

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 misinter-

puted 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.¹ Even though Fr. William Jenkins acknowledged this in a 1993 booklet on the matter,² 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."³ 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 alert⁴ readers to the omission.⁵ 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.

1 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.

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

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

4 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.

5 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).