁴¹

Fr. DeSalvo, likewise, ties the full command of reason to performing a *human act*:

All theologians agree that the confection of the sacraments is a human act insofar as man has a role in their confection, and this human act is necessarily one which must be performed by a minister who has the full use of reason and applies it to the work at hand.¹⁴²

In order to confer a sacrament validly, then, the minister must form an intention that proceeds from knowledge and free will, and this he can only do if he has the full command of reason. In other words, he must know what he is doing and will to do it. The bare minimum such intention is called “virtual intention.” Fr. Davis, whom you quote frequently in *TSTP*, confirms this explicitly: “[A] virtual intention suffices, for this suffices for a human act, and therefore for the sacramental act.”¹⁴³

But what is a virtual intention? “A virtual intention,” says Dr. Ott, is “that disposition of the will, which is conceived before the action and which continues virtually during the action.”¹⁴⁴ In other words, a virtual intention is present when we perform an intended action while being distracted and somewhat inattentive.¹⁴⁵ Msgr. Pohle gives the following example: “[I]f a minister begins with an actual intention [i.e., an intention with full advertence of the intellect], but is distracted while administering the Sacrament, he has a virtual intention.”¹⁴⁶ Fr. Jone illustrates: “A virtual intention is had, e.g., if one, for the purpose of saying Mass, goes to the sacristy, vests, etc., but is completely distracted, even voluntarily, at the subsequent consecration.”¹⁴⁷

In addition to the question of intention, it is also necessary to consider the question of *attention*,

141 Ott, *Fundamentals*, p. 343; italics added. Fr. Jone, too, states that “the administration of a sacrament must be a human act” (*Moral Theology*, p. 312) and that such human acts are contrasted with “acts of human beings that are not dependent upon knowledge and free will” (p. 2), such as breathing, sleepwalking, or acts performed while severely intoxicated.

142 DeSalvo, *Intention of the Minister*, pp. 95-96. Fr. DeSalvo’s use of the adverb “necessarily” indicates that in order for an act to be a human act, the full of command of reason is necessary. This means that as long as we have enough evidence that Bp. Thuc was capable of engaging in human acts, we know that he had the full use of reason. See also Davis, *Moral and Pastoral Theology*, vol. 1, p. 11.

143 Davis, *Moral and Pastoral Theology*, vol. 3, p. 17. Davis continues: “It is also obvious that the minister need not have the explicit intention of conferring a Sacrament or of acting in the name of Christ or of the Church, or of performing a sacred rite as such, or of producing any sacramental effect, for these are all included in the intention of doing what the Church does” (p. 17).

144 Ott, *Fundamentals*, pp. 343-344.

145 A typical everyday example of this would be driving a car while speaking on the phone. Though we may be distracted from driving, we nevertheless still have the *virtual intention* to be driving, which is the cause of our engaging in all the necessary actions associated with driving. Our driving proceeds from our knowledge and free will—we know that we are driving and intend to be driving, even if we are not attentive to the action.

146 Pohle, *The Sacraments*, vol. 1, pp. 175-176.

147 Jone, *Moral Theology*, p. 312. Curiously, Your Excellency saw fit to quote Fr. Jone on the *insufficiency* of a so-called “habitual intention” (see *TSTP*, p. 71) but not regarding the *sufficiency* of a virtual intention.

inasmuch as a lack of the required *attention* can detract from the necessary *intention*. Your Excellency hastily quotes Fr. Jone regarding the fact that an absence of external attention causes an implicit revocation of the necessary intention and that “[e]xternal attention is lacking if one undertakes an external action that is incompatible with internal attention.”¹⁴⁸ Unfortunately, Your Excellency stops here and leaves the attentive reader hanging, not defining the term “internal attention” and not clarifying what is meant by all this—perhaps hoping that the casual reader will simply be impressed or confused enough by all this technical terminology to cause him to doubt the Thuc consecrations (“Oh my goodness, what if Bp. Thuc didn’t have internal or external attention?!”).

What, then, *is* internal attention, and how does it impact external attention and thereby the intention necessary to confer a sacrament validly? Just a little bit of additional research on this question reveals that Catholic teaching on internal and external attention does not pose a problem for the validity of the Thuc consecrations, either. Fr. Davis explains:

Some attention is necessary in conferring the Sacraments as in every human act. In internal attention, there is usually full advertence to what one does. So much is, obviously, not necessary, for we do many things and act in a human way without this advertence. A lesser degree of attention is therefore sufficient and this is called external attention, which, though internal in itself, is very vague, but is sufficient to carry us through a human act, provided we do nothing that is incompatible with a full internal attention if it were suddenly required. It would be an error to call this act purely automatic. Such external attention is present when one assists at Mass without conscious advertence to what is going on, but at the same time without engrossing the mind with things that are not compatible with true attention to Mass. It is possible, for example, to recite the Rosary and attend to Mass; it is not possible to concentrate the mind on an abstruse mathematical problem and at the same time to attend to Mass. This kind of external attention, as it is called, is sufficient in prayer, in reciting the divine office, in hearing Mass, in receiving the Sacraments, *and in conferring them. It is not necessary, therefore, to have actual attention to what is being done in conferring the Sacraments,* but as some attention is necessary in every human act, the most that can be required is that amount and degree of advertence to what we do which is not incompatible with what we do.¹⁴⁹

In short, we must pay at least this much attention to what we are doing that we can still be said to be intending to do what we are doing. We cannot be so badly distracted that our intellect and will are no longer connected to the action we are performing.

What this means for Bp. Thuc’s 1981 consecrations is that, if one were to try to cast doubt on their validity from this angle, one would have to *demonstrate* that during the essential rite of the sacrament, the Vietnamese prelate was unable to confer the sacrament because, being occupied with other things, he was (or probably was) so inattentive and distracted that he did not intend at those moments to be engaging in the rite of episcopal consecration—a ceremony which, incidentally, Your Excellency himself has admitted is “extremely complex.”¹⁵⁰ What could be more absurd than this? The photographs published of the consecration ceremonies—reproduced in Appendix G of this letter—show a Bp. Thuc

148 *TSTP*, p. 71, quoting Jone, *Moral Theology*, p. 312.

149 Davis, *Moral and Pastoral Theology*, vol. 3, p. 20; italics added.

150 *TSTP*, p. 136.

who was very much attentive to what he was doing.¹⁵¹ Or are we to suppose that Bp. Thuc was pondering complex mathematical theorems as he was imposing hands on Frs. Carmona, Zamora, and des Lauriers while reciting the essential words from the *Roman Pontifical*—in Latin? No, the teaching of the theologians on the required attention and intention in the conferral of a sacrament does not pose a challenge to the Thuc consecrations. It is Your Excellency’s reckless use of quotations from Catholic theologians and canonists without properly presenting the subject matter that is the real problem here.

The foregoing analysis gives us a firm foundation from which to judge the validity of the Thuc consecrations in terms of the mental state requirement. While anecdotes about Bp. Thuc’s objectively sacrilegious behavior (e.g., the consecrations of unworthy candidates) may suffice to persuade the casual reader to think the bishop must not have been in full possession of his faculties (“He must have been nuts to do that!”), this would not nearly suffice in an ecclesiastical court to cast doubt upon the validity of his sacraments, because, to sum it all up, as long as the bishop had sufficient command of his reason to engage in a human act, i.e., an act proceeding from knowledge and free will, and as long as he was not at the same time engaging in actions that distracted him to the point where he could no longer intend to be consecrating bishops, the validity of his sacraments is not affected—period. Fr. James O’Kane reassures the scrupulous: “[I]n practice the internal intention is hardly ever wanting.”¹⁵² So, the burden of proof is on those who claim the Thuc consecrations are doubtful.

Pope Leo XIII taught authoritatively:

A person who has correctly and seriously used the requisite matter and form to effect and confer a sacrament is presumed for that very reason to have intended to do what the Church does. On this principle rests the doctrine that a Sacrament is truly conferred by the ministry of one who is a heretic or unbaptized, provided the Catholic rite be employed.¹⁵³

Fr. De Salvo, echoing Pope Leo’s teaching, assures us that “[a]s long as the lack of proper intention is not externally manifested, the Church presumes that the intention of the minister is correct.”¹⁵⁴ Thus, the only thing that could overthrow the Church’s presumption of the sufficiency of the intention is evidence that is *manifested externally in the very administration of the sacrament*.

The great canonist Cardinal Pietro Gasparri, designated by Pope St. Pius X to be the chief architect of the *Code of Canon Law* later promulgated by Pope Benedict XV in 1917, teaches no differently:

[I]t is never presumed that a minister, in carrying out an ordination, had . . . an intention of not ordaining, as long as the contrary be not proved, both because no one is presumed wicked, unless it be proved, and because an act, especially [one] so solemn as is an ordination, must be considered valid as long as invalidity be not irresistibly proved.¹⁵⁵

151 We notice the absence of *cats* in the pictures, by the way; cf. *TSTP*, p. 48.

152 Rev. James O’Kane, *Notes on the Rubrics of the Roman Ritual* (New York, NY: P. O’Shea, Agt., 1883), p. 47.

153 Pope Leo XIII, Encyclical “*Apostolicae Curae*,” in “*A Light in the Heavens*”: *The Great Encyclical Letters of Pope Leo XIII* (Rockford, IL: TAN Books and Publishers, 1995), p. 404; available online at <http://www.papalencyclicals.net/Leo13/113curae.htm> (accessed July 30, 2008).

154 De Salvo, *Intention of the Minister*, p. 32.

155 Rev. Petro Gasparri, *Tractatus Canonici de Sacra Ordinatione*, vol. 2 (Paris, France: Delhomme et Briguet Editores, 1893), p. 194; translation from Latin provided to me by Mr. Craig Toth in personal email message to me, Oct. 2, 2010.

What this means in the practical order, Your Excellency, is that if you wish to cast doubt upon the validity of Bp. Thuc's sacramental administration on the grounds of mental debility, you must prove—not just assert—that at the time of the consecrations, Bp. Thuc's mental state was so severely compromised that he was no longer acting as a “serious human agent,”¹⁵⁶ as Fr. Waldron puts it, that is, no longer capable of acts proceeding from knowledge and free will so that he could no longer form a sacramental intention—in other words, that he was in a state in which he did not know what he was doing and therefore did not intend to do it. And this, Your Excellency, you have not done and cannot do. On the contrary, there is ample testimony available from people who actually knew and met Bp. Thuc around the time of the consecrations in 1981 who found him to be entirely sane.¹⁵⁷

We must not forget that Bp. Thuc did not simply perform the two episcopal consecrations in secret and then left the scene. Rather, he said Holy Mass publicly (in Munich for several months in 1982, for example), spoke in public at a sedevacantist conference in Mexico in 1982, and collaborated in the operation of a traditionalist seminary in Rochester, New York. If Bp. Thuc had not been capable of acts proceeding from knowledge and free will, he would not only have been unable to do this, but it would have been manifest to anyone who met him.¹⁵⁸ Yet, eyewitness testimony and the photographs published by Dr. Heller in *Einsicht* tell a different story. It is clear that whatever his sins may have been, Bp. Thuc was quite sane and very capable of human acts.

For Your Excellency to have a case in casting doubt upon the validity of Bp. Thuc's episcopal consecrations—and, by extension, on all the sacraments he conferred—it would have to be imagined, and *demonstrated*, that in consecrating Bps. Carmona, Zamora, and des Lauriers, Bp. Thuc did not, or probably did not, exercise his free will and/or did not have conscious knowledge of the fact that he was administering the sacrament of holy orders to the recipients in question. In short, it would have to be imagined that Bp. Thuc did not realize he was consecrating bishops while performing the ceremony. Considering all the evidence in total, such a claim is simply preposterous on its face. How could anyone seriously assert that, given all the evidence, Bp. Thuc was not engaging in a human act during these episcopal consecrations?

Any court, whether civil or ecclesiastical, would never accept a plea of insanity, *without expert medical testimony*, on the grounds that the behavior of the defendant, because it was objectively mortally sinful, bizarre, or scandalous, somehow leads to the conclusion that he *must for that reason* be considered to have been incapable of a human act; especially considering the evidence *against* such a claim, presented in terms of photographs and eyewitness testimony. After all, everyone is presumed mentally competent until the contrary is *proved*.

Fr. Vaillancourt adds the following considerations to this:

[T]he judgment of one's “mental stability” would also have to be established *and certified* through proper medical authority. Just because Bishop Kelly says that he *thinks* Archbishop Thuc acted erratically, and thus was “insane,” does not make it a proper *clinical* testimony that would be required in any court, be it ecclesiastical or civil. After all, *Bishop Kelly makes no mention that he is trained in the behavioral sciences*, meaning

156 Waldron, *The Minister of Baptism*, p. 149.

157 This will be covered in detail in Section (2) below.

158 And in this case one would have to ask why so many priests approached him for episcopal consecration. Did they all wish to be able to trace their orders back to a senile fool who didn't know what he was doing?

that his accusation of the mental instability of Archbishop Thuc has no standing in any court of law so as to be offered as *canonical proof* of the lack of credibility of the Archbishop testifying orally in his own behalf.¹⁵⁹

Whether we like it or not, then, there is no evidence that casts serious doubt upon the Vietnamese bishop's ability to administer sacraments validly. This conclusion we must accept, because it is based on the Catholic Church's principles of sacramental and moral theology.

(b) Fr. Joseph Tixeront on "Abnormal" Sacramental Administration

Besides arguing against the validity of Bp. Thuc's consecrations from an alleged lack of sufficient mental competence, Your Excellency also claims that Catholic theology requires us to doubt validity if there is "abnormal behavior." You quote Fr. Joseph Tixeront as follows:

When the bishop who performs the Ordination belongs to the Catholic Church and performs the functions of his ministry in a normal fashion, there can be no doubt about the validity of his Ordinations, if carried out according to the prescribed form.¹⁶⁰

Commenting on this quote, you say: "Notice that the certitude as to the validity of Holy Orders is based on the fact that 'the bishop . . . performs the functions of his ministry in a normal fashion.'"¹⁶¹ You then claim that Bp. Thuc carried out his ministry in a "manifestly abnormal fashion" after 1975 and conclude that we must therefore have doubt regarding the validity of his episcopal consecrations.

In response to this, two points need to be made. The first is that your argument is logically fallacious, that is, it does not follow. Fr. Tixeront simply states that *if* a Catholic bishop, using correct matter and form, performs his ministry normally, *then* his ordination is valid without doubt. But what Your Excellency has done is assumed that the converse is also true, namely, that if a Catholic bishop, using the right matter and form, does *not* perform his ministry in a normal fashion, then there is doubt. But this is a grave error in reasoning. In logic it is known as the fallacy of "denying the antecedent."¹⁶² By analogy, it is like saying that if today is Wednesday, then the pharmacy is open; but today is not Wednesday, therefore the pharmacy is closed. It simply does not follow, and therefore you cannot claim, based on this quote, that Fr. Tixeront teaches that a bishop must perform the functions of his ministry "normally" in order for us to have certainty regarding the validity of his sacraments.

The second point to be made is that when you read what else Fr. Tixeront writes in his book on the matter—in the very same chapter you quote from, actually—it becomes clear that Your Excellency's position is not only not supported by Fr. Tixeront but outright *contradicted* by him. In fact, it turns out that the paragraph you quote is merely the introductory comment to a chapter dealing with the history of the controversy of sacramental validity in the case of holy orders. The title of the chapter is: "The Validity of Ordinations Performed by Heretics, Schismatics, and Unworthy Ministers."¹⁶³ Having intro-

159 Vaillancourt, *The Answers*, p. 32, n. 23; italics given.

160 Rev. J. Tixeront, *Holy Orders and Ordination: A Study in the History of Dogma*, trans. by Rev. S. A. Raemers (St. Louis, MO: Herder Book Co., 1928), p. 270.

161 *TSTP*, pp. 64-65.

162 See John A. Oesterle, *Logic: The Art of Defining and Reasoning*, 2nd ed. (Englewood Cliffs, NJ: Prentice Hall, 1963), p. 258.

163 Tixeront, *Holy Orders and Ordination*, p. 270.

duced this chapter by stating that there is absolutely no doubt about the validity of ordinations conferred by Catholic bishops in a normal fashion, Fr. Tixeront then discusses that throughout some time of the Church's history, different opinions were brought forth regarding the validity of ordinations that were not so conferred. In his very next paragraph, Fr. Tixeront continues: "History, however, informs us that prior to the era of the Schoolmen, doubts arose, at least in individual cases, concerning the validity of ordinations performed by heretics, schismatics, or excommunicated and deposed ministers."¹⁶⁴

After treating of the major points made by different individuals and schools of thought, Fr. Tixeront then roundly dismisses the erroneous ideas and affirms the only true, Catholic position:

The Church and sound theology have rejected all these systems and empty explanations. After distinguishing between the validity and the lawfulness of Ordination, they [i.e., the Church and sound theology] teach that an Ordination is always valid when a true bishop, whoever he may be, carries out the essential rites.¹⁶⁵

This, Your Excellency, is the principle that Fr. Tixeront is truly putting forth, and this is what you should have quoted in *TSTP* as the guiding norm, and not a sentence from an introductory paragraph merely setting the stage for the whole controversy.¹⁶⁶

(2) Eyewitness Testimony regarding Bp. Thuc's Mental State at the Time of the Consecrations

Instead of obtaining and then impartially examining the testimony of people who really knew Bp. Thuc and interacted with him around the time of the consecrations in 1981,¹⁶⁷ Your Excellency prefers the way of anecdotes and rash speculation:

How else can we explain the fact that a perfectly sane Catholic Archbishop and former seminary professor with three doctorates would bestow episcopal consecration on the dregs of humanity and the most worthless non-Catholics that one could dig up? It is clear! Abp. Thuc was either mentally imbalanced or a truly evil man.¹⁶⁸

If these were indeed our two only options—that Bp. Thuc was either “mentally imbalanced” or “truly evil”—then we would have to decide on “truly evil” by default, for a man is presumed mentally competent until the contrary is proved.¹⁶⁹ But let it be noted here that as far as the capability of engaging in a human act goes, there is light years' worth of difference between “mental imbalance”—a term

¹⁶⁴ Tixeront, *Holy Orders and Ordination*, p. 270.

¹⁶⁵ Tixeront, *Holy Orders and Ordination*, p. 290.

¹⁶⁶ What Fr. Tixeront teaches here is by no means controversial—it is simply the common teaching of the Church. For example, Msgr. Pohle states categorically: “The validity of a Sacrament does not depend on the orthodox belief of the minister” (*The Sacraments*, vol. 1, p. 171); Fr. Ignatius Szal makes the same point specifically with regard to sacraments conferred by clerics who are schismatics: “[T]here exists in their favor the presumption of validity of the sacraments which they administer” (Rev. Ignatius Szal, *The Communication of Catholics with Schismatics* [Washington, D.C.: The Catholic University of America Press, 1948], p. 58).

¹⁶⁷ Interestingly enough, when it came to defending Bp. Mendez from the charge of senility in the case of your own episcopal consecration, you did not hesitate to appeal to witnesses who interacted with him at the time of the consecration to prove that the charges of senility were unfounded (see, for example, *TSTP*, pp. 103-118, 204-205, 240, 256).

¹⁶⁸ Kelly, “Open Letter,” p. 24. This same line of argumentation is essentially repeated in *TSTP*, pp. 91-92.

¹⁶⁹ This is why in Canon 2200 §2 the Church presumes guilt in the external forum for a canonical offense, as you yourself point out in *TSTP* (pp. 227-228), unless there is proof for *habitual* insanity (see Canon 2201 §2).

conveniently vague—and outright insanity.

The question is, Your Excellency, how much of an impartial attempt have you made to find out the truth regarding the alleged consecrations of non-Catholics? Have you attempted to get all the facts regarding the situation? Does a Catholic bishop who had such a sterling record as Bp. Thuc did before Vatican II not deserve at least a bit more of an effort to find out the truth about certain accusations against him? If Bp. Thuc had been a modernist or an ecumenist, as has been alleged, then Paul VI could have used him very well in his plan to destroy Catholicism;¹⁷⁰ instead, Paul VI chose to prevent the bishop's return to his see in Vietnam and thus in effect exiled him, making him a wandering cleric with no permanent home.

It is not necessary to go into each and every alleged problematic action of Bp. Thuc's, as the only thing that impacts sacramental validity is evidence that the bishop was so mentally debilitated at the time of the consecrations in 1981 that he was unable to perform an act proceeding from knowledge and free will, as already discussed at length. This evidence has been found sorely wanting; nevertheless, it will be useful to delve a little bit into some of the background to understand just why Bp. Thuc may have done some of the things he did—for not everything that seems bizarre requires one to posit an agent who was either evil or insane.

All the trouble about Bp. Thuc started with the ordinations at Palmar de Troya, Spain, in 1975-76. Your Excellency writes:

In his autobiography . . . Archbishop Thuc states that he “was preparing the Christmas Crib on the vigil of Christmas” when a priest whom he had previously met “presented himself.” Thuc writes: “He said to me point-blank: ‘Excellency, the Holy Virgin sends me to bring you immediately to the heart of Spain to render her a service. My car is waiting at the door of the rectory and we will leave right away in order to be there on Christmas Day.’” Archbishop Thuc prepared to leave. He wrote: “. . . I called the sacristan and asked him to tell the pastor about Christmas Mass, telling him that I was going to France because of urgent family matters and that I would return immediately in two weeks.”¹⁷¹

It is curious, Your Excellency, that you neglect to quote what else Bp. Thuc wrote about the priest who offered to drive him to Spain. He says: “Then a priest came to me, one I had met before in Ecône, Switzerland.”¹⁷² Of course, this is a reference to the fact that the priest was (whether closely or loosely) associated with Archbishop Lefebvre's Society of St. Pius X, which has its main seminary in Ecône. Fr. Barbara, whom you quote so frequently in *TSTP*, recounts the story:

Archbishop Lefebvre knew Archbishop Ngo Dinh Thuc quite well from the Second Vatican Council. He considered him to be a bishop with good doctrinal views. Like himself, this bishop belonged to *the conservative group*. It was because he considered

170 In fact, Bp. Thuc “was against the statements of Vatican II,” according a directory of independent bishops to which you make reference several times in *TSTP* (see Gary L. Ward, Bertil Persson, and Alain Bain, eds., *Independent Bishops: An International Directory* [Detroit, MI: Apogee Books, 1990], s.v. “Ngo-Dinh-Thuc, Pierre Martin,” p. 295). As this statement appears in the very entry on Bp. Thuc, Your Excellency should not have missed it.

171 *TSTP*, p. 74.

172 Most Rev. Pierre Martin Ngo-Dinh-Thuc, Autobiography “*Misericordias Domini In Aeternum Cantabo*,” trans. by Elisabeth Meurer and Mr. Statz, in *Einsicht* XXXVI, no. 12 (September 2006); available online at http://www.einsicht-aktuell.de/index.php?svar=5&artikel_id=1923 (accessed Dec. 4, 2010).

him to be a Catholic bishop, committed to the faith, devoted to Mary, and having nothing to do, that he encouraged him to work with the emissaries of Palmar de Troya who had come to Econe in order to solicit his episcopal services. I heard these facts directly from Archbishop Lefebvre.

One day a canon of Saint Maurice named Father Revas arrived at the seminary in Econe. He was accompanied by a priest who spoke English. A lover of the extraordinary, both had come from the location of the Apparitions. They came straight from Palmar to beg Archbishop Lefebvre to come to this location immediately because the Blessed Virgin was waiting for him. She was insisting that a Catholic bishop come in order to confer the episcopacy on those she planned to designate.

The Archbishop excused himself and advised them to “approach Archbishop Thuc. He is orthodox and he is not at present occupied. Go and seek him out. He will most certainly agree with your request.” The two messengers immediately left and had no difficulty in convincing the elderly Vietnamese Archbishop to respond to the Virgin’s request.

As I explained, I have these explanations directly from the mouth of Archbishop Lefebvre. He informed us of these facts on the occasion of a visit I made to Econe when someone brought up the name of Archbishop Thuc at the dinner table.¹⁷³

Now we have quite a different picture. According to Fr. Barbara, Abp. Lefebvre himself had encouraged Bp. Thuc to work with the priests asking him to cooperate in the Palmar de Troya affair! Was Abp. Lefebvre out of his mind, too? Were the two priests insane as well? Or perhaps we can simply agree that none of this really has anything to do with the *validity* of Bp. Thuc’s consecrations to begin with?

Once again it is necessary to return to the basics. To question the validity of Bp. Thuc’s consecrations based on insufficient mental capacity, we would need hard evidence that Bp. Thuc was not, or probably was not, capable of performing a human act at the time of the consecrations. No such evidence exists—end of story.

But be that as it may, perhaps we can agree that in evaluating someone’s mental capacity, it would certainly behoove us not to ignore the commentary of a mental health professional. Dr. Rama Coomaraswamy, M.D., who held an assistant professorship in psychiatry at the Albert Einstein College of Medicine in New York, commented on the question of Bp. Thuc’s mental state and specifically the Palmar de Troya affair, as follows:

It is my understanding that the professor of Canon Law at Econe accompanied Archbishop Thuc on this venture. If this episode is to be used as the basis of demonstrating the “senility” of Archbishop Ngo-Dinh-Thuc, then one must argue that Archbishop Lefebvre and his canon lawyer must have been equally senile. Of course, Father Noel Barbara is elderly and occasionally forgetful. Perhaps he is also senile. And what are we to say of Bishop Guerard and Bishop Carmona’s inability to recognize that they were being consecrated by a doddering old fool? (*Quod absit.*) Are we then to consider anyone whose thoughts or actions we find offensive as senile?

Let us now turn to the issue of senility, or to use the more precise psychiatric term, *dementia*. Here we indeed have an example of fools stepping where angels fear to tread. Few things are more difficult to determine than the presence of minor and subtle degrees

173 Barbara, “Episcopal Consecrations,” in *The Answers*, pp. 67-68; italics added.

of dementia. . . .

Polemicists speak of the necessity of the “full command of reason.” If by this phrase one understands that the individual is at all times logical, then almost everyone involved in the current controversies—where lack of reason is *so often* manifested—would be administering invalid sacraments. I would suggest, however, that what is meant by this phrase is not that a priest at all times be some paragon of reasoning ability, but that he know what he is about when confecting a sacrament. There is absolutely no evidence that Archbishop Thuc did not know what he was doing or that he was acting unwillingly. It is absurd to suggest that a person can go through a three-hour relatively public and highly-demanding ceremony such as an episcopal consecration, and not know what he is doing. . . .

Allow me to conclude by stating that the diatribes asserting that Archbishop Ngo-Dinh-Thuc was suffering from “senile dementia,” “mental impairment,” “doubtful lucidity,” or “lacked the full command of reason,” to say nothing about their declaring him “insane,” are patently absurd and the supposed evidence offered for such affirmations only exists in the minds of those who would use insinuation and innuendo to assassinate his character. Even if appropriate testing had been performed and some mild loss of memory or cognitive function demonstrated, there would be no grounds for declaring him incompetent. What is at issue is competence and in psychiatry, as well as in theology, an act is considered “sane” or “rational” (sacramental theology would add “human”) when the person who performs it knows what he is doing and freely wills to do it.

Not having examined the Archbishop personally, I am not in a position to give any psychiatric opinion as to the state of his mentation. However, in the absence of any evidence to the contrary, it seems patently obvious that we must consider him to have been fully aware of what he was doing and in no way either “conned” or coerced. In essence, we are forced to assume that he acted in his right mind and was fully competent. We simply cannot go around declaring those whose actions, judgments and thoughts we find personally abhorrent are somehow mentally defective. To do so is plain and simple calumny.¹⁷⁴

Further commentary seems unnecessary.

At this point, one may be permitted to ask: Who said we *must explain* Bp. Thuc’s behavior, anyway? What we really are obliged to do is follow the teachings of the Church regarding the required mental state of the minister of a sacrament. And unless there is clear evidence that Bp. Thuc was so mentally impaired at the time of the consecrations in 1981 that he was no longer capable of so much as a human act, the validity of the consecrations cannot be doubted on the grounds of insufficient mental capacity of the minister. It’s as simple as that. And nothing of what you have provided in terms of “evidence” of insanity in *TSTP*, Your Excellency, comes even close to that.

But let us also focus on the evidence *for* Bp. Thuc’s *sanity*. What follows is a brief scorecard of eyewitnesses who knew Bp. Thuc and could testify regarding his sanity at the time of the consecrations in 1981:

174 Rama P. Coomaraswamy, M.D., “The Mental Health of Archbishop Thuc: A Commentary on the Ordinations of Archbishop Thuc” (Feb. 27, 1994), in Vaillancourt, *The Answers*, pp. 176-180; italics given. Also available online at <http://www.essan.org/Thuc%20Consecrations/Thuc/Thuc%20Archbishop/health2.html> (accessed Dec. 4, 2010).

What is the evidence of the eyewitnesses who knew Archbishop Thuc?

1. Dr. Hiller and Dr. Heller. These are the two German eyewitnesses of both these consecrations. They knew Archbishop Thuc intimately, having seen him regularly when the Archbishop resided in Munich for a number of months. They have both testified under oath, one in writing, the other orally, with God as their witness, that Archbishop Thuc was in full command of his faculties when he performed the above mentioned consecrations. These laymen are well-educated, intelligent, and alert; there is absolutely no reason to doubt their veracity or their ability to judge the Archbishop's state of mind.

2. Fr. Noël Barbara. Fr. Barbara went to see Archbishop Thuc in the Spring of 1981 and then again in January 1982. He thus saw him both before and after the consecrations. Fr. Barbara has sworn, in writing, with God as his witness, that both times he found Archbishop Thuc to be in full use of his mental faculties, and that he answered the questions put to him about the consecrations clearly. Fr. Barbara also wrote, immediately after the January visit, notes concerning his conversation with Archbishop Thuc. These notes reflect the clear mind of the Archbishop, as he answered questions with clarity and distinct memory.

3. Fr. Gustave Delmasure. This priest, who was a well-respected traditional priest in France, former pastor of a parish in Cannes, went to see Archbishop Thuc in March of 1982. He has given sworn testimony, with God as his witness, that he found Archbishop Thuc to be in his right mind, and that he responded to his questions with swiftness and clarity.

4. Bishop Guérard des Lauriers. In a personal interview with Fr. Joseph Collins, Bishop Guérard des Lauriers, who himself had been consecrated in May, 1981 by Archbishop Thuc, attested to the fact that the Archbishop was in his right mind. He said that the rite of consecration was followed integrally by Archbishop Thuc, and that he (Thuc) was of sound mind throughout the ceremony. (Bishop Guérard des Lauriers was a well-known Dominican theologian who taught at the Lateran University in Rome, and who advised Pope Pius XII on the definition of the dogma of the Assumption in 1950).

5. Fr. Philippe Guépin. Fr. Guépin is a traditional priest who says Mass for a large group in Nantes. He was ordained by Archbishop Lefebvre in 1977, and was asked to leave the Society of St. Pius X in 1980 because he refused to recognize John Paul II as pope. He knew Archbishop Thuc at Ecône, and had prolonged conversations with him. He has attested that Archbishop Thuc was in his right mind.

6. Fr. Bruno Schaeffer, who was ordained by Abp. Thuc in 1982 (after the episcopal consecrations) told Fr. Guépin that Abp. Thuc was completely in his right mind, and that he observed the rite of ordination perfectly.

7. Eyewitnesses who saw him and knew him in Rochester, New York, where Abp. Thuc stayed in 1983 and 1984, also attested to the fact that even at that time, shortly before his death in 1984, Abp. Thuc was in his right mind, and offered daily Mass.¹⁷⁵

To this list we may also add the name of Mr. James Condit, Jr., of Cincinnati, Ohio, who met Bp. Thuc in Northern Kentucky in early 1982. Mr. Condit told me personally that he had found the bishop to be of entirely sound mind and that he had offered Holy Mass with great decorum. Furthermore, the bishop had distributed Holy Communion without any help from then-Fr. Louis Vezelis, who was also present, and this at an attendance of over 100 adults and children, according to Mr. Condit's recollection.¹⁷⁶ There are

¹⁷⁵ Dolan, "Archbishop Thuc," in *The Answers*, pp. 137-138; bold print given.

¹⁷⁶ Mr. Condit's testimony has been recorded in email messages to me, July 30 and Aug. 12, 2008. While I am also aware of

also other eyewitnesses who are on record testifying to Bp. Thuc's sanity and mental stability, including Bp. Robert McKenna, Fr. Neil Webster, and Fr. Francis Miller.¹⁷⁷

With all of this eyewitness testimony sufficient to allow us to have moral certitude regarding Bp. Thuc's lucidity, it is reasonable to ask the following questions:

[A]re all these people liars? All of these eyewitnesses say the same thing, even though they knew Abp Thuc at different times and in different circumstances. Are they all lying? It would be ridiculous to say such a thing.

Those who would have us believe, for whatever reason, that Archbishop Thuc was not lucid are telling us to conclude that all the eyewitnesses cited above are **BOLD-FACED LIARS**.

That would mean that faithful Roman Catholic priests, some of them ordained for fifty years or more, and who have labored for the salvation of souls their whole lives, are **LIARS**, calling down the authority of God to witness to their wicked lies. This they would do shortly before they go to God for judgement, and in such important a matter as an episcopal consecration.

This supposition is absurd and very uncharitable. There is no better testimony than that of sworn eyewitnesses. No one can reasonably fault someone for taking the word of reliable sworn eyewitnesses.

I remind you that the classic, time-tested, and universal way in which to establish a fact is the sworn eyewitness testimony of reliable witnesses. It is the way in which every court of law determines the fact of crime or innocence. Based on such testimony, human beings are either exonerated or condemned, sometimes to death.

The law courts of the Catholic Church operate on the sworn testimony of reliable witnesses.

Most importantly, our Blessed Lord sanctioned the practice with divine approval: And if he will not hear thee, take with thee one or two more, that in the mouth of two or three witnesses every word may stand. (Matthew 18:16) And in the Gospel of Saint Mark, Our Lord upbraids the disciples for not having believed the witnesses of his resurrection. (Mark 16:14).¹⁷⁸

Besides eyewitness testimony, we must also take into account that Bp. Thuc "wrote in his own hand, with strong, forceful handwriting, a consecration certificate, letters, and other declarations both in Latin and French,"¹⁷⁹ including a statement in 1982 declaring the Holy See to be vacant.¹⁸⁰ Obviously, a man

another attestation regarding Bp. Thuc's 1982 visit to Kentucky that appears to contradict Mr. Condit's, this testimony is not conclusive. Any other eyewitnesses to Bp. Thuc's public appearances are encouraged to contact me.

177 This testimony, some of it given under oath, may be found in Vaillancourt, *The Answers*, pp. 196-216. In the case of your own episcopal consecration and the person of Bp. Mendez, you were quite content to parade around the testimony of individuals who could personally vouch for Mendez's mental lucidity (see *TSTP*, pp. 102-118). Why is this not good enough for Bp. Thuc?

178 Dolan, "Archbishop Thuc," in *The Answers*, pp. 138-139.

179 Rev. Donald J. Sanborn, "God As Their Witness" (Madison Heights, MI: Catholic Restoration, 1994), p. 3; bold print removed.

180 Bp. Thuc's declaration of *sede vacante* was first published in the March 1982 Special Edition of *Einsicht* (pp. 3-4) and reprinted numerous times thereafter. Even the *Novus Ordo* Vatican had to acknowledge it and condemned it, of course (see *Acta Apostolicae Sedis* LXXV [1983], pp. 392-393). Contrary to claims made by Fr. Cekada in 1983 (see Peregrinus [Rev. Anthony Cekada], "Two Bishops in Every Garage" [1983], in *TSTP*, p. 300), the Latin the document is written in is *not* "extremely crude" (Cekada) but, as a Latinist I consulted opined, "reasonably accurate, competent, serviceable Latin

incapable of a human act could not do such things.

This truly suffices to close the case on the supposed “insanity” of Bp. Thuc. Whatever else may have been wrong with the Vietnamese bishop, he certainly was not insane, and therefore there are no grounds on which to attack the validity of his consecrations from this angle. Any sincere and impartial observer will accept this and realize that we cannot attack the validity of sacraments based on a personal dislike of the minister, even if he was the most unworthy minister on earth. It is very important to be clear that the validity of Bp. Thuc’s consecrations is entirely divorced from his moral faults, whatever they may have been—they are two entirely different issues. Even if Bp. Thuc had been the most evil man alive in 1981, this would have *no bearing whatsoever* on the presumption of validity for his sacraments, unless somehow there were *concrete evidence* that he invalidated them. After all: “The validity of a Sacrament does not depend on the personal worthiness of the minister.”¹⁸¹ This is a fundamental principle in sacramental theology, and it cannot be neutralized on the gratuitous grounds that unworthiness in certain people “must be” a matter of insanity.

Accepting the validity of an ordination despite a bishop’s unworthiness and previous misdeeds is also something confirmed by the Church’s own traditional practice. Fr. Martin Stepanich, who obtained a doctorate in sacred theology in the 1950’s, mentions the case of an alcoholic bishop:

I recall clearly from long ago, well before the Vatican II disaster, how a Master of Ceremonies for priestly ordinations was almost out of his mind because the hour of ordinations was fast approaching, while the designated ordaining bishop was “under the weather”, unfit to conduct any ordination ceremony. “We just have to get this man sobered up, and fast,” so the M.C. moaned. Somehow, the bishop was brought back to sober reality in time, and so the new priests were validly ordained by the sobered-up bishop.¹⁸²

The Church’s attitude in this matter is further confirmed when considering unusual cases of sacramental administration:

Canonists and moralists even extend these principles to cases where someone other than the usual Catholic minister employs a Catholic rite to confer a sacrament. If a midwife who says she performed an emergency baptism is serious, trustworthy and instructed in how to perform baptisms, says the theologian [Benedict] Merkelbach, “there is no reason to doubt seriously the validity of a baptism.”

Finally, so strongly does the Church hold for the validity of a sacrament administered according to a Catholic rite, that she extends the principle not only to Catholic clergymen, but also even to schismatics. Thus ordinations and episcopal consecrations received from

for everyday use such as in the classroom, addressing *ad hoc* a group of bishops, or even in a theological publication,” though “modern” and “not elegant” (Craig Toth in personal email messages to me, Dec. 10 & 11, 2010). The handwritten original of Bp. Thuc’s declaration is photographically reproduced in Oskar Schmitt, *Bischof Pierre Martin Ngo-dinh-Thuc: Ein würdiger Verwalter im Weinberg unseres Herrn Jesus Christus* [Bishop Pierre Martin Ngo-dinh-Thuc: A Worthy Steward in the Vineyard of Our Lord Jesus Christ] (Norderstedt, Germany: Books on Demand, 2006), pp. 147-148.

181 Pohle, *The Sacraments*, vol. 1, p. 166. This is not surprising when we consider that the Author of the Sacraments is Our Lord Himself. Their validity and holiness have nothing to do with the minister who confers them. “It is Christ who baptizes,” St. Augustine was wont to say in explaining the efficacy of baptism regardless of the worthiness of the minister.

182 Rev. Martin Stepanich, Letter of May 6, 2003, in *The Answers*, p. 151.

Orthodox bishops, and from Old Catholic bishops in Holland, Germany and Switzerland “are to be regarded as valid, unless in a particular case an essential defect were to be admitted” [according to the canonist Ulric Beste].

The foregoing, of course, reflects the Church’s reasonableness. She doesn’t ask us to disprove convoluted negative accusations — “Prove positively to me that you did not omit to do what you were supposed to do to make the sacrament valid.” Otherwise, hordes of specially-qualified witnesses would have to be trained to do an independent validity check each time a priest conferred a sacrament.¹⁸³

This truth comes straight from Catholic teaching, and we have already seen Fr. Tixeront confirm it: “[A]n Ordination is always valid when a true bishop, whoever he may be, carries out the essential rites.”¹⁸⁴ Therefore, Your Excellency, if you insist that the consecrations are nonetheless doubtful, you must *demonstrate* that in this or that “particular case an essential defect” occurred. This you cannot do. Instead, you emphasize that Bp. Thuc “must” have lacked the full command of reason to the point where we “must” question the validity of his consecrations—apparently regardless of what Catholic teaching actually says.

(3) Mental Lucidity and the Previous Consecrations of Unworthy Candidates

With the foregoing evidence concerning the sanity of Bp. Thuc at the time of the 1981 consecrations, no argument from the consecrations of unworthy candidates could possibly sufficiently prove a genuine problem with the bishop’s full command of reason. The most such an argument could accomplish—for example, for the consecrations of non-Catholics—is demonstrate that Bp. Thuc must have been an extraordinarily evil person. But let’s be both charitable and realistic here. Neither scenario—whether that of an insane but innocent cleric nor that of an evil monster of sound mind—is a really plausible and satisfying one. The evidence in favor of the bishop’s sanity is so overwhelming that his mental state cannot seriously be questioned. At the same time, absent any concrete evidence, it does not seem reasonable that Bp. Thuc, who up until Vatican II had an admirable record of working for the salvation of souls even under extremely difficult circumstances, would suddenly turn into a wicked ecclesiastical renegade who openly sought to profane the sacraments at every turn.¹⁸⁵ If that had been the case, no doubt Paul VI would have gladly retained him and put him to work for the New Church to help accelerate the destruction of Catholicism.

Thankfully, we are not stuck with a dilemma here. If we wish to know and understand the facts about Bp. Thuc’s consecrations of unworthy men, we must dig a little deeper. It’s actually not all that difficult. Once we realize that Bp. Thuc wanted to be of service to the Church, was elderly, and didn’t have a whole lot of means to work with, it is not all that surprising that in his desire to consecrate genuine traditional Catholic bishops, he should have consecrated the wrong men as well. In an article on the episcopal consecration of Bp. des Lauriers, Dr. Heller recounts that what made him aware of the Viet-

183 Cekada, “The Validity of the Thuc Consecrations,” in *The Answers*, pp. 95-96.

184 Tixeront, *Holy Orders and Ordination*, p. 290.

185 Fr. Barbara, at first an ardent foe of the Thuc consecrations, could not deny the impressive pre-Vatican II record of the Vietnamese bishop: “I have taken the trouble to describe the life of Archbishop Ngo Dinh Thuc in order to make it possible for my readers to know him better. It follows that he appears to us to have been a truly Catholic bishop, devoted to the Holy See and to the care of souls, a worthy successor to the Apostles in the mission lands, having well merited the designation which this title confers, from both the Roman Church and from his own nation” (Barbara, “Episcopal Consecrations,” in *The Answers*, p. 76).

namese prelate as someone to be approached for consecrating genuine traditional Catholic bishops was his appearance at Palmar de Troya, for it was there that Thuc openly divulged his particular intention: to assist the Church in her dire situation by ordaining priests and consecrating bishops. Dr. Heller writes:

When theological research on post-conciliar ordination rites revealed that they were invalid because they were dogmatically defective or extremely doubtful at the least, our greatest concern was to maintain the apostolic succession. In fact, this can only be maintained if there is an uninterrupted succession of valid ordinations and of episcopal consecrations. Now, when several members of our group expressed this anxiety to Mgr. Lefebvre, he sent them away, saying sarcastically that at Lima he knew of a married bishop... maybe he could do something for us. Subsequently we contacted Mgr. Ngô-dinh-Thuc. We referred to his Declaration made at the time of the episcopal consecrations at Palmar de Troya, Spain, in which he brought up the subject of the emergency situation in the Church resulting from its general breakdown.¹⁸⁶

Though the Palmar movement was suspicious from the start—something Dr. Heller’s *Einsicht* magazine recognized right away¹⁸⁷—and turned into a real fiasco shortly after the ordinations, thus leaving Bp. Thuc with plenty of the proverbial egg on his face,¹⁸⁸ the bishop’s intention remained pure and intact: consecrating traditional Catholic bishops in a time of almost universal apostasy. And who can fault him for that?

We have to recall that the time of the Palmar consecrations was January of 1976. Back then, there weren’t hordes of sedevacantist priests running around who could be made bishops, nor were there even a handful of bishops who would offer to consecrate even a single sedevacantist bishop. The bishop whom Your Excellency has long paraded around as the only genuine traditional Catholic bishop from whom to receive consecration, Bp. Alfred Mendez, at that point was still involved in consecrating modernist “bishops” for the New Church,¹⁸⁹ so he wasn’t an option either.

It is not surprising, therefore, that Bp. Thuc should have befriended some laymen who presented candidates to him for consecration.¹⁹⁰ How else should he have picked a worthy man to consecrate? He had to rely on people whom he trusted. He did not have a lot of money, he did not have a lot of means to

186 Eberhard Heller, “The Episcopal Consecration of Fr. Guerard des Lauriers,” trans. by Emilia Vaiciulis, *Einsicht* XXXIII, no. 11 (December 2003), p. 391.

187 For example, see Rev. Walter W. E. Dettmann, “Die Sonderbaren Botschaften an den Seher Clemente von Palmar de Troya” [“The Strange Messages to the Seer Clemente of Palmar de Troya”], *Einsicht* IV, no. 12 (March 1975), pp. 336-337; also Eberhard Heller, “Stellungnahme zu den Weihen von Palmar” [“Statement concerning the Ordinations at Palmar”], *Einsicht* VI, no. 2 (July 1976), p. 56.

188 Bp. Thuc issued a statement distancing himself from the Palmar de Troya cult after its leader declared himself “Pope.” It was published in *Einsicht* XI, *Sondernummer* [Special Edition] (March 1982), p. 13. Your Excellency acknowledges this by including Fr. Cekada’s article “Two Bishops in Every Garage” in your book, which mentions and quotes the statement (*TSTP*, p. 299).

189 On March 2, 1978, two years after defending Abp. Lefebvre to the Vatican, Bp. Mendez participated as a co-consecrator in the invalid *Novus Ordo* “consecration” of “Bps.” Kenneth Steiner and Paul Waldschmidt for the *Novus Ordo* archdiocese of Portland, Oregon. This is part of the official registry of ordinations but was also confirmed to me by Bp. Steiner himself (in personal email message, Feb. 25, 2008). An article covering the “consecrations” appeared in the *Catholic Sentinel*, the Portland archdiocesan newspaper, on March 10, 1978. A photocopy of this article is in my possession.

190 To dispel a certain false impression, it must be pointed out that Bp. Thuc did not simply consecrate whoever asked to be consecrated by him. Without meaning, by implication, to cast any doubt regarding the worthiness of this candidate, Fr. Otto Katzer (1910-1979) is an example of a sedevacantist priest who was *not* consecrated by Bp. Thuc, despite the request made by Dr. Hiller and Dr. Heller. This is mentioned in Dr. Hiller’s testimony given in *TSTP*, p. 59.

work with, he did not have the internet, and he knew he probably wouldn't have a whole lot of time left to live either. It is unfortunate, but desperate times call for desperate measures sometimes; only hindsight is 20/20.

At this point, a certain Rev. Jean Laborie (1919-1996) enters the picture, who was the head of the "Latin Church of Toulouse," an Old Catholic schismatic church. Bp. Thuc conditionally ordained him a deacon and a priest and then conditionally consecrated him a bishop on February 16 and 17, 1977, respectively. This is certain, and was witnessed by one Dr. Victor Barro of Toulouse, France, as well as one Rev. Jean Quenard, who testified under oath that these ordinations occurred. Furthermore, Bp. Thuc wrote a certificate affirming the ordinations.¹⁹¹ Naturally, one wonders why Bp. Thuc would consecrate a man who was not a Catholic, and, as has been alleged, even a homosexual. In an interview I conducted by telephone on May 1, 2007, Dr. Heller assured me that Bp. Thuc did not find out about Laborie's homosexuality until after the consecration. We may argue about whether or not Bp. Thuc *could* or *should* have known about this,¹⁹² but we are so far removed from the actual incident now that it would be useless and presumptuous to speculate about it.

What, however, of Laborie's status as a non-Catholic? It is here that a little bit of research goes a long way. One of the two witnesses to the ordinations, Rev. Quenard, claims the following:

After carefully examining his [Jean Laborie's] doctrine and his apostolate, supported by the esteem shown him [Laborie] by Cardinal [Alfredo] Ottaviani, Archbishop Pierre Martin Ngo-Dinh-Thuc conferred upon Msgr. Jean Laborie, in the residence of Le Pradet in Toulon, priestly ordination and episcopal consecration *sub conditione* on February 16/17, 1977.¹⁹³

This is a very curious claim, for it states that Bp. Thuc examined Laborie's doctrine and also his apostolate. Is it possible that Laborie faked a conversion in order to get himself consecrated? Is it possible he took advantage of an elderly, psychologically exhausted¹⁹⁴ bishop who was perhaps weak and gullible

191 A photocopy of the testimony as well as the ordination certificate are published in Schmitt, *Bischof*, pp. 201-203. Curiously, the certificate does not directly state that Bp. Thuc ordained/consecrated Laborie, but merely that Bp. Thuc certifies that Laborie received ordination and consecration from a Roman Catholic bishop. It is certain, however, that Bp. Thuc was the ordaining/consecrating bishop.

192 One may surmise that Laborie probably wasn't exactly advertising this—if it is even true. In *TSTP*, the only "evidence" Your Excellency gives for this is a claim that Fr. Barbara said it was so—without so much as citing a source even for Fr. Barbara's allegation! Your Excellency asserts this a total of six times (see *TSTP*, pp. 50, 78, 149, 150, 178, and 225) and uses this unsubstantiated allegation to besmirch Bp. Thuc's name further: "Let us not forget that Archbishop Thuc fell so far as to consecrate a known homosexual, according to Fr. Barbara, who was the head of his own non-Catholic sect" (p. 178). But to fault a Roman Catholic bishop for consecrating a homosexual, do we not need a little more evidence than mere undocumented hearsay? And if evidence for this allegation is so hard to come by even today, how can we assume Bp. Thuc had knowledge of this back in 1977? True, Dr. Heller and Dr. Hiller also acknowledged that Laborie was a homosexual (cf. *TSTP*, p. 60), but is their belief perhaps based only on Fr. Barbara's claim as well?

193 Schmitt, *Bischof*, p. 201; italics added; my translation. Original text in German: "*Erzbischof Pierre Martin Ngo-Dinh-Thuc erteilte Msgr. Jean Laborie nach sorgfältiger Prüfung seiner Lehre und seines Apostolates, bestärkt durch die Wertschätzung, die Kardinal Ottaviani Msgr. Jean Laborie entgegenbrachte, am 16./17. Februar 1977 im Hause Le Pradet in Toulon die Priester- und Bischofsweihe sub conditione.*" The term "*sub conditione*" means the orders were conferred conditionally, which is done when the ordinand already possesses doubtful orders, that is, when the ordinand may already be ordained but this is not known with certitude.

194 It is probably reasonable to suppose that Bp. Thuc was mentally worn out after the grave hardships he had to suffer after the brutal murder of several of his family members, his betrayal by the false "Pope" Paul VI, the disaster of Vatican II and all the changes, and the great poverty he had to endure as a result of his refusal to remain a part of the New Church. Yet,

but of good will and who sought to help the Catholic Church by means of finding traditional Catholics who could help oppose the Modernist Church in the Vatican? Certainly Bp. Thuc, considering his admirable work for the Church before Vatican II, deserves at least this much charity that we would not, given the difficult circumstances the Church has been in since the death of Pope Pius XII in 1958, jump to the conclusion that he was *deliberately seeking* to bestow episcopal consecration on non-Catholic scoundrels. Similarly, would it be just to conclude that Bp. Mendez—Your Excellency’s very own consecrator—was *deliberately trying to destroy the Church* by participating in an *invalid* (!) “episcopal consecration” of two modernists in 1978, *two years after* defending Archbishop Lefebvre to the Modernist Vatican?¹⁹⁵ Of course not. To be fair, should we not assume good will and ignorance of certain matters until the contrary is proved, both in the case of Bp. Thuc and Bp. Mendez?¹⁹⁶

And what of the claim that Laborie was held in high esteem by Cardinal Ottaviani,¹⁹⁷ the great anti-modernist Pro-Secretary of the Holy Office under Pope Pius XII? Dr. Heller related to me that Laborie had approached Ottaviani to be received back into the Church, but, for one reason or another, this never happened. Was Laborie perhaps able to show Bp. Thuc a letter to him from Ottaviani in which the cardinal expressed his respects and good wishes, perhaps precisely because Laborie sought reintegration into the Church? Did it perhaps seem good to Bp. Thuc to consecrate Laborie, given that the latter had a considerable congregation¹⁹⁸ and had—let us hypothesize—demonstrated a conversion to traditional Catholicism, perhaps even made an abjuration of error?¹⁹⁹ We can only speculate.

psychological exhaustion is by no means senility and does not imply that a man no longer knows what he is doing.

195 Cf. *TSTP*, p. 141. Fr. Peter Scott, SSPX, in a personal email message to me, said of Bp. Mendez: “He was in no way comparable to Archbishop Lefebvre, and he was most certainly not a traditional Catholic. . . . I had asked him about the possibility of celebrating Mass for the Society [of St. Pius X], but that did not work for more than one occasion, since he used the [semi-*Novus Ordo*] rubrics of 1967, that the faithful rightly objected to. He explained to me [in San Diego in 1991] that his big contribution to Vatican II was the effort he expended in obtaining a married diaconate” (Mar. 27, 2008). I am quoting this email with the explicit permission of Fr. Scott (given in writing on Nov. 17, 2010).

196 It is true that canon law presumes malice in the external forum until the contrary is proved (Canon 2200 §2), but I am only making a *moral* argument here, not a legal one. How many of us laymen have seriously struggled with the problem of the Vatican II Church? Have we ourselves not sometimes gone back and forth between positions, trying to figure out what God wanted us to do and what would please Him best and enable the salvation of our souls? We may have looked like buffoons to the outside world, but did we care?

197 Bp. Thuc’s German biographer Oskar Schmitt relates this as well (see Schmitt, *Bischof*, p. 130, n. 12). In personal correspondence I had with Mr. Schmitt, he told me that the source of this information is traced back to *Kyrie Eleyson* magazine, then edited by Elisabeth Gerstner, who was a diplomat working in the Vatican in years prior. I have not been able either to confirm or deny this claim, as Mrs. Gerstner is now deceased. It is possible that the claim is ultimately traced back only to the testimony of Rev. Quenard, which appeared in *Kyrie Eleyson* XXVII, no. 4 (October-December 1998). See also Eberhard Heller, “*Erklärung zu Mgr. Labories veröffentlichten Weihedokumenten*” [“Declaration Regarding the Published Ordination Documents of Mgr. Laborie”], *Einsicht* XXIX, no. 1 (April 1999), p. 12.

198 It may have been precisely the consideration that Laborie would bring an entire flock with him into the Church that might have led Bp. Thuc to consecrate him conditionally. According to research done by Fr. Daniel Ahern, the Church is more lenient in allowing non-Catholic clerics to return to her *as clerics* if they bring with them an entire congregation: “It . . . seems that if a clergyman brings with him a ‘flock,’ that special accommodations are made for that flock or community. One is sometimes surprised at the Church’s leniency in this regard” (Rev. Daniel B. Ahern, “Return of the Prodigals,” *Sacerdotium* V [Fall 1992], p. 78).

199 If Laborie wished to become a sedevacantist and be received back into the Church, where else was he supposed to turn if not to Bp. Thuc? What good would it have done him if he had reconciled with the *Novus Ordo* Vatican? This ought to be taken into consideration when evaluating all the facts. One may argue that by contacting Cardinal Ottaviani, he was trying to reconcile with the *Novus Ordo* Church, but this may be too simplistic and rash a conclusion. Ottaviani’s own status in the New Church is somewhat unclear (was he a traditionalist or a modernist, a fighter or a compromiser?). He was silenced, it is true, but did he comply out of obedience or out of fear? Or was there perhaps another motive? Ottaviani was also physically blind, at least intermittently. In addition, Laborie may not have realized the real nature of the problem with the New Church until after contacting Ottaviani.

The point here is simply to make clear that we do not know all the facts and therefore should not pretend that we do. There is probably a lot more to the Laborie incident than is commonly known. Charity forbids us from drawing damning conclusions that are rash. I have attempted to present an alternate possible scenario to show that things may not be as simple and obvious as they are sometimes made to appear, and I encourage people to do more research on this. Our goal must always be the attainment of truth, not a propaganda campaign that emphasizes only one side of the story, thereby ignoring or distorting evidence in the process.

One could spend hours upon hours—and write pages upon pages—debating this or that alleged episcopal consecration of Bp. Thuc,²⁰⁰ but this would exceed the scope of this letter and is ultimately irrelevant to us today because it does not affect the fact or the validity of the 1981 consecrations because none of this could ever amount to proof that Bp. Thuc did not have the mental state sufficient for forming the necessary sacramental intention. We recall that the minimum necessary is knowledge of what one is doing and the free will to do it—a human act—and that this suffices to allow one to do what the Church does, and that this intention is presumed in the conferral of the sacrament until there is proof to the contrary.

What this means for the *validity* of the Thuc consecrations is, quite simply, that none of the consecrations of unworthy candidates make a difference because they do not necessitate—and therefore do not establish—that Bp. Thuc was incapable of a human act. In fact, considering that a bishop who is not capable of performing human acts could not possibly go through the long and complicated ceremony of episcopal consecration to begin with, these deplorable consecrations, if anything, are further proof that Bp. Thuc possessed the mental state necessary to confer valid sacraments.

To doubt the validity of any sacrament, the Church requires, as we have seen, sufficient proof to overthrow the presumption of validity, and this proof must come in the form of *prudent doubt*. Rash suspicions, silly “what-ifs”, or unreasonable, subjective uncertainty are not enough: “A mere suspicion or scruple would not suffice” to doubt the validity of a sacrament without “prudent doubt based on some probable evidence,” says Fr. Ayrinhac.²⁰¹

While it is true that Your Excellency acknowledges the need for prudent, positive, and objective doubt in *TSTP*,²⁰² nevertheless the “evidence” you give that supposedly amounts to this doubt does not suffice in the slightest to call the consecrations into question, as it is based upon half-truths, one-sided anecdotes, conjecture, insinuation, a misunderstanding of Church teaching, and a lack of straightforward and genuine scholarship,²⁰³ as has been demonstrated in the foregoing pages.

200 Not every consecration that someone *claims* has been conferred by Bp. Thuc was actually conferred by him. Sources disagree widely on the exact number of consecrations Bp. Thuc performed. In determining whether a consecration took place, we must use the same standard throughout. Just as a mere *claim* that Bp. Thuc consecrated Bp. des Lauriers is not acceptable without any proof, so we cannot simply take the fact that someone somewhere *claims* Bp. Thuc consecrated this or that non-Catholic to the episcopacy as proof that Bp. Thuc actually did this—much less as proof that he was out of his mind. But it seems that some people are so eager to find yet another reason to oppose the “Thuc bishops” that even the mere *claim* of an illicit consecration suffices for them to believe it, whereas *proof* for a laudable consecration somehow isn’t considered acceptable.

201 Ayrinhac, *Legislation on the Sacraments*, p. 9.

202 See *TSTP*, pp. 94-100.

203 “[O]bjective doubt necessarily implies familiarity with the subject at hand,” says Fr. Roger Viau, whom you quote in *TSTP* regarding the question of doubt (Rev. Roger Viau, *Doubt in Canon Law* [Washington, D.C.: The Catholic University of America Press, 1954], p. 5). It is Your Excellency’s apparent lack of familiarity with the subject matter that accounts for many of the errors in your position. To sum up: Your argument that Bp. Thuc was not mentally competent is

Regarding the question of doubt, Your Excellency maintains further:

To resolve the *prudent* doubts about the validity of the Thuc consecrations it would be necessary to submit the case to a competent tribunal. . . . Fr. Robert Sheehy says “that it is the exclusive right of the S. Congregation of the Sacraments to receive and to examine all issues dealing with the validity of ordinations and the obligations attached to them.”²⁰⁴

Since there is no prudent doubt regarding the Thuc consecrations to begin with, there is likewise nothing for a competent Church tribunal to decide on. This is something even Fr. Sheehy would agree with, for he says in the very same book from which you quote that a *doubt of law*—i.e., a scenario in which “it was doubted whether the person who administered the sacrament was a legitimate minister, or whether the matter or the form was sufficient for validity”—is present only when one cannot find a certain solution to the question at hand in “the teaching of the Church according to Sacred Scripture, Tradition, and the common consent of theologians.”²⁰⁵

This must be true, all the more so, for *doubts of fact*.²⁰⁶ If a doubt of law can be settled by referring to Church teaching in either Scripture, Tradition, or the common consent of theologians, *without actually having to petition an ecclesiastical court*, how much more so can a doubt of fact be settled by simply pointing to all the evidence at hand using moral certitude, something we constantly do already to prove all kinds of facts in our daily lives? Nobody has ever contested the fact that Bp. Thuc consecrated Bps. Carmona, Zamora, and des Lauriers. There is no doubt of fact about this and hence no need for the Sacred Congregation of the Sacraments to settle anything.

The fact and validity of Bp. Thuc’s 1981 consecrations having thus been established and vindicated, we must now to turn to the question of *lawfulness* in the eyes of the Church. After all, just because a sacrament is administered *validly* doesn’t mean it is also administered *lawfully*. Conferring sacraments upon people who are unworthy to receive them is unlawful, of course, and this begs a very important question: After the consecrations of unworthy candidates, was Bp. Thuc still *legally permitted* to confer episcopal consecration upon Frs. Carmona, Zamora, and des Lauriers, three very worthy and fit candidates? And, supposing that he was not, does this have any legal bearing on any of the clergy who are alive today in the Carmona, Zamora, or des Lauriers lines? These questions must still be investigated in some detail, and this we will do in the next part of this letter.

based on a flawed understanding of the requirements of the mental state of the minister; the alleged absence of proof for the consecrations originates in a lack of familiarity with what kind of proof the Church accepts in extraordinary circumstances; anecdotes about Bp. Thuc’s “bizarre behavior” do not at all establish that he wasn’t capable of a human act at the time of the consecrations; and arguments regarding missing positive evidence of matter and form are based on a “requirement” that the Church does not impose. Hence, your case for prudent, positive, and objective doubt regarding the Thuc consecrations falls completely to the ground.

204 *TSTP*, p. 98-99; italics given; quoting Rev. Robert F. Sheehy, *The Sacred Congregation of the Sacraments* (Washington, D.C.: The Catholic University of America Press, 1954), p. 97.

205 Sheehy, *Sacred Congregation*, p. 40, n. 17. This clarification on Fr. Sheehy’s part is very significant, for it shows that we do not need a legal judgment from the Church every time someone claims there is doubt regarding the validity of a sacrament. We must first try to resolve the alleged doubt by studying Church teaching and examining the dictates of reason. Only if the doubt can still not be resolved at that point do we petition an ecclesiastical tribunal for a decision.

206 In this context, a doubt of fact differs from a doubt of law in that a doubt of law concerns what the Church says is necessary for the validity of a sacrament, whereas a doubt of fact concerns whether the conditions for validity have been verified in a particular case. For example, if we don’t know whether the Church requires that a priest include the words “*Mysterium Fidei*” in the consecration of the wine at Mass, we have a doubt of law; if we know that the Church does require this but are not sure whether Fr. X actually pronounced these words during the consecration at yesterday’s Mass, we have a doubt of fact. Cf. Very Rev. H. A. Ayrinhac, *General Legislation in the New Code of Canon Law* (New York, NY: Blase Benziger & Co., Inc., 1923), p. 121; Most Rev. Amleto Giovanni Cicognani, *Canon Law* (Westminster, MD: The Newman Press, 1949), p. 585.

PART III
The Lawfulness of the Consecrations
of Bps. Carmona, Zamora, and des Lauriers by Bp. Thuc

When evaluating any situation or scenario, but especially something so serious as the conferral of sacraments in a time of universal apostasy, the standards we abide by must be reasonable and Catholic, that is, they must conform to right reason and be in accordance with Catholic teaching and ecclesiastical law, if not according to its letter, at least according to its spirit. Our Blessed Lord counseled us: “Judge not according to the appearance: but judge just judgment.”²⁰⁷ In order to judge justly whether or not there were any ecclesiastical penalties incurred by Bps. Carmona, Zamora, or des Lauriers for their 1981 consecrations, or whether or not, even if there were, this has any bearing on us today, we must, first of all, acknowledge that the consecrations took place in extraordinary circumstances. This *must* be admitted, simply because it is true.

These extraordinary circumstances essentially consisted, at least to all appearances,²⁰⁸ in the absence of a true Pope, the lack of a functioning teaching office in the Church, and the unavailability of a governing Church apparatus to consult for an authoritative decision in the matter at hand. We simply cannot pretend that these were not essential factors in Bp. Thuc’s consecration of bishops after Vatican II. It is precisely because we have found ourselves in such a most serious and extraordinary situation for such a long time—since the death of Pope Pius XII in 1958, really—that Bp. Thuc decided to consecrate bishops to begin with. This must be taken into consideration when forming a judgment that is just, because of course the Church’s *Code of Canon Law presupposes* the presence and functioning ability of the Catholic hierarchy. Most of her laws are given for ordinary circumstances, and it is simply not just to attempt to bind people to a law that is meant to apply to ordinary situations when the case at hand deals within the context of a manifestly extraordinary crisis, a crisis so profound and great that if it had not been for Bp. Thuc up to that point, the entire apostolic succession of the Latin church might have been snuffed out.

Some have argued that because of Bp. Thuc’s episcopal consecrations of the Palmar de Troya bishops in 1976, and especially the consecration of Jean Laborie in 1977, Bp. Thuc incurred excommunication *latae sententiae* most specially reserved to the Holy See²⁰⁹ and labored under this censure when he consecrated bishops in 1981. Though I believe this to be highly debatable, based on the circumstances surrounding both consecrations, as well as confusion regarding the precise crime the Holy Office’s decree actually condemns, let us *assume*, for the sake of argument, that Bp. Thuc was indeed under the Church’s severest form of excommunication in 1981 when he consecrated Bps. des Lauriers, Carmona, and Zamora, all three of whom, everyone agrees, were most certainly in good standing before the

207 John 7:24. All quotes Scripture quotes are taken from the Douay-Rheims translation of the *Holy Bible* (Fitzwilliam, NY: Loreto Publications, 2002).

208 I say “at least to all appearances” because it would be flirting with serious error to say that the Church has vanished, or that her threefold mission of teaching, governing, and sanctifying has either ceased or been suspended at the present time, for this would contradict the indefectibility of the Church (cf. Ott, *Fundamentals*, pp. 296-297; Msgr. G. Van Noort, *Dogmatic Theology*, vol. 2, *Christ’s Church*, trans. and rev. by John J. Castellet and William R. Murphy [Westminster, MD: The Newman Press, 1957], pp. 25-28, 276).

209 On April 9, 1951, the Holy Office under Pope Pius XII promulgated a decree inflicting an automatic excommunication of this kind on anyone who consecrates a bishop, or is consecrated bishop, without the necessary canonical appointment (see *Acta Apostolicae Sedis* XLIII [1951], pp. 217-218). In addition, Canon 2370 penalizes with suspension a bishop who consecrates another bishop without the required papal mandate. Since no such mandate and no canonical provision from the Pope could reasonably have been presumed had there been a Pope, so the argument goes, the penalties must be considered to have been incurred. We will return to this argument later.

Church at least up until this point. What would such an excommunication on Bp. Thuc's part mean for us today?

Your Excellency, before going any further, let me be clear that I do not pretend to be a canon lawyer. Canon law is a very specialized discipline for which I have no formal training. Therefore, it would be presumptuous of me to act as though I could resolve a complex canonical case such as this simply by means of flipping through a few books on the subject. Having said this, however, I do not believe it necessary to be entirely silent on the matter either, in effect allowing others to commandeer and apply the Church's law to their own advantage and according to their own understanding, without having to face a challenge.

What I intend to do, then, is at least *offer an argument* from canon law, which you or another cleric from the SSPV are encouraged to address and to answer. I will proceed by (1) expounding the *nature* and *purpose* of ecclesiastical laws and penalties from authoritative sources and then (2) applying these criteria to the case of the consecrations of Bps. Carmona, Zamora, and des Lauriers, arguing that there is no reason to suspect that these clerics actually incurred any canonical sanction for receiving episcopal consecration from the Vietnamese prelate.

The Nature and Purpose of Ecclesiastical Laws and Penalties

The Catholic Church was instituted by our Blessed Lord Jesus Christ for the salvation of mankind. Only in and through this perfect society can souls be saved, because she is His Mystical Body.²¹⁰ Like any society, the Church enacts laws governing the conduct of her members:

In every society there must be an authority to guide its members towards the end for which the society was established; this is done by means of rules, commands, or prohibitions, which constitute the law of that society.²¹¹

The laws of the Church are collectively known as "canon law," from the Greek word *kanwn*, meaning "rule." Canon law is defined as "that body of laws by which the Church of Christ is governed, and which is proposed and enacted by the ecclesiastical superiors."²¹²

Some of these laws are divine in origin, coming from God Himself, whereas others are merely ecclesiastical in origin, coming only from the Church.²¹³ Naturally, those laws which are divine in origin cannot be changed by the Church, whereas purely ecclesiastical laws can.²¹⁴ Fr. Matthew Ramstein notes: "To the extent that canon law merely restates the divine law, it cannot be changed, and the Church cannot dispense from it. But, insofar as canon law is purely human law, it can be modified, and even

210 Cf. Pope Pius XII, Encyclical *Mystici Corporis* (1943); available online at <http://www.papalencyclicals.net/Pius12/P12MYSTI.HTM>.

211 Ayrinhac, *General Legislation*, p. 20.

212 Rev. Matthew Ramstein, *A Manual of Canon Law* (Hoboken, NJ: Terminal Printing & Publishing Co., 1948), p. 2.

213 In some instances, a law may be divine generally but ecclesiastical in its specific application, such as the divine general command to receive Holy Communion (see John 6:54), which the Church has specifically mandated to be observed at least once a year during the Easter season (see Canon 859); cf. Ayrinhac, *General Legislation*, p. 20.

214 Continuing with the example given in the footnote above, it follows that while the Church could change *the time when* Holy Communion must be received, or *how often* It must be received, she could not change the divine general command *that* Holy Communion must be received (by necessity of precept, that is, not by necessity of means, of course).

abrogated entirely. . . .”²¹⁵ It will be very important to keep this in mind as we investigate the case of Bp. Thuc’s 1981 episcopal consecrations.

Just as with any law, so Church law, too, entails the *obligation to comply* with what is commanded. As Fr. Ayrinhac says: “Law implies command, obligation; in this it differs from mere counsel, exhortation, instruction, warning, or even rule. . . .”²¹⁶ This is part of the nature of law, so that there can be no law that does not impose an obligation, else it would not be a law.

Needless to say, there is a definite *purpose* for which the Church enacts laws. Considered proximately, the purpose for the existence of canon law is to promote and ensure the common good of the Church community at large.²¹⁷ Considered remotely, that is, in its ultimate end, the Church’s law exists to safeguard and facilitate the salvation of souls. As Pope Pius XII put it: “Canon law . . . is directed to the salvation of souls; and the purpose of all its regulations and laws is that men may live and die in the holiness given them by the grace of God.”²¹⁸ This purpose arises from the fact that “the end which the Church prosecutes by divine command is the salvation of souls. . . .”²¹⁹ This is why the Catholic Church exists, and hence, everything she does is ultimately directed to this goal. It is crucial to remember this principle in the case of the Thuc consecrations.

Finally, it must be mentioned that laws are of their nature permanent,²²⁰ as opposed to being transitory; which does not mean, however, that a law can never be revoked, or, more pertinently to our case, *cease to bind*: “Laws cease to bind principally in three ways: (a) by cessation of their end, so that they no longer attain, even partially, the purpose for which they were enacted and have become useless, if not hurtful, for the community. . . .”²²¹

These considerations regarding the nature and purpose of Church law, albeit rather cursory and incomplete, will suffice for our discussion. But it remains for us to review the nature and purpose of *canonical penalties*.

Penalties are a part of Church law, hence everything we have just learned about Church law in general also applies to ecclesiastical penalties in particular: They are imposed by the authority of the Church and therefore oblige in conscience; insofar as they are ecclesiastical in nature or origin, they can be changed or rescinded; and they exist ultimately for the purpose of facilitating the salvation of souls, by deterring crime, punishing offenses, and helping to reform the offender.

It will be necessary, however, to explore the subject of ecclesiastical penalties in greater detail. Fr. Ayrinhac summarizes the nature of penalties:

215 Ramstein, *A Manual of Canon Law*, p. 2.

216 Ayrinhac, *General Legislation*, p. 109.

217 Ayrinhac, *General Legislation*, pp. 109-110.

218 Pope Pius XII, “Address to the Clerical Students of Rome” (June 24, 1939); qtd. in Rev. T. Lincoln Bouscaren and Rev. Adam C. Ellis, *Canon Law: A Text and Commentary*, 3rd rev. ed. (Milwaukee, WI: The Bruce Publishing Company, 1957), p. iii. The same Pope wrote in one of his last encyclicals: “It is obvious that no thought is being taken of the spiritual good of the faithful if the Church’s laws are being violated” (Pope Pius XII, Encyclical *Ad Apostolorum Principis* [1958], par. 50; available online at <http://www.papalencyclicals.net/Pius12/P12APOST.HTM>; accessed Nov. 14, 2010). The ultimate purpose of Church law is clearly the *spiritual good* of the faithful.

219 Ramstein, *A Manual of Canon Law*, p. 10.

220 “Like the community for which it is intended, the law has some permanency if not absolute perpetuity” (Ayrinhac, *General Legislation*, p. 110).

221 Ayrinhac, *General Legislation*, p. 127.

An ecclesiastical penalty is the privation of some good, inflicted by legitimate authority for the correction and punishment of a delinquency.

It is the privation of some good, and, in that sense, an evil, something negative rather than positive. Its essential and ultimate purpose is to protect and preserve the social order in the Church. Its immediate end, which ordinarily serves also as a means for obtaining the ultimate one, is to correct the delinquent, to bring him back to the path of duty; to cause him to make reparation for his offence [*sic*] and restore the order violated; to remove the scandal and prevent others from imitating the bad example given.²²²

Canon law divides penalties into three kinds: There are remedial, medicinal, and vindictive punishments. A remedial punishment is not a penalty in the strict sense and therefore need not concern us.

The main purpose of a *medicinal* penalty, also called a *censure*, “is to reform the delinquent”²²³—it acts as “medicine,” as it were, to help the perpetrator amend his ways. Suspension and excommunication are examples of such medicinal penalties. According to Canon 2248 §2, once the offender has reformed and asks for absolution, the competent authority is obliged to lift the censure because at that point the penalty has fulfilled its purpose—the amendment of the delinquent.

A *vindictive* penalty, on the other hand, is “intended primarily for the expiation of the violation of law and order, and only secondarily for the correction or amendment of the offender.”²²⁴ Such a punishment, then, is independent of whether or not the delinquent has amended his ways, as it primarily serves to *chastise* the culprit and to redress the disorder and scandal the offense has introduced, thus protecting the good of society. Privation of clerical garb is an example of a vindictive penalty. Such a penalty is remitted by means of expiation or dispensation, according to Canon 2289.²²⁵

We see here, then, that the Church has different ends in view as she imposes different kinds of penalties, and it is in this light that we must understand them.

But it is not enough for us to know simply what *kinds* of punishment the Church imposes; we must also know *how* and *when* sanctions are imposed. Thus, canon law distinguishes penalties that are incurred automatically and immediately through the very violation of the law from those that are inflicted through the intervention of an ecclesiastical judge or competent superior at some point after the offense. The former are called *latae sententiae* penalties; the latter are called *ferendae sententiae* penalties. Fr. Ayrinhac explains:

A penalty may be attached to a law or precept in such a manner that the mere fact of violating the law or precept suffices to incur it. It is then *latae sententiae*. It will be

222 Very Rev. H. A. Ayrinhac, *Penal Legislation in the New Code of Canon Law* (New York, NY: Benziger Brothers, 1920), p. 54. By saying that a penalty is something “negative” rather than “positive,” Fr. Ayrinhac is saying that we ought to think of it as something *taken away from* rather than *added to* the person being punished. This is important to keep in mind when evaluating the charge that the Thuc line of bishops is “sordid” (cf. Appendix F). Here it will also be useful to point out that “an act which is not declared punishable by law cannot be considered as a delinquency properly so called” (Ayrinhac, *Penal Legislation*, p. 27).

223 Ramstein, *A Manual of Canon Law*, p. 685.

224 Rev. Stanislaus Woywod, *A Practical Commentary on the Code of Canon Law*, rev. by Rev. Callistus Smith, rev. and enl. (New York, NY: Joseph F. Wagner, Inc., 1962), no. 2127.

225 Cf. Woywod, *Practical Commentary*, no. 2130.

ferendae sententiae if it has to be imposed by the judge or superior.²²⁶

Clearly, a *latae sententiae* penalty is the more serious and severe of the two, and is given only for extremely serious offenses. It is more serious because it does not require the intervention of a superior to take effect. Examples of ecclesiastical crimes incurring an automatic, i.e., *latae sententiae*, penalty include profaning the Sacred Species (Canon 2320) and joining the Freemasons (Canon 2335).

All penalties are considered to be *ferendae sententiae*, i.e., non-automatic, unless the law specifically states otherwise:

Penalties are considered as *latae sententiae*, when it is so declared explicitly in the law; or when it is said that they are incurred *ipso jure, eo ipso, ipso facto*; or when this is implied in the wording of the canon. . . . In case of doubt punishments are presumed to be *ferendae sententiae*, or even whenever the contrary is not expressly stated.²²⁷

It is very important to understand that if a law does not have an automatic penalty attached to it, then no penalty is incurred *unless and until* the proper superior or judge imposes one: “A *ferendae sententiae* penalty . . . need not be observed until the delinquent has been judged and found guilty by the court (or the superior). . . .”²²⁸ Because of the state of *sede vacante* in the Church since 1958, there has been no (known) functioning ecclesiastical court to inflict any penalties; therefore, the only kind of penalty we must be concerned about for our case is the kind that is incurred automatically by the very commission of the offense—*latae sententiae*.

It now remains to examine the relationship between ecclesiastical punishments and guilt in the offender, as well as circumstances that can diminish or excuse from guilt and thereby also from the punishment.

Theoretically, penalties are inflicted only under the condition that the culprit is actually guilty of a delinquency. This may be merely stating the obvious, but we must keep in mind that not everyone who transgresses the law is also *culpable*, that is, morally responsible for it.²²⁹ For example, the offender may simply not have *known* that his action transgressed the law, or he may have acted out of fear, or lacked the use of reason, or committed the crime while severely medicated.²³⁰ These are examples of mitigating factors in the assessment of guilt and the application of penalties. Some factors take away guilt entirely, such as insanity, whereas others merely diminish it, such as fear.

In the case of laws whose violation is punished with penalties *ferendae sententiae*, it will be left to the competent superior or ecclesiastical judge to determine to what extent the offender was actually culpable in the commission of a delinquency, and the penalty can then be applied accordingly, or, if appropriate, omitted altogether. But in the case of penalties *latae sententiae*, as we have seen, there is no Church trial or judgment necessary because they are incurred automatically by the mere violation of the law. How,

226 Ayrinhac, *Penal Legislation*, p. 56; italics given.

227 Ayrinhac, *Penal Legislation*, p. 56; italics given.

228 Ramstein, *A Manual of Canon Law*, p. 681; italics given. Similarly, no penalty at all applies unless the law says so: “[I]f the law is silent, no penalty exists” (Bouscaren and Ellis, *Canon Law*, p. 34).

229 This can easily be seen by realizing that the same is true for the moral law and personal sin. A person who, through no fault of his own, does not *know* that today is a Holy Day of Obligation doesn’t sin by not going to Holy Mass.

230 Ignorance may be regarding law, regarding fact, or regarding penalty: “A person may not know, for example, that it is forbidden by the law of the Church to enter the enclosure in a monastery, or he may not know that he is within the enclosure, or that such an offence [*sic*] is punished with excommunication” (Ayrinhac, *Penal Legislation*, pp. 33-34).

then, is guilt to be assessed in such cases?

This question is resolved by a fundamental canonical principle regarding the assessment of culpability and the application of penalties, regardless of whether they are incurred automatically or inflicted by a superior: Full guilt is *presumed* until the contrary is proved in an ecclesiastical court. “Given the external violation of a law, the evil will is presumed in the external forum until the contrary is proved,” Canon 2200 states.²³¹ Thus, whoever violates Church law is presumed to be doing so with full knowledge and consent, at least as far as the *external forum* is concerned.²³² The reasoning behind this is quite appropriate:

The rule here stated is evidently necessary for the public welfare. The laws are published by the authorities, and it is the duty of the subject to inform himself of these laws, for the legislator cannot inform each subject individually of the laws that have been passed. The authorities presume, therefore, that a subject knows the law, and, if he violates it, he is considered to have broken it wilfully [*sic*]. If he claims to be free from liability, the burden of proof rests with him.²³³

Of course, in ordinary times, an offender who has incurred a *latae sententiae* penalty will usually be able to have an ecclesiastical trial nonetheless, and any mitigating circumstances might result in the penalty being lifted; but the point is that in the absence of such a court, the deliberate will to violate the law is legally presumed, externally, until the contrary is proved.

To further understand the Church’s attitude with regard to delinquencies and penalties, it will be useful to consider in greater detail some general principles regarding the mitigation of guilt and punishment as well as the very cessation of law:

The Church realizes and accepts that sometimes circumstances may arise under which an ecclesiastical law simply *cannot* or *ought not* to be observed.²³⁴ This is not surprising, since the Holy See makes laws for the Church in general and assuming, for the most part, ordinary circumstances. The law exists to promote the common good of the Church, but “no human legislator can possibly foresee all circumstances”²³⁵; and thus, should unforeseen circumstances arise under which the keeping of a Church law would become impossible, harmful, or unreasonable, a prudent man may safely assume that the legislator, the Pope, would not wish this law to bind *in this particular case*, had he foreseen it.²³⁶ Fr. Jombart gives a good example:

In certain circumstances, as for example, after the French Revolution, the Church affirmed the validity of certain marriages contracted without the assistance of a priest.

231 Woywod, *Practical Commentary*, no. 2032.

232 In other words, the delinquent is presumed to be *legally* guilty because he has violated a law; whether or not he is also *morally* guilty, i.e., whether or not he has actually committed a sin, is a matter for moral theology and the *internal forum*, and therefore this is something canon law does not—cannot—address.

233 Woywod, *Practical Commentary*, no. 2032.

234 This is only the case for ecclesiastical, i.e., human, law and not divine law, because, God, the author of divine law, has obviously already foreseen every possible circumstance (see Rev. Henry Davis, *Moral and Pastoral Theology*, vol. 1, 3rd ed. [New York, NY: Sheed and Ward, 1938], p. 189).

235 Davis, *Moral and Pastoral Theology*, vol. 1, p. 188.

236 “Law need not be fulfilled even by a subject, if it has become impossible, or harmful, or unreasonable, or useless in general” (Davis, *Moral and Pastoral Theology*, vol. 1, p. 168).

The presumption is that the ecclesiastical legislator does not intend to enforce a certain law when its literal observance would be harmful to a great number of the faithful.²³⁷

This principle is known in canon law as *epikeia*, a Latin term basically meaning “fairness.” It is not strictly an interpretation of the law, nor is it a presumed dispensation but, rather, “the interpretation of the mind and will of him who made the law.”²³⁸ This principle is already enunciated by the ancient philosopher Aristotle,²³⁹ and St. Thomas Aquinas, too, explicitly teaches the importance and validity of *epikeia*:

[In some] cases it is bad to follow the law, and it is good to set aside the letter of the law and to follow the dictates of justice and the common good. This is the object of *epikeia* which we call equity. Therefore it is evident that *epikeia* is a virtue.

. . . To follow the letter of the law when it ought not to be followed is sinful. Hence it is written in the *Codex of Laws and Constitutions* under *Law v: Without doubt he transgresses the law who by adhering to the letter of the law strives to defeat the intention of the lawgiver.*²⁴⁰

This very same principle of *epikeia* is also at work in the words of Our Lord rebuking the Pharisees for clinging to a much-too-literal interpretation of the Sabbath rest and the law of Moses in general:

And it came to pass again, as the Lord walked through the corn fields on the sabbath, that his disciples began to go forward and to pluck the ears of corn. And the Pharisees said to him: Behold, why do they on the sabbath day that which is not lawful? And he said to them: Have you never read what David did when he had need and was hungry, himself and they that were with him? How he went into the house of God, under Abiathar the high priest, and did eat the loaves of proposition, which was not lawful to eat but for the priests, and gave to them who were with him? And he said to them: The sabbath was made for man, and not man for the sabbath.²⁴¹

So, too, the law of the Church was made for the good of souls; souls were not made for the law.

It is not surprising, therefore, that the Church should recognize genuine *necessity* as an excusing cause for the non-observance of her law: “Necessity . . . supposes a conflict of two laws both of which cannot be observed simultaneously, as where one omits Sunday Mass to remain at home and care for a sick member of the family. . . .”²⁴² *Grave inconvenience*, too, excuses from culpability: “Ordinarily the Church does not penalize the non-observance of her laws when a grave inconvenience would result from this observance.”²⁴³ An example of grave inconvenience would be risking one’s employment in order to

237 Rev. Emile Jombart, *Summary of Canon Law*, trans. by Rev. Raymond F. Begin (New York, NY: Benziger Brothers, 1960), p. 131.

238 Davis, *Moral and Pastoral Theology*, vol. 1, p. 188.

239 See Davis, *Moral and Pastoral Theology*, vol. 1, p. 187.

240 St. Thomas Aquinas, *Summa Theologica*, II-II, q. 120, a. 1 c., ad 1; italics given; see also Aquinas, *Summa Theologica*, I-II, q. 96, a. 6. All quotes from the *Summa Theologica* are taken from the translation by Fathers of the English Dominican Province (Allen, TX: Christian Classics, 1981).

241 Mark 2:23-27

242 Ramstein, *A Manual of Canon Law*, pp. 672-673.

243 Jombart, *Summary of Canon Law*, p. 8.

comply with an ecclesiastical law.²⁴⁴

This is seconded by Fr. Ayrinhac:

When circumstances are such that the law cannot be observed without facing danger absolutely or relatively grave, or having to suffer some serious disadvantage, ordinarily, if it is merely an ecclesiastical law, it will cease to be binding, and violation of its prescriptions will not be a delinquency. The principle then applies: *Lex non obligat cum tanto incommodo* ["The law does not oblige in cases of so great an inconvenience"].²⁴⁵

That all of this is so can easily be understood, again, from the *purpose* of the law: the right governing of the Church for the salvation of souls. After all, the Church's law does not exist in order to put an unreasonable burden on people or in order to cause them to sin.²⁴⁶ In the words of St. Thomas Aquinas: "[N]ecessity knows no law."²⁴⁷

Along the same lines, we note that "[n]o one can be punished with a censure [i.e., a medicinal penalty] for an offense that does not amount to a mortal sin."²⁴⁸ This is quite reasonable, for the whole point in administering medicinal punishments is to help the offender reform, but this presupposes *fault* on the part of the offender, and where there is no fault—no ill will, no malice, no culpable negligence, etc.—there is no guilt and hence nothing to be punished.

These principles conform perfectly to the purpose for which the Church's laws and the penalties attached to their violation exist. After all, by means of her laws the Church seeks to safeguard the salvation of souls—the laws do not exist for their own sake, and neither do the penalties.

Everything considered, it is certainly clear that the Church shows herself in her laws to be extremely benevolent and merciful. She is a loving Mother who seeks to keep her children from straying and to recover those sheep that have erred. Her penalties are not unnecessarily harsh, and she penalizes only when necessary or prudent. As with her Founder, the Church's yoke is sweet and her burden light.²⁴⁹

This little overview, albeit rather superficial, will nevertheless suffice to allow us to have a cursory understanding of *how*, *when*, and *why* the Church issues ecclesiastical punishments and what such punishments mean. With all this in mind, then, we are able to examine the question of Bp. Thuc's own alleged excommunication much more soundly and without unnecessary emotion.

Application of these Principles to the 1981 Thuc Consecrations

As already stated, for the sake of argument, we will agree that Bp. Thuc incurred *latae sententiae* excommunication most specially reserved to the Holy See for the unlawful episcopal consecrations of

244 Ramstein, *A Manual of Canon Law*, p. 673.

245 Ayrinhac, *Penal Legislation*, pp. 37-38. Translation provided by Mr. Craig Toth in personal email message to me, Oct. 15, 2010.

246 It is of great importance, when dealing with these matters, constantly to keep in mind the *purpose* of ecclesiastical law because a thing's purpose is the most fundamental reason for its existence.

247 Aquinas, *Summa Theologica*, I-II, q. 96, a. 6 c.

248 Ramstein, *A Manual of Canon Law*, p. 685; cf. Ayrinhac, *Penal Legislation*, p. 36.

249 Cf. Matthew 11:30.

the Palmar de Troya bishops on January 11, 1976, and Jean Laborie on February 17, 1977. The argument that Bp. Thuc thereby excommunicated himself is based upon the fact that episcopal consecrations may not be conferred except with the necessary canonical appointment of the Holy See, which was obviously missing. An additional essential consideration to this argument is that though the absence of a Pope need not—*cannot*—mean that no further episcopal consecrations are ever permissible until the papacy is restored, something that would mean the virtual “death” of the Church over a long period of time, nevertheless it can hardly be presumed that the necessary canonical appointment *would have been given* for such unfit candidates as the Palmar de Troya bishops or Jean Laborie, had there been a reigning Pope at the time. Thus the argument goes.²⁵⁰

So, at least for the sake of argument, let us assume this is so. What does this mean for the episcopal consecrations of Bps. Carmona, Zamora, and des Lauriers in 1981? Why did these men wish to become bishops, and why did Bp. Thuc agree to consecrate them?

A review of the historical facts indicates that, quite simply, we sedevacantists were in desperate need of bishops to be able to perpetuate the sacraments, so necessary for the good of souls, and to ensure bishops and priests for decades to come. Other than Bp. Thuc, there was not, to my knowledge, a single Roman Catholic bishop alive who was a public sedevacantist.²⁵¹ Archbishop Lefebvre is on record stating that *perhaps* John Paul II was not really the Pope, but he never *committed* himself to Bp. Karol Wojtyla’s non-papacy. Bp. Antonio de Castro Mayer (1904-1991) publicly acknowledged the *Novus Ordo* hierarchy, and, aside from some rumors about what he allegedly said after the episcopal consecration ceremony of June 30, 1988, in Ecône, Switzerland, was not known as a sedevacantist either. And Your Excellency’s own consecrator, Bp. Mendez, *definitely* was not a sedevacantist.

This leaves us to draw a very simple conclusion: As Bp. Thuc, at the time, was the only bishop who professed the Roman Catholic faith *and* was also willing to confer episcopal consecration on sedevacantist priests, given the grave need to ensure the sacraments for the sedevacantist faithful, the consecrations of 1981 fall most definitely under the category of genuine *necessity*, under which the law of the Church, as we have seen, does not bind; more properly speaking, it is a principle that legitimately excuses from canonical censure. The higher law of the salvation of souls—a *divine* law—trumps the merely human law given by the Church for ordinary circumstances, whose very purpose, in any case, is to *serve* the divine law. By breaking the human law, the divine law was admirably served in this case, so much so that one may perhaps even argue that *keeping* the Church’s human law in this instance would have been gravely sinful, as it would have been to the serious detriment of souls.²⁵²

In other words, it is unreasonable to suppose that, given the grave situation we have found ourselves in since the death of Pope Pius XII in 1958, that the Church would want somebody’s excommunication to

250 Cf. Rev. William W. Jenkins, “On the Excommunication of Archbishop Thuc” (locally circulated manuscript, undated [ca. October 2002]).

251 One may argue about whether or not it was absolutely necessary to receive episcopal consecration *only* from a bishop who was himself a sedevacantist; but even so, aside from Bp. Thuc, there were no other Roman Catholic bishops willing to consecrate even one sedevacantist bishop. Hence, Bp. Thuc was the only possible cleric to approach. (The only other bishop I am aware of who might have been willing to consecrate a sedevacantist, German missionary bishop Blasius Kurz, OFM (1894-1973), had died on December 13, 1973, an exact 11 years before Bp. Thuc’s death on December 13, 1984; see <http://www.catholic-hierarchy.org/bishop/bkurz.html> and <http://www.catholic-hierarchy.org/bishop/bngo.html>; accessed Oct. 24, 2010.)

252 As St. Thomas says, “To follow the letter of the law when it ought not to be followed is sinful” (Aquinas, *Summa Theologica*, II-II, q. 120, a. 1, ad 1).

stand in the way of the salvation of souls. This is not what an excommunication is for, and it is not what the law of the Church is for. On the contrary, as we have seen, the entire purpose of ecclesiastical law is the very salvation of souls.

Consider also that an excommunication is a *merely ecclesiastical* penalty that the Church *chose*, at some point, to impose to punish the unlawful consecration of bishops. The Church could abolish this penalty at any point, or replace it with a lesser one: “[I]nsofar as canon law is purely human law, it can be modified, and even abrogated entirely,” says Fr. Ramstein.²⁵³ It is very important to keep this in mind, lest the true nature of ecclesiastical law should escape us and this should confuse the issue under discussion.

In addition, an excommunication, we recall, is a *medicinal* penalty, that is, one whose essential purpose is not to chastise the offender but to bring him back to his senses; not to make him expiate his crime but to encourage him to amend his ways. Why should such a penalty, given the dire circumstances, prevent the perpetuation of countless sacramental graces *for the innocent faithful*?²⁵⁴ Why should the entire Church suffer for one man’s ecclesiastical misconduct? Fr. Francis Hyland clarifies:

[T]he relaxations which the Church has made in the law forbidding the active use of the sacraments and sacramentals to excommunicates were granted in favor of the faithful. The Church does not desire that the spiritual welfare of her children should suffer by the malice of those to whom she has entrusted the dispensation of her spiritual goods.²⁵⁵

I submit, therefore, that it is manifestly unreasonable to think that the episcopal consecrations of Bps. Carmona, Zamora, and des Lauriers were unlawful in the eyes of the Church, even if Bp. Thuc had labored under the censure of excommunication at the time, which we have assumed only for the sake of argument.²⁵⁶

From another angle, we remember that “[t]he penalties of the Church always suppose a grave offence [*sic*]; whatever circumstances, then, excuse from grave imputability, excuse likewise from all punishment.”²⁵⁷ What grave fault or mortal sin could we reasonably ascribe to Bps. Carmona, Zamora, or des Lauriers for receiving holy orders from Bp. Thuc? Is it really reasonable to suppose that the reception of episcopal consecration for the sole sake of being able to supply the few remaining true Roman Catholics with valid sacraments for decades to come constitutes a mortal sin if it can only be received from a bishop who is himself excommunicated? Does such a view not have everything totally backwards?

On this very point, Fr. Ayrinhac instructs us:

253 Ramstein, *A Manual of Canon Law*, p. 2.

254 Let me point out here that the ultimate beneficiaries of these consecrations were the faithful, not the clerics themselves.

255 Rev. Francis Edward Hyland, *Excommunication: Its Nature, Historical Development and Effects* (Washington, D.C.: The Catholic University of America Press, 1928), p. 90.

256 Whether or not Bp. Thuc was truly under excommunication would have to be examined and clarified in an ecclesiastical trial. Considering the many mitigating factors that may apply in Bp. Thuc’s case, it is quite possible that he was not under excommunication at all. This only an ecclesiastical judge would be competent to decide. While it is true that, in the meantime, the Church’s law presumes full culpability, it is important to remember that this is merely a *presumption* for the external forum. As the defendant, Bp. Thuc, is now deceased, and so are many others who knew him or could testify on his behalf, even a future ecclesiastical trial would only be able to base its judgment on extremely limited evidence.

257 Ayrinhac, *Penal Legislation*, p. 57.

A merely accidental violation of the law, that is, one which could not be foreseen or if foreseen could not be avoided, is not imputable in any degree. In such case there is neither malice nor fault, and, in canon law, there is no punishment without some guilt, at least presumed.²⁵⁸

Thus, even supposing that Bp. Thuc was under excommunication in 1981, since he was the only sedevacantist bishop from whom Frs. Carmona, Zamora, and des Lauriers could possibly receive episcopal consecration, this putative violation of Church law would be considered “accidental,” inasmuch as it simply could not be avoided; therefore, it would “not [be] imputable in any degree,” according to Fr. Ayrinhac.

It is important to understand here that sacraments received from an excommunicated person are in no wise “tainted.” As long as they are valid, they are not “impure” or “deficient.” At worst, Bp. Thuc’s excommunication could make the actual consecrations of Bps. Carmona, Zamora, and des Lauriers “illegal” in the eyes of Church law, that is, *forbidden*. But, as we have seen, though something be forbidden generally does not mean that circumstances cannot arise under which the lawgiver would not wish his law to bind and thus make what is normally forbidden *lawful in this particular case*—such as breaking the Sunday rest for the higher purpose of helping a neighbor in grave need.²⁵⁹ And if the perpetuation of the sacraments for the salvation of souls does not furnish such a reason, it would be hard to imagine what *would* constitute a sufficient reason.

We may further discern the mind of the Church by considering Canon 2261 §2, which treats of the reception of the sacraments from excommunicated clergy: “The faithful . . . can for any just cause seek the Sacraments and Sacramentals from one excommunicated, especially if other ministers are lacking. . . .”²⁶⁰ While this canon does not apply to episcopal consecrations—the phrase “the faithful” does not include the clergy in canon law, unless specifically stated—it nevertheless helps us understand how the Church regards reception of the sacraments from the excommunicated.²⁶¹ The sacraments are necessary for salvation,²⁶² and the Church takes the greatest care not to put any unnecessary obstacles in our way towards eternity. Fr. Hyland points out that the Church’s *purpose* in being so lenient in this regard is simply the spiritual good of the innocent faithful: “The . . . solicitude of the Church that the spiritual welfare of the faithful be not impeded by the malice of those to whom she has committed the dispensation of her spiritual benefits is manifested in § 2 and § 3 of Canon 2261.”²⁶³

The Church’s leniency with regard to receiving the sacraments from those who are excommunicated becomes even clearer when we consider precisely what an excommunication *is* and *does*:

258 Ayrinhac, *Penal Legislation*, p. 36.

259 In fact, there are many actions which traditional Catholic priests habitually engage in that, *technically*, violate canon law, such as the conferral of solemn baptism and the establishment of parishes. According to Church law, only canonical pastors are allowed to confer solemn baptism (see Canon 738), and no traditional priest today is a pastor in the canonical sense; similarly, parishes may only be established by the local ordinary (see Canons 217 §1; 335 §1), and no traditional bishop today holds that title or office. These technical “violations” of the law are all typically justified by a reasonable appeal to the consideration that the lawgiver would not wish these laws to bind under the current circumstances.

260 Canon 2261 §2. This does not hold true for excommunicates who have been publicly denounced by name by the Holy See (see Canon 2261 §3), which, however, is not the case for Bp. Thuc.

261 It is easy to see how this canon allows the faithful to receive the sacraments from Thuc-line clergy at any rate, even if my entire argument about the lawfulness of the 1981 consecrations should turn out to be flawed.

262 See Ott, *Fundamentals*, pp. 340-341.

263 Hyland, *Excommunication*, p. 91.

In ecclesiastical law, [excommunication] designates the act of excluding, or the state of being excluded from[,] communication with the faithful, and is defined as a censure by which a person is excluded from the communion of the faithful with the effects which are enumerated in [canon law] and which cannot be separated.”²⁶⁴

In other words, it is a penalty that bars the excommunicate from communicating with the faithful at least in divine things (with certain exceptions), such as administering and receiving the sacraments, exercising acts of jurisdiction, participating in the indulgences and public prayers of the Church, etc. The purpose of this penalty, as we have already seen, is, first and foremost, the reform of the culprit: “Excommunication is a medicinal punishment; its primary and immediate purpose is to bring the delinquent back to a sense of duty.”²⁶⁵

Further, we must understand that excommunication is not the same thing as *schism*. Though every schismatic is excommunicated,²⁶⁶ and some who are excommunicated may be schismatics, it is nevertheless false to say that everyone who is excommunicated is by that very fact also a schismatic. *Excommunication* is a punishment depriving the one excommunicated from certain spiritual goods and benefits; *schism*, on the other hand, is the refusal of a baptized person to be subject to the Pope or to be in communion with members of the Church who are subject to the Pope.²⁶⁷ One can easily see, then, that although excommunication is an appropriate penalty for schism as well as other grave ecclesiastical crimes, the two are manifestly not the same thing. Whether or not excommunicates remain members of the Church is a disputed question among theologians and probably depends on whether or not the excommunicate in question has been publicly denounced by the Holy See.²⁶⁸

To sum up: Even supposing Bp. Thuc to have been in a state of excommunication in 1981 in punishment of previous unlawful episcopal consecrations, the consecrations of Bps. Carmona, Zamora, and des Lauriers were not forbidden in the eyes of Church law because of the urgent necessity²⁶⁹ to have sede-vacantist bishops to ensure the perpetuation of valid sacraments for the good of the Church and the salvation of souls. It is most reasonable to suppose that the Pope who instituted an excommunication as a penalty against those who would consecrate bishops without papal permission would nevertheless not have wanted his law to bind in the case of Bp. Thuc’s 1981 consecrations, for the simple reason that there was no other way to provide the few remaining true Roman Catholic faithful with valid bishops for a long time to come. As necessity knows no law, and as the ultimate purpose of the Church’s law is the salvation of souls, and as these acts of episcopal consecration were unquestionably necessary to ensure the salvation of souls according to the mind of the Church, the episcopal consecrations of Bps. Carmona, Zamora, and des Lauriers were not only licit and lawful but most laudable and praiseworthy because it

264 Hyland, *Excommunication*, p. 1. Cf. Canons 2257 §1; 2258-2267.

265 Hyland, *Excommunication*, p. vii.

266 See Canon 2314 §1 n. 1.

267 See Canon 1325 §2.

268 Cf. Hyland, *Excommunication*, pp. 7-10; Van Noort, *Dogmatic Theology*, vol. 2, pp. 244-245.

269 It will be useful at this point to refer to a statement Fr. Szal makes in his 1948 canonical dissertation on communication with schismatics: “In the present it is impossible to imagine a situation in which necessity would warrant the reception of Orders from the hands of a schismatic contrary to the prescriptions of the Church” (*Communication*, p. 106). What is noteworthy here is that Fr. Szal is qualifying his remarks by using the phrase “in the present” because by doing so he is not ruling out that *at some point in the future* we may very well be able to conceive of a situation in which necessity would warrant such reception of orders. But if necessity can, in principle, warrant ordination even from a schismatic, then it can obviously warrant all the more so the reception of orders from a Catholic under censure, even if the censure is an excommunication. And while such a situation was certainly not conceivable in 1948, I think we can all agree that things have changed quite a bit since then.

was in keeping with the ultimate purpose of the Church's law that they were conferred.

This, Your Excellency, is my argument with regard to the lawfulness of Bp. Thuc's 1981 consecrations.²⁷⁰ While I do not presume it to be flawless, I do believe that it is reasonable and in keeping with the spirit of ecclesiastical law. You may still believe it to be seriously flawed, but if so, I would like to ask you to address and refute it in a response to my letter.

Having thus considered at great length the fact, validity, and lawfulness of Bp. Thuc's episcopal consecrations of Bps. Carmona, Zamora, and des Lauriers, I will now offer a summary of the salient points made as well as a few concluding remarks.

²⁷⁰ The charge that Bp. Thuc's episcopal lineage is too "sordid" for Catholics to be allowed to receive orders or the other sacraments through it, is addressed at some length in Appendix F.

PART IV Summary & Concluding Remarks

This letter has been much longer than I originally anticipated, but I think its length is warranted due to the nature of the things discussed, the importance of the subject matter, and because the evidence against your position is so overwhelming. A brief summary of the major points considered is in order, therefore:

(A) The episcopal consecrations of Bps. Carmona, Zamora, and des Lauriers in 1981 by Bp. Ngo-Dinh-Thuc *took place* and are *valid* because:

- (1) We have strict moral certitude regarding the fact that Bp. Thuc consecrated these men bishops. Photographs published in a sedevacantist magazine, sworn eyewitness testimony, the testimony of the clerics involved, a consecration certificate signed by Bp. Thuc and the two laymen assisting, and a Vatican inquiry and widely-publicized “excommunication” against the clerics involved do not leave any reasonable doubt regarding the fact that the consecrations occurred. Even Your Excellency himself does not seriously dispute the fact of the consecrations. The consecrations are thus considered “notorious in fact” and, according to Church law, they therefore require no further legal proof.
- (2) It is clear from the Church’s own teaching, practice, and canon law that moral certitude regarding the truth of a claim is sufficient to accept it as a fact. Moral certitude, even though it admits of degrees, is the highest *kind* of certitude that can be had in the matter under discussion and is the best even a legal judgment from the Church can produce.
- (3) The Church teaches that once the fact of the consecrations has been established, their validity is presumed until there is *proof* that they were invalid. Traditional Catholics act on this teaching all the time in their daily sacramental lives, for example, by adoring the Blessed Sacrament at Holy Mass even without having heard the priest pronounce the words of consecration or without having verified that the ingredients in the bread and the wine constitute valid matter.
- (4) There is no evidence that Bp. Thuc did anything that would have invalidated the consecrations, or that, at the time, he was not in a state of mind sufficient to form the required sacramental intention.

(B) The episcopal consecrations of Bps. Carmona, Zamora, and des Lauriers in 1981 by Bp. Ngo-Dinh-Thuc are *lawful* because:

- (1) The context of the 1981 consecrations is that of an extraordinary and unprecedented crisis in the Church. This must be admitted simply because it is true. This does not mean that “anything goes,” but it also does not mean that we can act as though the consecrations had taken place during normal times. This consideration is an essential precondition of any further canonical argumentation.
- (2) All ecclesiastical law, as such, is *human* law and therefore subject to change and abrogation. In this it differs from *divine* law, which has God as its Author and can never change.

- (3) The purpose of all ecclesiastical law is a right ordering of Church discipline to ensure the common good of the Church at large with the ultimate end of safeguarding and facilitating the salvation of souls.
- (4) The Church has the right to penalize delinquents for the non-observance of her law. Some penalties are medicinal in nature and primarily aim at the reform of the culprit, whereas others are vindictive in nature and aim at making the offender expiate his crime. Excommunication is a medicinal penalty only.
- (5) Some penalties are inflicted by a sentence imposed by an ecclesiastical judge; these are called *ferendae sententiae* penalties and do not have any force until they are imposed. Other penalties are incurred automatically simply by culpably violating the law; these are called *latae sententiae* penalties and do not depend upon a judge inflicting them. The latter kind of penalty is the more serious of the two.
- (6) In order for a person to incur a penalty, he must be *culpable* in the commission of an offense. In the external forum, the Church *presumes* all delinquents to be fully culpable for their crimes until they have proven in an ecclesiastical trial that they are innocent or that their culpability is diminished.
- (7) The Church recognizes that sometimes circumstances may arise under which an ecclesiastical law cannot, ought not, or need not be observed, namely, when its observance would become impossible, harmful, unreasonable, or useless. Since Church law is *human* in nature, it cannot foresee all circumstances, whereas divine law can. Hence, whenever there is a conflict between ecclesiastical law and divine law, the divine law trumps the Church's human law because the Church is subordinate to God and exists to fulfill the divine law.
- (8) Church law was made for the good of souls; souls were not created for Church law.
- (9) It is possible that Bp. Thuc labored under the censure of excommunication in 1981 when he consecrated Bps. Carmona, Zamora, and des Lauriers, for the previous unlawful episcopal consecrations of individuals who were not Catholic or otherwise unfit to receive episcopal orders.
- (10) Nonetheless, the prohibition to receive episcopal orders from an excommunicated bishop—based on the Church law that no one may consecrate a bishop, or receive such consecration, unless one have the necessary papal authorization—is merely a human law, i.e., a Church law, not a divine law. As the good of souls most urgently demanded the consecration of sedevacantist bishops, the human law of the Church forbidding the reception of orders from an excommunicate had to yield to the divine law of the safeguarding of the salvation of souls, which is the purpose for which the Church's law exists. Therefore, it is reasonable to believe that the 1981 Thuc consecrations, performed for the salvation of souls, were lawful according to the spirit of the law and therefore also very laudable.
- (11) If the urgent necessity to preserve the apostolic succession, at least materially, and thereby ensure valid sacraments for Catholic posterity, does not justify the reception of orders even from an excommunicate, then nothing would ever seem to be a sufficient reason for breaking the letter of the law in order to uphold its spirit.

- (12) The reasonableness of this position is further corroborated by considering that, according to Canon 2261 §2, the Church allows the faithful to receive the sacraments even from excommunicated clergy, as long as these have not been denounced by name by the Holy See. This the Church allows for the benefit of the faithful, not for the benefit of the excommunicates. Similarly, we may consider Bp. Thuc's 1981 consecrations lawful, not for the benefit of Bp. Thuc or the ordinands, but for the benefit of the faithful.
- (13) People who are excommunicated do not by that fact become guilty of schism. Schism is an offense against the unity of the Church; excommunication is a penalty depriving the delinquent of certain spiritual goods and benefits.

(C) Responses to the major arguments made by Your Excellency:

- (1) In Your Excellency's Open Letter to Fr. Thomas Zapp (1994), you claim that we must prove Bp. Thuc's 1981 consecrations *before the law of the Church*. This assertion, however, is made gratuitously, without any proof. I deny the assertion because it is not true. Nothing can currently be proved before the law of the Church, anyway, because, the Holy See being vacant, there is no ecclesiastical court presently in session. Your own consecration by Bp. Mendez has likewise not been proved before the law of the Church, because even though you may have sufficient legal evidence, the matter has not been ruled on by an ecclesiastical judge.
- (2) In *TSTP* (1997), Your Excellency has softened the original claim that we must prove the Thuc consecrations before the law of the Church and merely asserts that we must prove them *according to the norms of Church law*. This we can agree on. The consecrations, however, *have been* proved according to the norms of Church law because they are notorious in fact.
- (3) Your Excellency's claim that before we can accept the *fact* of the Thuc consecrations, we must have "authentic" documents signed by a certain number of particular people, or that we must have the testimony of specially-trained witnesses who can confirm that the matter and form of the sacrament were used correctly, is false. It leaves out of account the fact that the Thuc consecrations are notorious in fact and therefore require no further proof. While it is necessary or at least highly desirable to have witnesses, such witnesses are only required to have been present at the ceremony; they do not have to know or testify that the matter and form of the sacrament were properly applied. All the proof necessary to allow us to have moral certitude regarding the fact of the Thuc consecrations has been supplied, and this moral certitude is sufficient for an ecclesiastical judge to accept them, according to Pope Pius XII; it ought to be good enough for us as well, therefore.
- (4) Your Excellency's claim that because there were no co-consecrating bishops or assistant priests at the Thuc consecrations, we need witnesses who can testify that the matter and form of the sacrament were properly applied, and that in the absence of such evidence, we must hold the validity of the consecrations doubtful, is false. Your justification for this claim was a misinterpreted sentence from Fr. Walter Clancy, who referred back to an 1853 decree of the Sacred Congregation of Rites which clarified that the assistant priests at an episcopal consecration were to perform the same ritual actions as the co-consecrating bishops whom they were replacing (such as the imposition of hands); it had nothing to do with ensuring that the consecrating bishop

wasn't invalidating the sacrament. According to canon law, only the minister of the sacrament has the obligation to ensure that the sacrament is being conferred validly.

- (5) Your Excellency's claim that because the Church requires witnesses who can testify to the correct matter and form at a private baptism, we also need such witnesses and such positive evidence for episcopal consecrations that are "clandestine," is false. It is based upon a misunderstanding of what a private baptism is (it is an emergency baptism often performed by laymen, at which only the matter and form of the sacrament are used, without the full ritual ceremony, for which a priest is the ordinary minister) and upon a misunderstanding of the reason why the Church requires such witnesses (ultimately, because this is the only sacrament which she authorizes even untrained laymen to confer). An episcopal consecration at which only two laymen are present is not "private" in the sense of a private baptism. There is no such thing as a "private" episcopal consecration in any canonically or theologically meaningful sense.
- (6) Your Excellency's claim that canon lawyers draw an analogy between proving private baptism and proving the reception of holy orders is false. While it is true that canon lawyers mention that just as baptism can be proved by means of witnesses, so can the reception of holy orders, this refers to *solemn* baptism, not private baptism, and the witnesses to a solemn baptism are not the kind of witnesses needed in a private baptism (i.e., there is no positive evidence of correct matter and form needed for a solemn baptism). Witnesses for a solemn baptism, conferred by a priest or deacon, are not required to observe the matter and form used for the sacrament.
- (7) The Church never obliges lay witnesses to intend to act specifically as witnesses to be considered acceptable witnesses in the conferral of a sacrament. Qualified witnesses properly so-called are clerics who are testifying to something they did in their official capacity (e.g., a pastor is the qualified witness of a baptism he performed).
- (8) Your Excellency's claim that the Thuc consecrations must be considered doubtful because Bp. Thuc may not have been in a mental state sufficient to have the necessary sacramental intention totally leaves out of account the fact that the minimum-necessary intention for conferring a valid sacrament is based on the minimum necessary for a human act, which is an act proceeding from knowledge and free will. "Mental imbalance," if such should have been the case with Bp. Thuc, does not nearly suffice to prevent one from engaging in a human act. There is no evidence that Bp. Thuc was insane, much less habitually so, and such would have to be proven clinically anyway, as any court of law, ecclesiastical or civil, would require.
- (9) Your Excellency claims that Fr. Joseph Tixeront taught that holy orders conferred by a Catholic bishop who does not perform the functions of his ministry "in a normal fashion" are doubtful. Checking Fr. Tixeront's book, it turned out that he taught the exact opposite, namely, that as long as the bishop was validly ordained and used the correct matter and form, the sacrament was valid, regardless of what the other circumstances of the ordination were.
- (10) Many of Your Excellency's claims about Bp. Thuc's behavior are based on one-sided testimony, sometimes even just from a single source, apparently without any attempt to find contrary evidence that would shed more or a different light on the situation.
- (11) Finally, after using Fr. Noel Barbara quite frequently in your book as a source against Bp. Thuc,

you completely ignore the fact that despite all, Fr. Barbara himself accepted the Thuc consecrations as both valid and lawful by the end of his life.²⁷¹ Even though Fr. William Jenkins acknowledged this in a 1993 booklet on the matter,²⁷² he argued that Fr. Barbara's change of mind seemed suspect to him, accusing the French priest of contradicting himself. After quoting Fr. Barbara, Fr. Jenkins says: "It is not idle to ask which of Father Barbara's statements [regarding Bp. Thuc's mental lucidity] should be preferred—the statement shortly after his visits [to Bp. Thuc in 1981 and '82], or the contrary ten years later."²⁷³ But the truth is that there is no contradiction. There only *seems to be* a contradiction because Fr. Jenkins cut out several crucial sentences from the words of Fr. Barbara, without even so much as putting ellipsis points ("...") to alert²⁷⁴ readers to the omission.²⁷⁵ When read in context, it is clear that Fr. Barbara never doubted the mental lucidity of Bp. Thuc.

- (12) Taken together, nothing Your Excellency offers as "evidence" against the fact or the validity of the Thuc consecrations amounts to a single prudent, positive, and objective doubt, when weighed against all the other evidence to be had in this matter.

This briefly summarizes the salient points I have made in this letter.

Truth and Charity

In his encyclical *Divini Redemptoris*, Pope Pius XI made an urgent appeal to all Catholics to overcome division in their ranks, warning those who are the root cause of unnecessary strife:

To all Our children . . . We make another and more urgent appeal for union. Many times

271 See Barbara, "Episcopal Consecrations," in *The Answers*, pp. 65-81. You yourself quote from this source in *TSTP* (pp. 46, 137), so it is clear that you are aware of its contents. According to all the evidence I have seen, Fr. Barbara never questioned the validity of the Thuc consecrations, only their lawfulness. But by 1993, Fr. Barbara acknowledged even their lawfulness.

272 Jenkins, *The Thuc Consecrations*, pp. 12-14.

273 Jenkins, *The Thuc Consecrations*, p. 14.

274 It is generally permissible to omit words from a quote, but such omission, called an "ellipsis," must always be indicated by means of three spaced dots ("..."). At all times, however, it is necessary that the words omitted not lead to a misrepresentation of the quoted author's intended meaning. The famous *Chicago Manual of Style*, for example, speaks of a "duty not to misrepresent the original. Part of one sentence or paragraph may be syntactically joined to part of another yet result in a statement alien to the material quoted. Accuracy of sense and emphasis must accompany accuracy of transcription" (*The Chicago Manual of Style*, 15th ed. [Chicago, IL: The University of Chicago Press, 2003], p. 459). Fr. Jenkins has clearly violated this basic, common-sense academic standard of honesty and fairness. As shown in Appendix C, Your Excellency himself is essentially guilty of the same thing with regard to Bp. Thuc's words at Vatican II.

275 Jenkins, *The Thuc Consecrations*, p. 14. The omission occurs between the sentences "Was he truly responsible for his acts?" and "We do not know with certainty." This manipulation of Fr. Barbara's words has the effect of making the reader believe that Fr. Barbara doubted Bp. Thuc's mental competence. Fr. Sanborn noticed this deceptive editing of the original text and wrote in response: "The quote . . . was truncated and [taken] out of context, and the meaning distorted. The context was a speculation on the part of Fr. Barbara as to the legal effects of three possible answers concerning his lucidity: yes, no, and we don't know. The fact that even then, at that writing (1983), Fr. Barbara considered that Archbishop Thuc was guilty of the censure [i.e., excommunication] indicates that he considered Archbishop Thuc to have been in his right mind, which is completely consistent with his later testimony" (Sanborn, "God As Their Witness," p. 4). It is easily verifiable that Fr. Barbara believed the Vietnamese bishop to be under excommunication, for in the very same article from which Fr. Jenkins quotes, Fr. Barbara refers to Bp. Thuc as "scandalous, suspended, excommunicated and schismatic" (Rev. Noel Barbara, "What Are We to Think of the Bishops Consecrated by Ngo Dinh Thuc: Carmona, Vezelis, Musey etc.?" [1983], in Vaillancourt, *The Answers*, p. 53).

Our paternal heart has been saddened by the divergencies—often idle in their causes, always tragic in their consequences—which array in opposing camps the sons of the same Mother Church. Thus it is that the radicals, who are not so very numerous, profiting by this discord are able to make it more acute, and end by pitting Catholics one against the other. . . . Those who make a practice of spreading dissension among Catholics assume a terrible responsibility before God and the Church.²⁷⁶

Bp. Kelly, the episcopal motto of your own consecrator, Bp. Mendez, is “*Caritas*”—“Charity.” It is in this spirit that I have published my open letter to you. Please do not be surprised if this seems like a drastic, perhaps even impertinent, measure, but you have set the bar very high. For the past decades, you have imposed an arbitrary and unreasonable standard not only on your own clergy but also on the lay faithful, many of whom have been bewildered, confused, and terribly grieved over this controversy. Families have been split, marriages have been prevented, baptisms have been made into occasions of confusion, and good priests and bishops have had their sacramental validity and moral character held suspect because of your claims. Our Blessed Lord said: “For with what judgment you judge, you shall be judged: and with what measure you mete, it shall be measured to you again.”²⁷⁷

Your position, especially as expressed in *TSTP*, has now been thoroughly analyzed and examined. In any intellectually honest debate, this is certainly considered “fair game,” and Holy Scripture exhorts us to do just that: “But prove all things: hold fast that which is good.”²⁷⁸ In addition, Our Blessed Lord Himself taught that if our works are good and done in God, we have nothing to fear from thorough scrutiny: “But he that doth truth cometh to the light, that his works may be made manifest: because they are done in God.”²⁷⁹

To be sure, I do not pretend that my research is flawless, or that no response can be made to any of the points I have raised; I do not claim that this letter closes the book on all of these issues. But that is not my intent, anyway. Instead, I would like to “let the debate begin” again; I would welcome it very much if you or someone you designate would put forth a response to me *in writing*²⁸⁰ so that all may examine the evidence and see for themselves what the facts are and thus be enabled to decide which position is the true one, for the greater glory of God and the salvation of souls. If you wish, I promise that any response provided by the SSPV will be posted, likewise, at www.ThucBishops.com.

Your Excellency, you might pride yourself on having been “consistent” over the years in your rejection of the Thuc line. You might wish to emphasize how you have not changed your mind regarding these issues, and how you still condemn today what you condemned 25 years ago, whereas other clerics have changed their positions and now accept or at least tolerate what they rejected 25 years go. In your Open Letter to Fr. Zapp, you state: “[T]he fact that one-third of the [original nine SSPV] priests remained

276 Pope Pius XI, Encyclical *Divini Redemptoris* (1937), par. 71; available online at <http://www.papalencyclicals.net/Pius11/P11DIVIN.HTM> (accessed Oct. 31, 2010).

277 Matthew 7:2

278 1 Thessalonians 5:21

279 John 3:21

280 I am really not interested in an *oral* debate on the matter, because such debates are usually not very fruitful and often just focus on which side has the better orator, the better presenter, the better speaker. But this is hardly the issue. If the evidence is on the side of the SSPV, then let the SSPV bring it forth *in writing*, with copious documentation, so that all may be able to see and verify it for themselves. After all, “[n]o man lighteth a candle, and putteth it in a hidden place, nor under a bushel; but upon a candlestick, that they that come in, may see the light” (Luke 11:33).

faithful and consistent is really not so bad when you think of it.”²⁸¹ In this statement, you applaud the three remaining “anti-Thuc” clerics of the original “Nine” (yourself, Fr. William Jenkins, and Fr. Martin Skierka) for being “faithful” and “consistent”; but even though faithfulness and consistency are generally laudable, when it becomes clear that one is being faithful *to error* and consistent *in falsehood*, what good are faithfulness and consistency then?

Consistency in error is not praiseworthy; on the contrary, what is praiseworthy is the *mea culpa* of the person who, realizing his errors, *humbly changes his mind* and embraces the truth. The reason why many who formerly opposed the Thuc consecrations now accept them is that they have since been exposed to new evidence in the matter giving them a fuller understanding of the issues involved. So, while consistency may ordinarily be laudable, by the time it descends into *stubbornness*, it certainly isn’t commendable any longer. Who would praise a *Novus Ordo* Catholic for refusing to become a traditionalist on the grounds that he wants to remain “faithful” to his position and “consistent” in his beliefs? The very idea of *conversion* implies that people change their minds when they realize it is the right thing to do.²⁸²

The Person of Bp. Des Lauriers

Another important point that ought to be recalled, already alluded to at the very beginning of this letter, is that the “anti-Thuc” position of Your Excellency is not really to be found outside of the United States, and even there not really outside of the SSPV. This ought to give the attentive reader pause, for it is not reasonable to suppose, without very strong evidence, that a small group of American clerics is right in forbidding people to approach an episcopal lineage for the sacraments which most other sedevacantists in the world do not even consider to be a real problem, much less an insurmountable one. After all, other traditionalist clerics, too, know a little bit about Catholic theology and canon law. It would behoove us, therefore, to exercise a bit more humility in considering these issues, and to have an open mind with regard to those whose positions we do not perhaps agree with, but who nevertheless may have something to teach us.

This brings us to the person of Bp. des Lauriers. It would be a good idea to reflect with some respect and humility upon just who presented himself to Bp. Thuc for episcopal consecration here, for he was an eminent Dominican theologian who taught at the Dominican university *Le Saulchoir* in Belgium and later at the Pontifical Lateran University in Rome²⁸³ and advised Pope Pius XII on the dogma of the Assumption of the Blessed Virgin Mary.²⁸⁴ He was also one of the main forces behind the so-called “Ottaviani Intervention,” the critical study of the *Novus Ordo* Mass, presented to Paul VI in September of 1969. Des Lauriers enjoyed a great reputation for intellectual brilliance, held the highest academic

281 Kelly, “Open Letter,” p. 26.

282 By analogy, would we praise a scientist who tenaciously holds on to a theory that has been proved wrong again and again in a laboratory on the grounds that he is being “faithful” and “consistent”? Would we not believe him to be unreasonable and perhaps “crazy” for refusing to reject a hypothesis that has been disproved? What would we say if this scientist then started to manipulate his experiments and other scientists’ testimony in order to uphold his erroneous theory—and then extolled the virtues of faithfulness and consistency in himself? Would we take such a scientist seriously?

283 See Most Rev. Marcel Lefebvre, *The Mass of All Time*, ed. by Rev. Patrick Troadec (Kansas City, MO: Angelus Press, 2007), p. 316; Rev. Fergus Kerr, *Twentieth-Century Catholic Theologians* (Malden, MA: Blackwell Publishing, 2007), p. 206, n. 6.

284 Though I have not been able to find clear corroboration for this claim, it is nevertheless generally acknowledged that Bp. des Lauriers advised the Pope on the dogma of the Assumption. In any case, one ought to take seriously the theology of any cleric who was privileged to teach at a pontifical university, needless to say.

credentials, and was of impeccable moral character. While such considerations, of course, can never in and of themselves rule out the *possibility* of even grave moral wrongdoing, as everyone is capable of sinning seriously, it nevertheless ought to give one pause and perhaps lead one to consider the issue of his episcopal consecration by Bp. Thuc from a more humble, less cavalier perspective.

Struggling to find a way around this gigantic obstacle of the person and reputation of Bp. des Lauriers, Fr. Jenkins manages to pinpoint a possible “explanation” for the Dominican theologian’s “unacceptable” episcopal consecration in—a brain tumor! Fr. Jenkins writes:

Was it not also completely out of character for a person of the intelligence of Father Guerard des Lauriers to insist that his consecration be done in secret with no certificates and no qualified witnesses? I submit that the admitted facts show he was not acting “in character.” There is obviously something wrong when a man of his intelligence does something so foolish about something so important. And I do not think it out of the question that the brain tumor, which soon thereafter killed him, might have clouded his thinking.²⁸⁵

Several things need to be said in response to these claims.

First of all, I would not be so sure that Bp. Thuc did not write a certificate for the des Lauriers consecration. The mere fact that we are not aware of one doesn’t mean none exists—or existed. Secondly, the lack of providing for qualified witnesses for his own episcopal consecration is explained not by an absence of intelligence or practical judgment on the part of Bp. des Lauriers, but, as we have seen, by the fact that the Church imposes no such requirement—it was made up by Your Excellency.²⁸⁶

Thirdly, the secrecy was probably only a matter of prudence. It was simply more prudent that, at least for a short while (the consecration was made public less than one year after), the consecration should remain secret, in order to protect Bp. Thuc and enable him to confer more episcopal consecrations, without the entire *Novus Ordo* world trying to keep him from giving the sedevacantists more valid bishops. But why the concern? Bp. Kelly, you yourself received episcopal consecration at an *ultra-secret* ceremony, so secret, in fact, that it was not revealed until after your consecrator’s death *fifteen months later*. Was this also “foolish”? Does it cast doubt upon your intelligence or your character? Should we suspect the presence of a brain tumor?²⁸⁷

This brings us to the fourth point: Bp. des Lauriers’ brain tumor. Fr. Jenkins, as quoted above, claims that the cleric’s tumor may have “clouded his thinking,” adding that this cancer “soon thereafter killed him.”²⁸⁸ While I am not qualified to speak about the state of Bp. des Lauriers’ health at the time or about

285 Jenkins, *The Thuc Consecrations*, p. 18.

286 This is a perfect example of what I mean by approaching the person of Bp. des Lauriers with more respect and humility. Has it not occurred to Fr. Jenkins or Your Excellency that instead of so brazenly questioning the judgment of such an eminent theologian as Bp. des Lauriers, perhaps you should question your own theological position, your own judgment? Could it be that a theologian who taught at the Pontifical Lateran University and advised Pope Pius XII on the dogma of the Assumption might be right—and a Bp. Kelly and a Fr. Jenkins might be wrong? Is this not conceivable?

287 I am not saying that the secrecy of your own episcopal consecration was or wasn’t prudent; I am merely pointing out the double standard.

288 It is true that Fr. Jenkins merely says that he *does not consider it out of the question* that the brain tumor may have clouded the bishop’s thinking—fair enough. By the same token, however, he also should not have considered it out of the question that his own position and his own theological research might be defective. We can only speculate regarding the

the medical symptoms and effects of brain tumors—and suspect that Fr. Jenkins isn't either—we know for certain that Bp. des Lauriers did not die “shortly after” his consecration, whether of a brain tumor or of some other cause. The bishop’s consecration took place on May 7, 1981; he died on February 27, 1988—that’s almost seven years in between, not exactly what most people would call “soon thereafter.” But, apparently, some people prefer to speculate about cancer in a theological super-brain rather than admit that perhaps their own theological position could be flawed and foreign to the mind of the Church.

To be fair, however, I need to point out that Fr. Jenkins finds support regarding an alleged lack of practical judgment in Bp. des Lauriers from Fr. Barbara:

[Bp. des Lauriers] suffered from an almost total absence of practical judgment. In an almost habitual fashion, he would support and defend the worst side of any issue. It was this lack of judgment on his part that led me to break off all relations with him.²⁸⁹

Here at least we are given the testimony of a priest who actually knew and interacted with the Dominican theologian, and so his testimony is to be taken seriously. While I am obviously not really able to comment on this, as I never personally knew either Fr. Barbara or Bp. des Lauriers, and neither of them is still alive to defend himself, I merely present this quote to be fair to Fr. Jenkins, who used it to support his contention that the French bishop acted out of character. But while Fr. Barbara may have said this about Bp. des Lauriers, surely it would not be prudent to rely solely upon the subjective opinion of a single individual for the whole story. How many people who also knew the Dominican cleric would perhaps dispute Fr. Barbara’s assertion, relativize it, or put it in a different light?

To consider just one such example: In a telephone conversation I had with him on November 13, 2010, Fr. Joseph Collins told me that when he spoke with Bp. des Lauriers on August 11, 1987—a mere six months before his death—he found the French bishop to be of entirely sound mind. Brain tumor or no brain tumor, the Dominican theologian was still mentally competent more than six years after his consecration, even joking about his exit from the Society of St. Pius X, according to Fr. Collins.

In addition, in 1988 the Italian sedevacantist review *Sodalitium* published an interview with Bp. des Lauriers, conducted in May of 1987, in which he answered questions about several highly complex theological issues and spoke of his episcopal consecration. He emphasized that his consecration was not only valid but also “perfectly licit”—“*parfaitement licite*”²⁹⁰—and gave a series of arguments to back up his claim. This is further evidence that even at his advanced age, Bp. des Lauriers was still very much in possession of his faculties and knew exactly what he was doing. Not only was his decision to be consecrated bishop *not* the result of some brain tumor unduly clouding his thinking, as Fr. Jenkins has suggested as a possibility; rather, it was the result of intelligent and rigorous reasoning based upon the teachings and laws of the Church.

There is, then, really no basis for arguing that Bp. des Lauriers exhibited a lack of good sense by receiving episcopal consecration from Bp. Thuc—any possible brain tumors to the contrary notwithstanding. Thus, one must pose an uncomfortable question to Your Excellency and the SSPV: All other

physical health of Bp. des Lauriers in 1981, but regarding the SSPV’s theological position on the Thuc bishops, we need not speculate; it is definitely false.

289 Rev. Noel Barbara, “The Episcopal Consecrations Conferred by His Excellency Archbishop Peter-Martin Ngo Dinh Thuc,” *Fortes in Fide* 12 (Tours Cedex, France, 1993), pp. 28-29; qtd. in Jenkins, *The Thuc Consecrations*, p. 19.

290 The interview is available online in French at <http://contra-impetum-fluminis.net/these.htm> (accessed Dec. 10, 2010).

things being equal, why would one not side with the theological views of a highly-respected papal dogmatic adviser over that of a handful of American clerics with no notable theological expertise?

Thirty Years Later: A Final Appeal

Your Excellency, it has now been almost 30 years since these “Thuc consecrations” of 1981 and over 20 years since the split within the SSPV regarding these issues. Much has been written; much has been argued. It began with a series of articles, pamphlets, and newsletters from both sides in the early 1990s. In 1997, Your Excellency published *TSTP*, more or less as a “definitive summary” of the SSPV’s position against the Thuc line of bishops. In 2006, Fr. Vaillancourt published *The Answers* to give people the “other side” in this discussion. I now have added my own work to this, substantiated by copious references and documentation. The ball is now back in your court, Your Excellency, and I beg you, respectfully, to provide an answer to the evidence I have presented in this letter.

I believe it is fair to say that what I have argued is based upon the objective evidence of the matter, not upon an *a priori* desire to justify the Thuc consecrations for some ulterior motive. Hence, in the interests of open and honest debate, I welcome submission of any evidence that is contrary to what I have presented. At the same time, it appears to me that your own position, Your Excellency, is driven not by the objective evidence but by a preconceived bias against and rejection of the Thuc line. With this in mind, the following words from *TSTP*, which you direct against certain protagonists from the “Thuc side,” appear all the more ironic: “But if the will is moved first to embrace something or reject it, before the intellect assesses it in an objective manner, the understanding becomes blinded.”²⁹¹ How true this is!

Similarly, I found it somewhat amusing to see Your Excellency criticize some of your opponents in this debate on the alleged grounds that they did not use sound Catholic theology or cogent arguments in their polemics:

Clever articles and personal attacks are substituted for sound theology and reasoned arguments. Like the sophists of old, they use their intelligence and skill to propagandize, rather than to discover the truth. In this fashion they reassure themselves and mislead the people.²⁹²

I hope that what I have written in this letter will help readers discover just who is using “intelligence and skill to propagandize, rather than to discover the truth” of this matter.

But there is yet another thing you say in *TSTP* that I would like to address. When it comes to the nature and the status of the modernist *Novus Ordo* Church, though you agree that it is “a new church which is not the Catholic Church,”²⁹³ nevertheless you do not hesitate to make the reader aware of your limitations and fallibility in this regard:

But I . . . recognize that I do not have the authority to definitively settle this question so as to impose my conclusion on the minds of other Catholics as if I were the magisterium. Furthermore, I recognize that there are many good Catholic people who do not see things

291 *TSTP*, p. 200.

292 *TSTP*, p. 201.

293 *TSTP*, p. 229.

exactly as I do.²⁹⁴

Here the inevitable question arises: Why, Bp. Kelly, are you so hesitant to “impose” this view on others—a view which, if it should be false, would totally negate and make illicit the entire existence of your apostolate—but yet have no qualms at all about imposing on the faithful, by such drastic and outrageous means as the refusal of the sacraments (!), your position about the Thuc bishops? Why is it that, when it comes to the question of whether the Modernist Church in the Vatican today is the Catholic Church of Pope Pius XII and before, all of a sudden you remember you are not the Magisterium and that people who do not see things your way can still be good and pious Catholics, worthy to receive the sacraments from your hands? How come you refuse to acknowledge these same limitations in your person when it comes to the issue of the fact, validity, and lawfulness of the 1981 episcopal consecrations of Bp. Thuc?

One cannot help but notice a double standard.

This impression is compounded when considering that, despite all the overwhelming evidence for the 1981 consecrations, you insist that these consecrations are doubtful as to fact according to the norms of ecclesiastical law, yet you see fit to accept the scandalous consecrations, i.e., the consecrations of unworthy candidates, such as Jean Laborie, without much more proof than the mere claim or testimony by one or two individuals. Why is it, Your Excellency, that to establish the fact of *those* consecrations, all you deemed necessary was anecdotal evidence? What happened to the need for witnesses regarding the correct use of matter and form? How can you accuse Bp. Thuc of the ecclesiastical crime of *heresy*²⁹⁵ for the consecration of non-Catholics if, at the same time, using your own criteria, these consecrations cannot even be proved as facts before the law of the Church anyway?

As the saying goes, what is good for the goose is good for the gander, Your Excellency. If your position on the 1981 consecrations is correct and the Church would not acknowledge them as a fact, then the Church would not acknowledge the scandalous consecrations as a fact, either, and hence no Church penalty—neither an excommunication nor a suspension—would have been incurred, because the Church can only punish individuals for an offense that she acknowledges has been committed. This means that, supposing Your Excellency were right about us having to doubt the fact of the 1981 consecrations, then Bps. Thuc, Carmona, Zamora, and des Lauriers would be entirely free from any Church censure and therefore not “tainted” in the eyes of the Church.

By this inconsistency in your position, Your Excellency, one is reminded of Our Lord’s rebuke to the Pharisees: “Blind guides, who strain out a gnat and swallow a camel.”²⁹⁶

When reflecting upon the episcopal consecrations of Bp. Thuc and the situation in the Catholic Church since the passing of dear Pope Pius XII, one will inevitably wonder why it is that God has not seen fit to provide us with a “perfect” sedevacantist bishop to whom our priests and bishops can trace their orders. Why was there not one bishop who stood out among all, who unwaveringly and with total conviction stood up to the modernists, exposed their errors and their false church, and proceeded to consecrate bishops and ordain priests for the few remaining faithful? Why has the situation been so difficult, and why is it that, no matter which bishop our current clergy trace their orders to (whether Thuc, Lefebvre, or Mendez), no one has an “impeccable resume” in terms of doctrinal orthodoxy, sacramental adminis-

294 *TSTP*, pp. 229-230.

295 *TSTP*, p. 228; see Appendix D for a fuller treatment of the argument that Bp. Thuc must be presumed guilty of heresy.

296 Matthew 23:24

tration, and seeing through the *Novus Ordo* deception?

Of course, I do not know the answer to this question. However, reflecting on this divinely-willed “exile” we have found ourselves in since 1958 has made me realize that there simply is no “substitute” for a true Vicar of Christ. Hence, having a “perfect” sedevacantist bishop would perhaps have made us think that having a true Pope is not all that important, that a simple bishop can replace the true Vicar of Christ in Rome, at least for a time. And likewise, lest we be led to believe that the holiness, the efficacy, and the splendor of the true sacraments depend upon the personal worthiness of the minister, rather than upon the goodness of the Divine Author, Our Lord gave us “troublesome” bishops in these times to dispense them. In the words of the editors of *Sodalitium*: “God wishes that our certainty [in matters pertaining to our Faith] should rest, not upon a man, but upon Him.”²⁹⁷ Let us, then, accept and endure our exile with great love and perseverance, remembering that all these things have occurred within the realm of Divine Providence.

Finally, I wish to make clear that my defense of the fact, validity, and lawfulness of Bp. Thuc’s 1981 consecrations should not be construed to be an endorsement of any particular bishop or priest ordained in the Thuc line. Sedevacantism is a wilderness, and just as there can be no blanket condemnation of all Thuc-line clergy, neither can there be a blanket endorsement of them because they do not exist as a *group*.²⁹⁸ But this goes for all sedevacantist clergy, whether they were ordained in the line of Bp. Thuc or those of Abp. Lefebvre or Bp. Mendez. Traditional Catholics will have to do their own investigations into which parishes to join and which clergymen to trust. Our Blessed Lord told us, “By their fruits you shall know them.”²⁹⁹

Tragically, the vacancy of the Holy See means that our clergymen, ultimately, have no higher authority than themselves. This means that bishops and priests can overstep their limits and turn their parishes into institutions with schismatic or cultish traits, by deviating seriously from traditional Catholic practice in faith or morals. Such is our predicament, but it serves to show that only the grace of God sustains us in our adherence to the true Roman Catholic Faith and Church, despite all obstacles.

In closing, let us not forget that, out of the entire body of Roman Catholic bishops alive after the death of Pope Pius XII, Bp. Pierre-Martin Ngo-Dinh-Thuc, whether he was good or bad, is the only known bishop to have ever publicly uttered the words: “As a bishop of the Roman Catholic Church, I declare the See of Rome to be vacant, and it is my duty to do all in my power to assure the preservation of the Roman Catholic Church for the eternal salvation of souls.”³⁰⁰

With these words, Bp. Kelly, I have finally arrived at the end of my open letter to you. What follows is a few pertinent appendices, which I ask you to review as well, as they contain additional crucial information. I now make my final appeal to you: Please consider the evidence I have presented, and, if you believe that I am in error about any point, for the sake of my own soul, respond to me in writing, or have someone in the SSPV respond on your behalf. My mailing address is given below:

297 “What Are We to Think about Archbishop Ngo-Dinh-Thuc?”, in Vaillancourt, *The Answers*, p. 186.

298 It is wrong, therefore, to constantly refer to all these clergy as “*the* Thuc bishops” and “*the* Thuc priests.” Each cleric is an individual and needs to be evaluated as such.

299 Matthew 7:16

300 Most Rev. Pierre-Martin Ngo-Dinh-Thuc, “*Declaratio*” (Feb. 25, 1982), in “The Legacy of a Humble Man: Reflections on the Life of Archbishop Pierre Martin Ngô dinh Thuc,” *The Reign of Mary* XL, no. 134 (Spring 2009), p. 4; proclaimed publicly on *Laetare* Sunday, March 21, 1982, in Munich, Germany.

[Address Removed]

E-Mail: [sedevacante @ thucbishops.com](mailto:sedevacante@thucbishops.com)

May these words I have written be pleasing to the Most Holy Trinity, and may they assist the cause of the salvation of souls. May any errors I may have made be pointed out and refuted so I can correct and retract them, lest I be an accessory to the propagation of error, which I most certainly do not wish to be. And may St. Charles Borromeo, Patron Saint of Bishops, intercede for all true Catholic bishops in the world.

Your Excellency, I remain sincerely yours in Christ Jesus, our Lord, who is blessed for all eternity!

Mario Derksen

APPENDIX A

Is Rejecting the Thuc Consecrations just “Following the Safer Course”?

In *TSTP*, Your Excellency argues that to accept the validity of the 1981 episcopal consecrations conferred by Bp. Thuc is to act contrary to the teaching of Bl. Pope Innocent XI, who taught that when it comes to the validity of the sacraments, one must not rely on a probable opinion but instead follow the safer course. You quote Fr. Henry Davis on this point as follows:

In conferring the Sacraments (as also in Consecration in Mass) it is never allowed to adopt a probable course of action as to validity and to abandon the safer course. The contrary was explicitly condemned by Pope Innocent XI.³⁰¹

Arguing that one cannot accept the Thuc consecrations except based on a merely *probable* course of action, Your Excellency concludes that we are bound to “follow the safer course” and treat the Thuc consecrations as “certainly doubtful” (an amusing phrase, to be sure).³⁰²

Yet, this line of reasoning omits the following points: (1) The fact and validity of the Thuc consecrations are *not* based upon a merely probable opinion, but upon Church teaching and practice that is certain and safe; (2) though *strict* moral certitude is required for the *validity* of a sacrament, *wide* moral certitude (probably) suffices for the *fact* of the administration of a sacrament, whose validity is presumed by law and therefore certain with strict moral certitude.³⁰³

What this means, then, is that the course we are following in accepting the Thuc consecrations is *also safe*, though perhaps another be even safer. But, as the same Fr. Davis makes clear, the safer course need not be chosen in preference to another course that is likewise safe:

Though the safer opinion may not be rejected in favor of a merely probable opinion in conferring or receiving the Sacraments, nevertheless, *a perfectly safe opinion may be followed, though its contrary is safer, for a safe opinion is a morally certain one*, and more than that cannot reasonably be demanded.³⁰⁴

In other words, if there be two courses we can choose, one of which is safe, and the other of which is even safer, we are not obliged to choose the safer one. We must only choose the safer one if the other is *not safe*, as in the case of a course of action that is merely *probable*.

This understanding is confirmed by Fr. Halligan:

In the conferral or reception of a sacrament a solidly safe opinion (i.e., one which safeguards sacramental validity) may be followed, although its contrary may be safer; a safe opinion is a morally certain one and thus more cannot be reasonably demanded, as God

301 Davis, *Moral and Pastoral Theology*, vol. 3, p. 27.

302 *TSTP*, pp. 37-40.

303 Interestingly enough, after quoting Fr. Davis, as above, about following the safer course regarding the *validity* of the sacraments, Your Excellency cleverly applies the quote to the *fact* of the sacraments as well (see *TSTP*, p. 40), a matter, however, about which Fr. Davis does not speak. Confusing the fact of a sacrament with its validity is one of the most basic and most frequently recurring errors in *TSTP*.

304 Davis, *Moral and Pastoral Theology*, vol. 3, p. 28; italics added. That accepting the Thuc consecrations is a *morally certain* course of action has been amply demonstrated in the main parts of this letter.

obliges to what is certain morally and not metaphysically.³⁰⁵

As shown in the main parts of this letter, the fact and validity of the Thuc consecrations are based upon a solidly safe position, namely, on the laws, teachings, and practice of the Catholic Church herself; thus, sacramental validity is sufficiently safeguarded.

There are, then, absolutely no grounds on which to reject the fact or validity of Bp. Thuc's 1981 episcopal consecrations under the pretext of "following the safer course." The course we have followed is considered *safe enough* by the Church—period.

305 Halligan, *The Administration of the Sacraments*, Chapter I, p. 22.

APPENDIX B

Did Bp. Thuc *Simulate* a Sacrament?

A word ought to be said about Your Excellency's accusation that Bp. Thuc simulated a sacrament, i.e., pretended to confer a sacrament while withholding his intention, thus rendering the sacrament invalid. This regards an incident on Holy Thursday, April 16, 1981, when Bp. Thuc concelebrated the New Mass with the Most Rev. Gilles-Henri-Alexis Barthe, the *Novus Ordo* bishop of Frejus-Toulon, France. Your Excellency writes:

According to Fr. Cekada, Archbishop Thuc excused himself for concelebrating the New Mass by claiming, among other things, that he only pretended to say Mass; that is to say, that he *simulated* saying Mass. Simulating a Sacrament "consists in performing the sacramental action without the intention of conferring a Sacrament, although others think a Sacrament is being administered" [quoting Jone, *Moral Theology*, p. 318]. To simulate a Sacrament is to go through the motions while withholding one's intention. Simulation invalidates the Sacrament. It is also a mortal sin of sacrilege.³⁰⁶

Consulting Fr. Cekada's essay to which Your Excellency makes reference here reveals that neither Fr. Cekada, nor the source Fr. Cekada quotes, claims that Bp. Thuc said he withheld his intention. Instead, the explanation given, which appears in your very own book, is as follows: "[Bp. Thuc] said it was because on that day [Holy Thursday] he could not celebrate alone. . . . It happens that it was a false concelebration, because he said he didn't receive communion. For, when a priest does not communicate, there is not a Mass."³⁰⁷

Thus, it turns out that the charge of simulating a sacrament goes back to the fact that Bp. Thuc claimed that even though he "concelebrated" the New Mass that day, he did not receive "communion" at that "Mass." Whatever one may think of this "explanation," there is absolutely nothing here allowing one to claim that Bp. Thuc withheld his intention or otherwise simulated a sacrament. While a priest is certainly under grave obligation to consume the Host and Chalice he himself has consecrated, it is absolutely gratuitous and inexcusable to suggest that failure to do so means he *simulated* the sacrament.³⁰⁸ Fr. Davis, so often quoted by Your Excellency, is quite clear on this: "None of these parts [offertory, consecration, communion] may in any wise be omitted without grave sin, though the omission of the Oblation [offertory] and the Communion *would not affect the actual Sacrifice itself*."³⁰⁹

So, not only would a refusal to receive Holy Communion at one's own Mass *not* be "simulating a sacrament," it would not even *affect* the Sacrifice itself, even though, of course, it would be entirely impermissible. Simulation of a sacrament, instead, consists in withholding one's intention in the employing of the correct matter and form, or by secretly employing invalid matter, or by secretly using

³⁰⁶ *TSTP*, p. 81; italics given.

³⁰⁷ Rene Rouchette, "*Mise au point au sujet du sacre de Mgr. Guerard des Lauriers*," in *Lettres Non-Conformistes*, no. 28 (April 1982), p. 5; qtd. in Peregrinus [Rev. Anthony Cekada], "Two Bishops in Every Garage," in *TSTP*, p. 295; ellipsis given. Unfortunately, I have been unable to locate a copy of the original French source cited, so I am simply relying on the reproduction of this quote in Fr. Cekada's article, as Your Excellency also has seen fit to do.

³⁰⁸ It is true that the accusation of simulation was originally made by Fr. Cekada; yet, if Your Excellency had attentively read the actual quote this charge was based on, you would have realized that Fr. Cekada's accusation was groundless. Instead, however, you simply repeated Fr. Cekada's error, thus leading people to believe, falsely, that Bp. Thuc simulated a sacrament.

³⁰⁹ Davis, *Moral and Pastoral Theology*, vol. 3, p. 84; italics added.

an invalid form.³¹⁰

But this leaves out another all-important consideration: Bp. Thuc's abstention from "communion" occurred at the "New Mass," the *Novus Ordo Missae* of Paul VI, which he merely "concelebrated." Traditional Catholics, especially sedevacantists, typically believe that the New Mass is invalid and not a sacrament at all; there is no true Holy Communion at the New Mass. Therefore, even if the charge of simulation were correct, the absolute worst that Bp. Thuc could be accused of here (besides being accused of participating in the New Mass itself, of course) is "simulating a *non-sacrament*," which, of course, is an absurdity because the very notion of simulation is tied to a *sacrament*. Besides, considering that Bp. Thuc was merely a "concelebrant" of that "Mass," nothing he did or omitted to do had any effect on the "sacrament" anyway, since, it being Holy Thursday, there were numerous other concelebrants in addition to the main celebrant, the local *Novus Ordo* bishop.³¹¹ So, regardless of which way we look at it, Bp. Thuc is not guilty of simulating a sacrament. We can sum up the truth of the matter by stating that not only did he not simulate a sacrament, he did not even "simulate a non-sacrament"—if there were such a thing.

All of this goes to show that to accuse Bp. Thuc of having simulated a sacrament is calumny. Your Excellency, however, uses this accusation against Bp. Thuc to cast further doubt upon the validity of his 1981 consecrations of Bps. Carmona, Zamora, and des Lauriers: "If he simulated an episcopal consecration, as Fr. Cekada accuses him of simulating saying Mass, it would be an invalid consecration."³¹² Just like the other doubt you have attempted to produce, this one, too, turns out to be nothing but smoke and mirrors.

310 See Davis, *Moral and Pastoral Theology*, vol. 3, p. 37.

311 Bp. Barthe was a valid bishop, having been consecrated on June 24, 1953; see <http://www.catholic-hierarchy.org/bishop/bbarthe.html> (accessed Sept. 25, 2010).

312 *TSTP*, p. 81.

APPENDIX C
Bp. Thuc's Intervention Regarding Non-Christians
at the Second Vatican Council

Your Excellency claims that Bp. Thuc was a liberal and a modernist, and that he manifested his liberalism at the Second Vatican Council (1962-65): “There is no question that Archbishop Thuc was ‘not truly traditional.’ It is a fact easy to demonstrate. His liberal tendencies were manifested at the Second Vatican Council.”³¹³

Before examining the “evidence” you produce from the official Acts of Vatican II, it must be pointed out that the *Independent Bishops* directory, which you quote several times in *TSTP*, categorically states that Bp. Thuc “was against the statements of Vatican II,”³¹⁴ a claim you somehow seem to have missed, even though it is easily located under the entry on Bp. Thuc.

Moreover, Fr. Barbara had the following to say about Bp. Thuc and Vatican II, as already quoted in Part II of this letter:

Archbishop Lefebvre knew Archbishop Ngo Dinh Thuc quite well from the Second Vatican Council. He considered him to be a bishop with good doctrinal views. Like himself, this bishop belonged to *the conservative group*. It was because he considered him to be a Catholic bishop, committed to the faith, devoted to Mary, and having nothing to do, that he encouraged him to work with the emissaries of Palmar de Troya who had come to Econe in order to solicit his episcopal services. I heard these facts directly from Archbishop Lefebvre.³¹⁵

These words speak for themselves. You have seen fit to rely on Fr. Barbara’s testimony a lot in *TSTP*, but only whenever Fr. Barbara said something that could be used *against* Bp. Thuc. Is this intellectually honest, Your Excellency?

But it gets worse. The actual “evidence” you provide from the Acts of Vatican II has been manipulated. *You chose to omit a sentence which exonerates Bp. Thuc from the charge of liberalism.* The following passage is what appears in *TSTP*, *reprinted exactly the way it appears there*. Quoting Bp. Thuc at the council:

With great consolation I see present in these assemblies the delegates of the non-Catholic Christian Churches, to be witnesses of our fraternity, sincerity and liberty. But where are the delegates or observers of the non-Christians? . . .

This scandal coming to the whole world from the absence of any invitations sent to the chiefs of the non-Christian religions I expounded in the central commission—but in vain. I earnestly begged the council to make good this omission, so that this most loathsome [“odiosissima”] discrimination between some religions and religions [*sic*] may no longer be found.

This absence of an invitation to the heads of the non-Christian religions confirms in a certain manner that prejudice creeping throughout the Asiatic and African world:

313 *TSTP*, p. 145.

314 Ward, et al., *Independent Bishops*, s.v. “Ngo-Dinh-Thuc, Pierre Martin,” p. 295.

315 Barbara, “Episcopal Consecrations,” in *The Answers*, p. 67; italics added.

The Catholic Church is a church for men of white colour
and not for coloured men.

I do not know what prejudice can prevent us from sending an invitation to these nations whose number is as the sand of the sea to contemplate the face of Mother Church in the person of her rulers, so that their heart may be attracted to the faith and embrace of Mother Church in which there is no distinction of Jew, nor of Greek, nor of coloured and of white.

What do the Fathers of the Council feel about this matter, this argument?³¹⁶

Everything stated here is indeed what Bp. Thuc said; none of this is false or a mistranslation. Yet, one cannot help but notice that Your Excellency saw fit to omit a part of this quote, indicated by the use of ellipsis points (“ . . . ”),³¹⁷ at the end of the first paragraph, right after “observers of the non-Christians?” Consulting the official Acts of Vatican II, I was able to find the piece you deleted:

*An non indigent hoc conspectu mirifico unitatis Ecclesiae catholicae? An non indigent expositione nostrae fidei christianae? An populi quos repraesentant non efformant tertiam partem—an verius maiorem partem—harum ovium dispersarum quas Christus anhelavit ut intrant unum ovile?*³¹⁸

Translated into English, the text reads:

[Bp. Thuc speaking:] Do they then not need this wondrous sight of the unity of the Catholic Church? Or do they not need an explanation of our Christian faith? What! do the people whom they represent not form a third part—or rather more truly the greater part—of these scattered sheep that Christ eagerly desired to enter into one sheepfold?³¹⁹

Adding this passage back on to the paragraph from which it was deleted, the entire text reads:

With great consolation I see present in these assemblies the delegates of the non-Catholic Christian Churches, to be witnesses of our fraternity, sincerity and liberty. But where are the delegates or observers of the non-Christians? Do they then not need this wondrous sight of the unity of the Catholic Church? Or do they not need an explanation of our Christian faith? What! do the people whom they represent not form a third part—or rather more truly the greater part—of these scattered sheep that Christ eagerly desired to enter into one sheepfold?

We see here plainly that the reason why the Vietnamese bishop wanted representatives of the non-Christian religions—i.e., Jews, Muslims, and Pagans—at the council, was not because he was a modern-

316 *Acta Synodalia Sacrosancti Concilii Oecumenici Vaticani II* (Vatican City: Typis Polyglottis Vaticanis, 1971), vol. 2, part 1, pp. 358-359 [original text in Latin; anonymous translation]; qtd. in *The Roman Catholic XVI*, no. 2 (1994), pp. 17-18; qtd. in *TSTP*, p. 146.

317 As mentioned in Part IV, leaving out words from a quote is not impermissible, *unless the words omitted lead to a distortion of what the author quoted was saying*. Academic institutions emphasize that “[a]ccuracy of sense and emphasis must accompany accuracy of transcription” (*Chicago Manual of Style*, p. 459), and it is clear that in this particular case, the words omitted change the overall message significantly—which is precisely why they were left out.

318 *Acta Synodalia*, vol. 2, part 1, p. 358.

319 Translation provided by Mr. Craig Toth in personal email message to me, Dec. 27, 2010.

ist or an indifferentist who considered all religions equally good, but because he wanted them to have the opportunity to see for themselves the exposition of Catholic truth and the unity, fraternity, and charity of the Catholic hierarchy. Needless to say, such an attitude reveals great charity on the part of Bp. Thuc, as it shows a genuine desire for the conversion and salvation of non-Christians, as well as for the splendor and holiness of the Church!

Does this not change everything? Does this not absolve Bp. Thuc from the charge of liberalism, at least as far as this particular case goes?³²⁰ Have you not omitted these words of Bp. Thuc *precisely because* they exonerate him from this accusation? Why do you consider it necessary to be deceitful about Bp. Thuc's record?³²¹

One cannot help but come to the disturbing conclusion that Your Excellency has *knowingly and willfully* committed calumny against Bp. Thuc in this regard.³²²

320 It is true that at another time during the council, Bp. Thuc complained about parts of Church law or practice that he considered to be unjustly discriminatory towards women. If Your Excellency wishes to have a debate about whether or not the Vietnamese bishop pertinaciously overstepped the bounds of orthodoxy in this particular regard, we can certainly have it; but such a debate will have to be based on sound Catholic principles and hard evidence, not rhetorically-overblown allegations and drive-by theology.

321 Being deceptive about Bp. Thuc's objective record is an implicit admission that the *truth* about the Vietnamese prelate does not suffice to condemn him, incidentally.

322 It is possible that Your Excellency did not omit this passage himself but that you simply reprinted the text that someone else edited, assuming that the context was not distorted. However, even in this case, Your Excellency is not free from blame, for the ellipsis was clearly indicated by three points (“ . . . ”), and as the author of a work openly accusing a Roman Catholic bishop of liberalism, you have a strict obligation to know the material you are quoting.

APPENDIX D

Was Bp. Thuc Guilty of Heresy?

In *TSTP*, Your Excellency puts forward the curious claim that Bp. Thuc, if he was sane, was actually guilty of the ecclesiastical crime of *heresy*:

The truth is that if we apply the principles of Canon Law to the case of Archbishop Thuc and assume he was sane, it would have to be presumed that he was guilty of heresy. For, it is an heretical act to consecrate non-Catholics in their respective sects. As [Fr. Eric] MacKenzie puts it: “The very commission of any act which signifies heresy . . . gives sufficient ground for juridical presumption of heretical depravity” [Rev. Eric F. MacKenzie, *The Delict of Heresy* (Washington, D.C.: Catholic University of America Press, 1932), p. 35]. Recall the words of Fr. Barbara:

We emphasize that Thuc never concerned himself with withdrawing those on whom he imposed hands from these sects. He ordained priests or consecrated bishops in their respective sects; . . . [Rev. Noel Barbara, “Burning Questions: Straight Answers,” *Fortes in Fide* (Tours Cedex, France, ca. 1983), p. 47].³²³

In short, Your Excellency is asking the reader to believe that, if he was in his right mind, Bp. Thuc was a heretic, a non-Catholic, that he really did not hold the Roman Catholic Faith he professed with his lips, because he consecrated non-Catholics as bishops *in their respective non-Catholic sects* and never attempted to withdraw them from these sects. Once more Fr. Barbara is cited as part of the “proof” for these claims.³²⁴

In order to address this serious argument, it is necessary first to make the reader aware that you do not even attempt to prove the claim that to consecrate a non-Catholic in his non-Catholic sect is an act signifying heresy, that is, an act implying a denial of the true Faith. While I do not dispute that it *might very well be* a heretical act, it is nevertheless necessary for you to *prove* this claim, as the burden of proof, we recall, is upon him who makes the assertion.³²⁵

Secondly, even if you are correct in stating that it is an act of heresy to consecrate bishops *in their false religions*, you must nonetheless also prove that Bp. Thuc *actually did this*. We all agree that Bp. Thuc consecrated some bishops who were at one time non-Catholics, and were non-Catholics at least at some point after their consecration, but it is not certain whether or not these individuals possibly faked a conversion, or, if they did not, whether Bp. Thuc really consecrated them *for and in* their respective sects, i.e., with the intent of having them continue in their heresy and/or schism. This is a serious charge, and, though possibly true,³²⁶ it must nevertheless be proved. A mere claim to this effect from Fr. Barbara

³²³ *TSTP*, p. 228; the entire argument is fully advanced on pp. 225-229.

³²⁴ The article by Fr. Barbara cited by Your Excellency is reprinted in full in Vaillancourt, *The Answers*, pp. 50-53.

³²⁵ You acknowledge and emphasize the importance of this principle, found in Canon 1748 §1, in *TSTP*, pp. 26-34. In fact, it is one of the bedrock principles upon which you base your entire case against the Thuc consecrations. It is all the more necessary, then, for you to follow it, if you wish to be consistent.

³²⁶ I do not concede that Bp. Thuc meant to help non-Catholics remain in their unfortunate state, nor that he meant to profane the sacraments, scandalize the faithful, or displease our Lord. I personally believe, based on the pre-Vatican II historical facts about Bp. Thuc, that we simply do not know enough of the facts and circumstances of these consecrations, which, if they were known, would probably let everything appear in a different, more benign light. Nevertheless, it must

will not suffice to establish this, for a mere assertion from the plaintiff can hardly amount to a conviction of the defendant. Otherwise, who would need an ecclesiastical trial?

The next point we must consider is that the very same Fr. Barbara who claimed in 1983 that Bp. Thuc consecrated non-Catholics in their respective sects and also believed Bp. Thuc to be guilty of heresy, later reversed his position that Bp. Thuc was a heretic and explained why the consecrations of non-Catholics, even supposing they had been done with full deliberation on the part of Bp. Thuc, nevertheless would not allow us to accuse the Vietnamese bishop of heresy:

It is true that the reasons we proffered for declaring [Archbishop Thuc] a heretic and a schismatic were different than those we advanced with regard to Archbishop Lefebvre. When it came to the elderly Archbishop [Thuc] of Hue, they related, not to his attempts at justifying his actions, but to his compromising with individuals who were members of sects or cults. Moreover, applying a rigorous interpretation of the laws of the Church with regard to *communicatio in divinis cum acatholicis*, we committed yet another mistake with regard to him.

We thought that these consecrations, conferred on individuals that were clearly formal heretics and formal schismatics, rendered the person responsible for the consecrations formally schismatic and heretical. It is here that we made our mistake. In effect *communicatio in divinis* does not mean the same in these two situations. Allow me to explain myself. What the Church absolutely prohibits under pain of censure is the communication in the faith of a heretical or schismatic minister. This occurs when a Catholic demands or receives the sacraments from a minister who he knows is not a Catholic.

When a non-Catholic receives the sacraments from a Catholic minister, it is the non-Catholic who participates in the Catholic faith. *Under such circumstance there is no censure on the minister.* Such was the situation with Archbishop Ngo Dinh Thuc.³²⁷

This is a very important point Fr. Barbara makes here. Even though, of course, conferring the episcopacy on non-Catholics, if done with full knowledge and deliberation, would be gravely sinful and probably result in an automatic excommunication,³²⁸ nevertheless there would be no case for heresy or schism against the ordaining bishop, for the reasons given by Fr. Barbara. For, while Canon 731 §2 forbids giving the sacraments to non-Catholics, the *Code of Canon Law* does not mention that violating this law renders one a heretic or a schismatic, or even suspect of heresy or schism.

Having clarified these things, Fr. Barbara then gives a brief concluding summary regarding the status of Bp. Thuc before the 1981 consecrations:

From all that I know about the matter, it is clear that up to the time of the consecrations of which I am speaking [in 1981], Archbishop Ngo Dinh Thuc:

- never professed any error with regard to the faith which would make him a heretic;
- has never been guilty of schism by contesting the universal jurisdiction of the

be admitted as a *possibility* that Bp. Thuc was deliberately acting in a sinful and morally reprehensible way.

327 Barbara, "Episcopal Consecrations," in *The Answers*, pp. 65-66; italics given.

328 In 1951, Pope Pius XII imposed an automatic excommunication for the unlawful consecration of bishops without canonical appointment; see Part III of this letter for details.

Pope;

- has never incurred any censures of the law for *communicatio in divinis cum acatholicis*; whether he be good or bad, he was a bishop of the Holy Roman Catholic Church when he conferred the Episcopacy on R. P. Guerard des Lauriers and on Fathers Carmona and Zamora.

Therefore, the judgment which we made about this matter . . . was completely wrong and should be retracted. This I have already done and now do so again.³²⁹

This was the position of Fr. Barbara as of 1993, in the last edition of his *Fortes in Fide* magazine. So, not everybody—at least not Fr. Barbara—accepts the flimsy reasoning that Bp. Thuc was guilty of heresy for his consecrations of non-Catholics.

But let us suppose that Bp. Thuc had indeed been a heretic or a schismatic at the time he consecrated Bps. Carmona, Zamora, and des Lauriers in 1981. These clerics would not have been guilty of *communicatio in sacris* with a non-Catholic by receiving episcopal consecration from him in the Roman Catholic rite, because the Church's canonical prohibition against communicating in divine things with non-Catholics in Canon 1258 §1³³⁰ only applies if these non-Catholics are *members of a non-Catholic sect*:

By using the term *acatholicorum* [“non-Catholics”] the law of the Code comprehensively includes all those who are not part of the true fold, namely, heretics, schismatics, infidels, and apostates. More precisely the *acatholici* are those who, whether baptized or unbaptized, adhere to some sect outside the Church. Adherence to a sect is a necessary condition, for the law of the Church contemplates only the public religious communication.³³¹

Needless to say, even if we suppose that Bp. Thuc was a heretic or a schismatic, he most definitely did not adhere to a non-Catholic sect. If Your Excellency believes otherwise, please point out which non-Catholic sect the Vietnamese bishop adhered to, and offer the necessary evidence.

But let us think about this charge of heresy a bit more. Just what are we being asked to believe here? That Bp. Thuc was really an Old Catholic? That he was an Anglican? A Protestant? A Freemason? A secret Satanist? Just what is Your Excellency proposing here as the “real” Bp. Thuc? No, the answer to the problem of the non-Catholic Thuc consecrations is no doubt a lot more complex, and I have dealt with it already at the end of Part II of this letter, so there is no need to repeat the different arguments here.

Before concluding this appendix, there are two more points I would like to raise with regard to the charge of heresy against Bp. Thuc.

The first is the double-standard Your Excellency is apparently exhibiting here. Throughout *TSTP*, you emphasize that “the [1981] Thuc consecrations are doubtful as to fact and validity . . . and therefore unacceptable.”³³² You claim that they cannot be proved in the external forum according to the norms laid

329 Barbara, “Episcopal Consecrations,” in *The Answers*, pp. 66-67; italics given.

330 “It is not licit for the faithful by any manner to assist actively or to have a part in the sacred [rites] of non-Catholics.”

331 Szal, *Communication*, p. 48; italics given.

332 *TSTP*, p. 62.

down by the Church, and hence the Church does not accept them as facts, i.e., as having occurred. Yet, when it comes to the deplorable consecrations of non-Catholics, Your Excellency appears to forget all about the requirements imposed on the 1981 consecrations—the witnesses, the signed documents, etc.—and simply accepts them as a fact before Church law outright and argues that on account of them, Bp. Thuc has to be considered guilty of the ecclesiastical crime of heresy if he was sane.

This obviously implies a double standard, for if we apply Your Excellency's criteria, as laid out in *TSTP*, to the consecrations of all the non-Catholic and/or otherwise unfit candidates mentioned in your book, then we must conclude that, like the honorable 1981 consecrations, these disgraceful consecrations have not been proved before the Church's law, either, and therefore cannot be admitted as having taken place. But if this is so, then it is also clear that Bp. Thuc cannot be considered guilty of the crime of heresy, because the law of the Church cannot, at one and the same time, charge somebody with heresy for something it does not admit ever happened in the first place.

Thus, according to your own standards, you now have a dilemma on your hands: If Bp. Thuc was guilty of the crime of heresy, then you must admit that his 1981 consecrations are sufficiently established because they rest on the same, if not stronger, kind of evidence. Or, if the 1981 consecrations are *not* sufficiently established, then neither are the scandalous consecrations, and thus Bp. Thuc did not incur any ecclesiastical penalty, for the Church does not penalize a cleric if it is not certain that he actually violated the law.³³³ Which is it, Your Excellency?

The second and final point I would like to make comes in the form of a question: Bp. Kelly, if you have such a strong case for heresy against Bp. Thuc, why is it that you did not present this argument in the main body of your work, in the part which deals with the person of Bp. Thuc and all his episcopal consecrations after Vatican II? Why did you choose instead to “bury” it in the last quarter of your book, on page 228, as part of a response to a letter sent by Fr. Sanborn regarding Bp. Mendez? The attentive reader cannot help but wonder if perhaps Your Excellency himself is not very confident in the strength of this argument, or else you would have presented it as the “smoking gun” against the Vietnamese prelate—on “Page 2,” so to speak—arguing that we cannot get involved with the Thuc line because “Thuc was not a Catholic but a heretic and outside of the Church.” What more forceful—and more popularly appealing—argument against the Thuc consecrations could be imagined than this, if it were true?

333 Canon 1748 §2 states: “If the petitioner does not prove [the case], the respondent is absolved.”

APPENDIX E

Did Bp. Thuc Change the Rite of Episcopal Consecration?

Having argued in *TSTP* that assistant priests “are needed to insure that everything is done correctly”³³⁴ at an episcopal consecration without co-consecrating bishops, Your Excellency proceeds to insinuate that Bp. Thuc did not follow the rite of episcopal consecration properly when consecrating Bp. des Lauriers:

Did Archbishop Thuc perform the ceremony correctly or did he alter the ceremony of episcopal consecration? Did he leave out parts? According to a publication of *BRITONS CATHOLIC LIBRARY*, he did omit parts in the case of the consecration of Fr. Guérard des Lauriers[.]

You then quote a passage from the English review *Britons Catholic Library Letters*:

Guérard des Lauriers himself acknowledged that Thuc had made changes in the ritual of Consecration, omitting several parts. The passages acknowledged to have been omitted are not essential to validity, and one cannot therefore be certain that the Consecration was invalid; but once one is aware that someone changes the ritual of the sacraments, one can never be sure exactly what he is getting up to, nor what might have happened at other Consecrations of which no records are available.³³⁵

This information you have used to cast further doubt upon the 1981 Thuc consecrations.³³⁶

In researching this argument, I found that a footnote provided by Britons Catholic Library to the passage quoted above gives some details as to the alleged omissions:

Not long after the Consecration of Guérard des Lauriers, a former disciple of this renegade theologian who knew him well was surprised to learn that he claimed that the traditional rite had been used without alteration, since it is well-known that the traditional rite more than once makes mention of the Roman Pontiff in terms which Thuc would have been unlikely to use of the “material pope” . . . Karol Wojtyla. This individual therefore wrote to Guérard querying his statement and enclosing a photocopy of the traditional rite of episcopal Consecration. Back came a reply from Guérard admitting that the awkward references to the pope had been omitted and returning the text of the Consecration ritual with the word “omis” [“omitted”] in the margin, in his own handwriting, next to the omitted passages. . . .³³⁷

What emerges is that Thuc and Guérard omitted, not only the reading of the non-existent Roman mandate authorising [*sic*] the Consecration, but a great deal more besides, including the entire oath of fidelity, which covers five pages of the *Pontificale Romanum*, as well as part of the interrogation of the candidate. And although some of these omissions, such as the oath of obedience to the reigning pope, were more or less

334 *TSTP*, p. 138; italics given. This claim was refuted in Part II of this letter.

335 N. M. Gwynne and John S. Daly, “The Thuc-ite Bishops and their Followers,” *Britons Catholic Library Letters*, “Letter No. 10” (1992), p. 119. I am reproducing here only the most relevant parts of the text quoted in *TSTP* (p. 138).

336 It is curious that, as with the accusation that Bp. Thuc must be presumed guilty of heresy, refuted in Appendix D, you likewise do not put forth this argument in the main section of your book dealing with the Thuc consecrations but only mention it “in passing,” so to speak, in the section dealing with Fr. Sanborn’s letter on Bp. Mendez.

337 Gwynne and Daly, “The Thuc-ite Bishops,” p. 120, n. 95 cont.

necessitated by present circumstances and therefore not *per se* inappropriate, this does not apply to a large part of them. For instance, there was nothing at all to prevent Guérard from swearing to observe “the rules and decrees of the Holy Fathers” or to “persecute and attack heretics and schismatics”, but he preferred not to do so. Perhaps this was because, in the latter case, he would have been obliged to persecute himself, being the originator of the heretical thesis of a purely material pope occupying the See of Peter!³³⁸

This argumentation raises three different issues that need to be examined: (1) the question of whether anything was indeed omitted from the rite when Bp. des Lauriers was consecrated bishop; (2) the question of whether the witnesses have contradicted themselves or each other and, if so, whether their veracity must therefore be held suspect; and (3) the question of whether any possible omissions and any possible contradiction between witnesses would suffice to overthrow the presumption of validity of the sacrament and shift the burden of proof onto those who maintain the consecrations were valid.

Let us examine each of these issues in turn.

First, as regards the question of the omission of passages from the rite of consecration, I contacted Mr. John S. Daly, formerly affiliated with Britons Catholic Library, for details. Mr. Daly told me that the individual who allegedly received Bp. des Lauriers’ acknowledgement that some words had been omitted from the rite was one Madame H. de Boismenu of Bretteville, France, whose veracity cannot reasonably be doubted. Besides, Mr. Daly said that he himself had seen the photocopied pages on which Bp. des Lauriers reportedly indicated said omissions.³³⁹ As I have no reason to doubt either Mr. Daly’s words or those of Mme. de Boismenu, I will consider the account as factual and grant that certain parts *were* omitted from the rite of consecration.

Secondly, we must consider the testimony of the witnesses—Dr. Heller and Bp. des Lauriers himself.³⁴⁰ According to a sworn affidavit published in *Einsicht* magazine, Dr. Heller simply testified that the consecrations took place *in accordance with* the proper ritual book, the *Roman Pontifical*: “The Consecration was according to the ‘Pontificale Romanum’ (Rome, 1908),” Heller swore.³⁴¹ In addition, Heller told me personally that of course there was no reading of the papal mandate—not exactly surprising since all the individuals at the consecration believed the Holy See to be vacant in one way or another—and that the vacancy of the Holy See was *specifically taken into account* during the ceremony, implying that adjustments to the rite were made as necessary or appropriate.³⁴² As for Bp. des Lauriers himself, in May of 1987 he testified in an interview that “the traditional rite was observed integrally” at his episcopal consecration six years prior.³⁴³

338 Gwynne and Daly, “The Thuc-ite Bishops,” p. 120, n. 95 cont.; italics given. The supposedly “heretical” thesis being referred to here is Bp. des Lauriers’ highly complex “Material/Formal Theory,” also known as the “Cassiciacum Thesis,” according to which the *Novus Ordo* “Popes” were Popes *materially* but not *formally*—an important philosophico-theological distinction that need not be elaborated on here but that would conceivably make it rather difficult for Bp. des Lauriers to swear the oath of fidelity as it appears in the rite of episcopal consecration of the *Roman Pontifical*.

339 John S. Daly in personal email messages to me, Nov. 28 and Dec. 10, 2007, and Dec. 11, 2010. Incidentally, Mr. Daly has since changed his mind on the question of validity and personally does not consider the Thuc consecrations doubtful any longer, nor does he still believe Bp. des Lauriers’ thesis to be heretical.

340 I have no information on what Dr. Kurt Hiller, the other lay witness, may have testified regarding the proper use of the *Roman Pontifical* in particular.

341 Heller, “Affidavit,” *Einsicht* XXI, no. 5 (February 1992), p. 119.

342 Eberhard Heller in personal email message to me, Apr. 27, 2007.

343 My translation. Original text in French: “[L]e rite traditionnel a été intégralement observé.” The interview is available online in French at <http://contra-impetum-fluminis.net/these.htm> (accessed Dec. 10, 2010).

Yet, if certain words or passages were omitted from the ceremony, would it not be wrong to say that the rite was observed “integrally”? Would this mean, then, that Bp. des Lauriers contradicted himself? And if so, would this make him unreliable? Likewise, would this also cast doubt on Dr. Heller’s testimony?

These are fair questions, certainly, and it is not wrong to ask them. One needs to be sure, after all, that one is dealing with witnesses who are honest and reliable. What *is* wrong, however, is to jump to conclusions that can harm the credibility or reputation of a person without sufficient evidence.³⁴⁴

Is there, then, a *genuine contradiction* between the witnesses, or is the contradiction only apparent? To help answer this question fairly, one must consider, as much as possible, just what these omissions consisted of and why they were made. According to *Britons Catholic Library Letters*, “the entire oath of fidelity . . . as well as part of the interrogation of the candidate” were left out, and, according to Dr. Heller, so was the reading of the papal mandate. To accuse the witnesses of a genuine contradiction, one would now have to *demonstrate* that the omissions made were such that it could not reasonably be said that the rite was nevertheless “observed integrally” or that the ceremony took place “according to” the *Roman Pontifical*.

In English, the adjective “integral,” when used in this context, means “necessary to make a whole complete; essential or fundamental.”³⁴⁵ Taking this into account, Bp. des Lauriers’ testimony that the rite was followed “integrally” could simply mean that it was followed in all parts that belong to the integrity of the ceremony, i.e., in all parts that are necessary to keep the essence of the rite intact.³⁴⁶ This does not *per se* preclude certain modifications from being made that reflect the reality of the state of *sede vacante*. In fact, given the vacancy of the Holy See, it was *impossible* to keep the rite exactly the way it is printed in the *Roman Pontifical*.

As far as the omission of the reading of the non-existent papal mandate goes, this can hardly be considered as touching the integrity of the rite of consecration,³⁴⁷ and hence such admission cannot seriously be used either to call into question Bp. des Lauriers’ testimony that the rite was observed “integrally” or Dr. Heller’s statement that the consecrations took place “according to” the *Roman Pontifical*. But the same is true also for the other parts *Britons Catholic Library Letters* mentions as having been omitted.

While the thought of omitting text from an approved liturgical rite might make some readers uncomfortable, it will help to call to mind that sedevacantist clergy themselves are no strangers to liturgical omissions. Every year on Good Friday, the traditional Catholic Holy Week liturgy mandates that public prayers be offered for *the Pope*—something most sedevacantist priests and bishops regularly *omit* to do because of the vacancy of the Holy See. This is only reasonable and presents no genuine problem.

Similarly, and for the same reason, sedevacantist clergy skip over the words referring to the Pope and the

344 We recall here that “the burden of proof rests upon him who makes the assertion” (see Canon 1748 §1; cf. *TSTP*, pp. 26-34)—including the assertion that witnesses have given contradictory testimony.

345 Erin McKean, ed., *The New Oxford American Dictionary*, 2nd ed. (New York, NY: Oxford University Press, Inc., 2005), s.v. “integral.”

346 On Dec. 26, 2010, I had the pleasure of speaking to a sedevacantist seminarian whose native language is French. He told me that Bp. des Lauriers was known to be very *precise* in his choice of words and that by using the word “integrally” (“*intégralement*”) in this case, he would mean to convey the idea that whatever pertains to the *integrity* of the rite was observed at his consecration, without implying, necessarily, that there were absolutely no omissions whatsoever.

347 One might argue that instead of *omitting* the part where the consecrator asks, “Do you have the papal mandate?”, Bp. des Lauriers should simply have answered, “No, we don’t”; but this wouldn’t be any better because the answer printed in the *Roman Pontifical* is “We have it,” and so a negative response would likewise mean “changing the rite”—strictly speaking.

local bishop in the canon of the Mass every time they offer the Holy Sacrifice.³⁴⁸ In fact, the *Roman Missal* of Pope St. Pius V itself *directs* them to do so if the apostolic see or the local see are vacant.³⁴⁹ It is important to keep this mind in order to maintain proper perspective.

Given the information above, would it be reasonable to say that the witnesses have *genuinely contradicted* each other—or themselves? Would it be just to accuse them of being untruthful?

We must answer in the negative. Taking into account the vacancy of the Apostolic See at an episcopal consecration and skipping certain prayers for that reason can hardly be said to be *genuinely changing* the rite. This is true all the more so in the case of Bp. des Lauriers, whose curious Material/Formal Theory regarding the status of the papacy since Vatican II would make certain passages in the rite of consecration extremely problematic.³⁵⁰ While one may perhaps disagree on whether it was prudent to omit this or that *particular* phrase or passage, this is hardly relevant today. After all, just because some people today may “think” that this or that wording should not have been omitted doesn’t mean that the eminent theologian des Lauriers would have been bound to agree with them.

The real question that remains is: Do these omissions impact the presumption of validity for Bp. des Lauriers’ episcopal consecration?

In his monumental four-volume work *Moral and Pastoral Theology*, Fr. Davis touches upon the issue of omitting parts of the Mass:

Omissions of integral [note the adjective! —*M.D.*] parts of the Canon, as *Memento*, *Communicantes*, *Supplices Te rogamus*, are serious sins, but not, probably, the omission of the *Pater Noster*, or *Libera nos* or *Agnus Dei*. The omission of a *Gloria*, *Credo*, or a commemoration, or a Collect, would not be a serious sin. It is a grave sin to omit all the beginning of Mass to the Introit, or the Epistle with Tract and Gradual, or the Gospel (but not the last Gospel), or all the prayers proper to a Mass (but not the commemorations), or several of the prayers between Offertory and Canon.³⁵¹

Note in particular that the author does not mention that omitting any of the above, even parts that are “integral,” would somehow remove from the rite the presumption of validity. While it is certainly *gravely sinful* to omit *integral* parts, as Fr. Davis says, we are not concerned in this discussion with the question of sin but with the issue of the presumption of validity.³⁵² We recall that the obligation to ensure

348 Omitting the name or even mention of the Pope in the canon of the Mass is not really comparable to the issue of the omissions at the des Lauriers consecration because Bp. Thuc left out more than just the name of or reference to the Pope; however, it does help to consider that omitting words from a liturgical text isn’t entirely foreign to the mind of the Church.

349 See “*Ritus Servandus In Celebratione Missae*,” section VIII, par. 2, in *Missale Romanum* (Mechelen, Belgium: H. Dessain, 1884), p. XLVIII.

350 Omitting the oath of fidelity in the *Roman Pontifical*—the so-called “*Forma Juramenti*”—cannot be considered *per se* unacceptable. Bp. des Lauriers was forced to choose between either *skipping* the oath, *modifying* it, or leaving it intact and thereby *perjuring* himself. Rather than commit perjury or swear an oath so awkwardly modified that its integrity might be lost because its meaning would no longer be the same, the French Dominican apparently decided that it would be best to omit it altogether. Is this really so unreasonable?

351 Davis, *Moral and Pastoral Theology*, vol. 3, pp. 134-135; italics given.

352 It is the *presumption* of validity that we are concerned with here, not validity itself, for the passages acknowledged to have been omitted absolutely do not touch sacramental validity (cf. Pius XII, Apostolic Constitution *Sacramentum Ordinis*, par. 5).

validity rests only upon the minister of the sacrament³⁵³—in this case, Bp. Thuc, who was a properly trained Roman Catholic bishop who had consecrated bishops numerous times before Vatican II. Absent strong evidence that Bp. Thuc changed parts of the rite that would *endanger validity*, we must continue to presume the episcopal consecration of Bp. des Lauriers to have been valid, because the Church tells us to *presume* validity until invalidity is *proved* or at least so much doubt is raised that a reasonable person could no longer be certain the sacrament was valid.³⁵⁴ The fact that Fr. Bruno Schaeffer, ordained by Bp. Thuc in 1982, has testified that the Vietnamese bishop followed the rite of ordination perfectly, will help calm people's consciences further.³⁵⁵

Given all of the above, we can provide a reasonable resolution to the difficulty introduced by an acknowledgement of omissions in the rite of consecration and testimony by the witnesses which seems to contradict this at first glance.³⁵⁶ The episcopal consecration of Bp. des Lauriers was performed indeed according to the *Roman Pontifical*, and, as the French Dominican himself testified, *integrally* so, with certain appropriate omissions to reflect the state of *sede vacante* in 1981, which, lamentably, continues to this very day.

While it is certainly fair, as Britons Catholic Library has done, to point out apparent inconsistencies or difficulties in the testimony of different witnesses, one must nevertheless first attempt to make a reasonable effort to reconcile their statements and not rashly conclude that a witness is lying or otherwise unreliable. This is so because no one is presumed guilty of a moral fault or other defect without clear evidence.

No doubt, consecrating bishops is a serious matter, especially in our times. Following the rite of consecration integrally and most properly during a long-term *sede vacante* period, with no apparent end in sight, is no easy task, not only for the Thuc line but also for all other bishops.

Therefore, one may be permitted to ask one very curious question, Your Excellency: At your own episcopal consecration in 1993, precisely how did Bp. Mendez and you, Bp. Kelly, handle these passages that make reference to the reigning Pope and the oath of fidelity? Bp. Mendez was not a sedevacantist, after all; it becomes all the more important, therefore, to ask: Did you, too, skip this part? Or did you change the words of the oath? Or did you—God forbid—swear obedience to John Paul II?

353 See Part II of this letter.

354 Let us consider a hypothetical example to illustrate this point: Imagine that Fr. X tells his parishioners that sometimes he skips the Prayers at the Foot of the Altar, the Gradual, or the *Libera Nos* when offering Mass. While one would rightly be upset at this, would anyone seriously start to question the validity of his Masses? It would not be reasonable to do so.

355 See Dolan, "Archbishop Thuc," in *The Answers*, p. 138.

356 If Your Excellency has additional evidence that would contradict what I have presented, please let me know about it in your response to my letter.

APPENDIX F

Is the Episcopal Lineage of Bp. Thuc “Sordid”?

Your Excellency charges that even if Bp. Thuc’s consecrations of Bps. Carmona, Zamora, and des Lauriers in 1981 were valid, traditional Catholics may not have anything to do with these clerics or the clerics deriving their orders from them: “We maintain the position espoused in the past by Fr. Sanborn; namely, that even if the [1981] Thuc consecrations could be established in the external forum, they are too ‘sordid’ for Catholics to have anything to do with them.”³⁵⁷ Of course, this claim is completely devoid of any theological or canonical precision; in fact, the very term “sordid,” in the way used here, is not meaningful in theological discourse. Instead of arguing from canon law or the Church’s theology regarding “sordid” ordinations, it seems you prefer the way of emotion, perhaps hoping people will simply run away in disgust at the claims made against Bp. Thuc and some of the people in the Thuc line.³⁵⁸

Considered theoretically, I can only think of three senses in which an ordination or episcopal lineage could possibly be said to be “sordid”: (1) ontologically; (2) legally; (3) morally.³⁵⁹ Let us examine each of these senses in turn.

(1) *Ontological* sordidness would mean that there is something ignominious inherent in the orders themselves, and of course such an idea would be absurd and indefensible, inasmuch as holy orders, being a sacrament, are in and of themselves holy, for the sacraments were instituted by Christ, the Source of all holiness. If there were such a thing as ontological sordidness in an ordination, not even the Church herself could ever regularize the cleric’s status or rehabilitate him. It is clear that Your Excellency does not—*cannot possibly*—hold this position.

(2) *Legal* sordidness could mean, at worst, that the Church’s law simply *forbids* the ordination and attaches a penalty or censure to it, such as an excommunication or a suspension. For the Catholic faithful it could mean, at worst, that they are not allowed to approach a priest thus ordained for the sacraments except in danger of death. But this Your Excellency has not demonstrated to be the case with any of the bishops or priests descending from the Carmona, Zamora, or des Lauriers lines, who are the only clerics relevant to us in this discussion. Therefore, if you hold this position, please demonstrate, using canon law, how the faithful are forbidden from receiving the sacraments from clergy who were ordained in the Carmona, Zamora, or des Lauriers lines, and which Church law renders not just a particular ordination, but an entire *line* of ordinations, unlawful.

(3) *Moral* sordidness, finally, could mean that the Church’s *moral teaching*—as opposed to canon law—*forbids* anyone *under pain of sin* from receiving such an ordination, even in cases of extreme necessity, or from receiving the sacraments from a cleric in the line of this ordination. However, this Your Excellency has not demonstrated to be the case. If you wish to demonstrate it in a response to this letter, please be sure to identify the specific nature of the sin, i.e., please point out exactly what kind of sin you are alleging (e.g., sacrilege, scandal, bad example, etc.), *based on Catholic moral theology*, and show how nothing, not even urgent necessity or grave inconvenience, could make it morally permissible.

³⁵⁷ *TSTP*, p. 154.

³⁵⁸ I do not dispute that many of these claims, if true, should indeed cause disgust in us; however, such disgust is not relevant to the question of whether or not one may receive the sacraments from clerics in the line of Carmona, Zamora, or des Lauriers today.

³⁵⁹ If Your Excellency can think of any other kinds of sordidness, please notify me.

It is probably this *moral argument*, more than the legal one, which Your Excellency has in mind when warning people not to have anything to do with the “sordid” Thuc line.

“There is more to morality than legality,”³⁶⁰ Fr. William Jenkins pointed out in a pamphlet distributed a few years ago, arguing that we must look beyond Church law and look to the morality, not just the legality, of an action when deciding whether or not the clergy in the lines of Bps. Carmona, Zamora, and des Lauriers may be approached for the sacraments.³⁶¹ Appealing to St. Thomas Aquinas to support his position, Fr. Jenkins argues:

St. Thomas Aquinas speaks from the moral [as opposed to the legal —*M.D.*] standpoint when he considers the question of “Whether It Is Permissible to Receive Communion from Heretical, Excommunicated, or Sinful Priests, and to Hear Mass Said by Them”. . . . Even though there is not a question of excommunication in the case of a priest living in fornication, there remains the question of scandal, and thus Saint Thomas warns “lest anyone hear the Mass of [a priest] living in concubinage,” even though it is not the gravest of sins but rather because men are more prone to it.³⁶²

In other words, Fr. Jenkins is arguing that St. Thomas teaches that even if there is no Church law against assisting at a particular priest’s Mass, nevertheless it can be *sinful* to do so, namely, when the priest is scandalous, such as if he lives in concubinage.³⁶³

However, a review of what St. Thomas actually says reveals that Fr. Jenkins has turned St. Thomas on his head. Let us examine the pertinent passage of the Angelic Doctor:

[H]eretical, schismatical, excommunicate, or even sinful priests, although they have the power to consecrate the Eucharist, yet they do not make a proper use of it; on the contrary, they sin by using it. But whoever communicates with another who is in sin, becomes a sharer in his sin. . . . Consequently, it is not lawful to receive Communion from them, or to assist at their mass.

Still there is a difference among the above, because heretics, schismatics, and excommunicates, have been forbidden, by the Church’s sentence, to perform the Eucharistic rite. And therefore whoever hears their mass or receives the sacraments from them, commits sin. *But not all who are sinners are debarred by the Church’s sentence from using this power: and so, although suspended by the Divine sentence, yet they are not suspended in regard to others by any ecclesiastical sentence: consequently, until the Church’s sentence*

360 Rev. William W. Jenkins, “Appendices to the Article ‘On the Excommunication of Archbishop Thuc’” (locally circulated manuscript, undated [ca. October 2002]), p. 9.

361 Curiously enough, the SSPV has managed to extend this principle to apply not only to clerics who were ordained in the Thuc line, but even to clerics who were not so ordained and are merely in communion with clerics who were ordained in the Thuc line. Examples of such non-Thuc-line clergy are Fr. Joseph Collins, Fr. Daniel Ahern, and Fr. Thomas Zapp. It would be very interesting to see just what arguments from Catholic moral theology and canon law the SSPV has to offer to establish that Catholics are not allowed to receive the sacraments even from these clergy.

362 Jenkins, “Appendices,” p. 9. The quote from St. Thomas is taken from the *Summa Theologica*, III, q. 82, a. 9, ad 3.

363 The point of Fr. Jenkins’ argument is that if it is forbidden to assist at the Mass of a priest who lives in concubinage, even though he not be under any ecclesiastical censure, then the SSPV can hold the position that people are not allowed to receive the sacraments from clergy in the Thuc line of bishops, regardless of whether any excommunication or other censure applies.

*is pronounced, it is lawful to receive Communion at their hands, and to hear their mass.*³⁶⁴

What St. Thomas is saying here is that in the case of scandalous priests who are not heretics, schismatics, or excommunicated, it is *permissible* for the faithful to approach them for the sacraments as long as “they are not suspended in regard to others by any ecclesiastical sentence.” This is the very opposite of what Fr. Jenkins is saying. St. Thomas, indeed, agrees with the “Thuc side” that if there is no ecclesiastical penalty preventing the cleric from offering Holy Mass, then the faithful are very much permitted to hear his Mass and receive Holy Communion from him: “[U]ntil the Church’s sentence is pronounced, it is lawful to receive Communion at their hands, and to hear their mass,” the Angelic Doctor says.

This is so even for a priest living in concubinage. The full answer St. Thomas gives to the objection regarding a priest living with a concubine is as follows (note in particular the italicized words, not quoted by Fr. Jenkins):

Although fornication is not graver than other sins, yet men are more prone to it, owing to fleshly concupiscence. Consequently, this sin is specially inhibited to priests by the Church, lest anyone hear the mass of one living in concubinage. *However, this is to be understood of one who is notorious, either from being convicted and sentenced, or from having acknowledged his guilt in legal form, or from it being impossible to conceal his guilt by any subterfuge.*³⁶⁵

Once again, St. Thomas makes reference to *ecclesiastical law* as the deciding factor in the question of whether or not it is permissible to hear Mass offered by a scandalous priest. Contrary to Fr. Jenkins’ claim, St. Thomas Aquinas is not forbidding assistance at the Mass of such a priest *for reasons of scandal per se* or for other *moral* reasons, but because *the Church’s law forbids* the priest from offering Holy Mass:

Still there is a difference among the above, because heretics, schismatics, and excommunicates, have been *forbidden, by the Church’s sentence, to perform the Eucharistic rite*. And *therefore* whoever hears their mass or receives the sacraments from them, commits sin. But not all who are sinners are debarred by the Church’s sentence from using this power: and so, although suspended by the Divine sentence, yet they are not suspended in regard to others by any ecclesiastical sentence: consequently, *until the Church’s sentence is pronounced*, it is lawful to receive Communion at their hands, and to hear their mass.³⁶⁶

That’s why St. Thomas adds that the prohibition against assisting at the Mass of a priest who lives in concubinage does not apply unless the offending cleric’s crime is *notorious*, “either from being convicted and sentenced, or from having acknowledged his guilt in legal form, or from it being impossible to conceal his guilt by any subterfuge.”³⁶⁷ This consideration is essential, for the law of the

364 Aquinas, *Summa Theologica*, III, q. 82, a. 9 c.; italics added.

365 Aquinas, *Summa Theologica*, III, q. 82, a. 9, ad 3; italics added.

366 Italics added.

367 A notorious fact, as we saw in Part I of this letter, does not require further legal proof in an ecclesiastical trial (see Canon 1747 n.1) and, if the fact is a crime, implies the legal guilt of the offender (see Ayrinhac, *Penal Legislation*, pp. 29-30).

This is why the Church’s law often considers as equivalent the excommunicated who have received a declaratory or condemnatory sentence with *notorious* apostates, heretics, and schismatics (e.g., see Canon 2372). In either case, the guilt

Church treats the guilt of notorious offenders as legally established; it thus becomes a *legal* matter.

St. Thomas' position is very reasonable, because it does not make sense to say that even though the Church does not bar a cleric from offering Holy Mass and dispensing the sacraments, nevertheless the faithful are somehow forbidden from assisting at his Mass or from receiving the sacraments dispensed by him. Imagine what gossip, detraction, anxiety, and scruples would result if the faithful first had to examine the sins of their clergy before deciding whether or not they could hear Mass or go to confession!

So, while it is true that there is more to morality than legality, nevertheless there is no moral barrier keeping the faithful from receiving the sacraments from those clerics not forbidden by the Church's law from dispensing them. The contrary is manifestly absurd, because the sacraments are dispensed for the benefit of the faithful. For this reason, the "moral sordidness" argument can be reduced to the "legal sordidness" argument, which we mentioned earlier.

Your Excellency, I appeal to you that if you truly believe that the Church's law forbids the Catholic faithful from receiving the sacraments from clergy in the lines of Bps. Carmona, Zamora, and des Lauriers, please share this evidence with the world. Use canon law and syllogistic reasoning to demonstrate, with clear arguments, that the faithful are not allowed to approach these clergy for the sacraments. In the meantime, mere epithetical assertions of "sordidness" and a hapless appeal to canon law here and a nebulous argument from the moral law there, will only serve to confuse and intimidate people, rather than convince them with the irresistible force of clear and straightforward reasoning.

is publicly known and so obvious that it cannot be concealed by any subterfuge or legal excuse, and hence the Church considers it legally established.

APPENDIX G
Photographs of the 1981 Thuc Consecrations
as Published in *Einsicht* and *The Reign of Mary* Magazines³⁶⁸



Above and Right:
The consecration of Bp. Michel-Louis Guerard des Lauriers (left) on May 7, 1981, in Bp. Pierre-Martin Ngo-Dinh-Thuc's humble home at Toulon, France.

Below:
The consecration of Bp. Moises Carmona (far left) and Bp. Adolfo Zamora on October 17, 1981, likewise at Bp. Thuc's home in Toulon, France.



368 See *Einsicht* XI, *Sondernummer* [Special Edition] (March 1982); *Einsicht* XII, no. 1 (May 1982); *Einsicht* XIII, no. 1 (May 1983); *The Reign of Mary* XL, no. 134 (Spring 2009).



How do all these photographs look to an objective observer? Do we not see here clerics who are attentively and devoutly participating in a ceremony of episcopal consecration? Or does all this look like it was some rambunctious “party liturgy” celebrated by a doddering old crackpot using a cookbook instead of a *Roman Pontifical*, all the while cats are dancing on the altar? Could anyone seriously suggest that these pictures indicate that Bp. Thuc wasn’t aware that he was consecrating bishops?

APPENDIX H
The Consecration Certificate of Bp. Carmona³⁶⁹

L'Archevêque Pierre Martin NGO-DINH-THUC
22, rue Garibaldi
83000 TOULON (France)
Tél. (94) 93.16.75

Nos, Petrus Martinus
Ngô-dinh-Thuc, archiepiscopus
titularis Bullae Regiae, notum
facimus omnibus: die 17^a
mensis octobris anni 1981,
nos conlatusse Domino Moysi
Carmona Rivera dignitatem
episcopalem ecclesiae catholicae
cum omnibus iuribus ad hanc
dignitatem pertinentibus.
Datum die 18^a mensis Octobris
anni Dñi 1981.
† Petrus Martinus Ngô-dinh-Thuc

Testes oculos erant
Domini Doctori Kurt Hiller
et Doctori Eberhard Heller

Dr. Kurt Hiller
Dr. E. Heller

As can be seen here, this certificate was hand-written by Bp. Thuc on his own personal stationery and signed by the two lay witnesses,³⁷⁰ Dr. Kurt Hiller and Dr. Eberhard Heller of Munich, Germany.

³⁶⁹ This certificate is photographically reproduced online at <http://www.traditionalmass.org/images/articles/thucletter.gif> (accessed Jan. 8, 2011).

³⁷⁰ Your Excellency's insinuation that Bp. Carmona stated there were no witnesses at his consecration (see *TSTP*, p. 68) is false and based on a misunderstanding of his actual words. You quote Bp. Carmona as saying that his consecration was performed "without witnesses, but [in the presence of] two illustrious doctors," making it appear as though the Mexican bishop conceded the requirement for qualified witnesses and that such witnesses were not present at his consecration. However, the phrase "in the presence of" given in brackets was supplied by Your Excellency and obscures the meaning of the original statement. Instead of looking up Bp. Carmona's entire letter, originally printed in *The Seraph* and reprinted in *Einsicht*, you chose simply to rely on six words quoted from it by Fr. Cekada in "Two Bishops in Every Garage" (in *TSTP*, p. 299). The full sentence penned by Bp. Carmona reads: "On October 17, 1981, Father Zamora and I were consecrated by Archbishop Thuc in a true catacomb, without witnesses but two illustrious doctors" ("A Roman Catholic Bishop Speaks," *Einsicht* XII, *Sondernummer* [Special Edition] [August 1982]; available online at http://www.einsicht-aktuell.de/index.php?svar=5&artikel_id=3675; accessed Dec. 24, 2010). The misunderstanding arises from the ambiguity of the word "but." What Bp. Carmona was really saying is that the consecration took place without witnesses *other than* two illustrious doctors—i.e., Dr. Hiller and Dr. Heller. Thus, Bp. Carmona was not juxtaposing witnesses with the two doctors, but rather, he was identifying the two doctors precisely as witnesses. After all, he did not write, "without witnesses but *with* two illustrious doctors"—instead, he wrote, "without witnesses *but* two illustrious doctors." This understanding is confirmed in the German translation published by *Einsicht*, which says, "ohne andere Zeugen als zwei berühmte Doktoren"—literally, "without any other witnesses than two illustrious doctors" (*Einsicht* XII, no. 4 [December 1982], p. 134; my translation). By misunderstanding Bp. Carmona's own testimony and interjecting your own words, you have made people believe that the Mexican bishop himself acknowledged that there were no witnesses to his consecration, which is absolutely untrue.

APPENDIX I
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