

STATEMENT ON THE VALIDITY OF HOLY ORDERS

In the past several months many of you have had various questions in regard to the validity of the Orders of the Priests and Clerics here at Mount Saint Michael's. This statement is an attempt to answer the questions that have been raised. We hope that the information provided will answer any questions that you may have.

Validity of Schismatic Orders

One of the principles upon which the sacramental theology of Holy Orders is based is that once an order has been validly received, the recipient always retains the powers of the Orders received although the right to exercise Orders may be lost or suspended by the Church. The Sacrament of Holy Orders imprints an indelible character upon the soul and it is from this indelible character that the power of the Order flows. It has always been the teaching of the Church that Orders received from or by schismatics are valid as long as the proper matter, form and intention are retained. As we said above, the right to exercise an Order may be lost or may be suspended by the Church, such as in the case of an excommunicant or one suspended for crime; nevertheless, the sacramental character, once validly received, can never be removed. This is clearly seen in the writings of St. Thomas Aquinas. In his Summa Theologica (Supplement Q. 38, Art. 2), he states:

"Since the episcopal power is conferred by consecration, it must endure forever, however much a man may sin or be cut off from the Church."

Again, St. Thomas says (Supplement Q. 64, Art. 9)

"If a man be suspended by the Church or excommunicated or degraded, he does not lose the power of conferring the sacraments, but the permission to use this power."

Modern authors are in complete agreement with St. Thomas. Ludwig Ott, in his Fundamentals of Catholic Dogma, says:

"Every validly consecrated bishop, including heretical, schismatic, simonistic or excommunicated bishops can validly dispense the Sacrament of Orders, provided that he has the requisite intention, and follows the essential external rite."

Father M. D. Forest, in his Why Are Anglican Orders Invalid, states:

"As regards the Sacrament of Orders, not only has the Church never taught that Orders conferred by schismatics or heretics are invalid....on the contrary, She has insisted on the validity of such Orders unless there was some other defect of an essential character."

Finally, Father Pohle-Preuss, in his work The Sacraments, says:

"The Church can take away what She Herself has given, but She cannot take away the power of conferring Holy Orders."

Clearly, then, it is entirely possible and, in fact, is of common occurrence, that heretics, schismatics and excommunicants can possess and validly confer Holy Orders. The determination of the validity of such orders would rest upon the rite employed in the ordination ceremony and the intention of the minister and would be predicated on the assumption that the minister himself possessed valid Apostolic succession. Having laid this groundwork, let us proceed to a discussion of the schismatic Church of Utrecht.

The Schismatic Church of Utrecht

In the 17th and 18th centuries, French Jansenists fled to Holland where they found the Dutch clergy more favorable to the errors of Jansen. In the late 1600's the vicars-apostolic of Holland were cited to the Holy See for their Jansenist leanings, and the ecclesiastical government of Holland was transferred to the papal nuncio at Cologne.

Tanqueray in his Synopsis Theologiae Dogmaticae, Vol. II (1905) in a discussion on the invalidity of Anglican Orders, writes (page 618):

"In our days, certain Anglicans have gone to Holland to be ordained by the Jansenist bishop, which ordination is almost certainly valid...."

In speaking of the Old Roman Catholic Church, the Roman Catholic Dictionary, by Addison Arnold, says: "They have received the imprimatur of Cardinal Hayes of New York, states: 'Their orders and sacraments are valid.' The Rev. Konrad Algemissen in his work, Christian Denomination, published in 1948, bearing the imprimatur of John Cardinal Glennon, St. Louis, Mo., (page 363) says: 'The Old Roman Catholic Church has received valid episcopal consecration....' In reply to an inquiry about the Old Roman Catholic Church, the Far East magazine of June 1928, published by the St. Columban Fathers of St. Columban, Nebraska, published the reply that 'these Orders are valid.'"

William J. Whalen in his work, Separated Brethren (1958), in dealing with the Old Roman Catholics, writes (page 204):

"While no official pronouncement has been made by the Vatican concerning the validity of Old Roman Catholic orders, we have no reason to doubt that they are valid. The Apostolic Succession does not depend on obedience to the See of Peter but rather on the objective line of succession from apostolic sources, the proper matter, form and the proper intention. This means that Old Roman Catholic priests are probably true priests with the full powers of exercising these powers unlawfully. Likewise, Old Roman Catholic bishops are bishops in the Apostolic Succession."

The Old Roman Catholic Church in the United States

The Old Roman Catholic schism spread to the United States in the late 1800's and the early 1900's. Although it is still possible to trace Old Roman Catholic Orders through several lines back to the Church of Utrecht, we will discuss here only that line through

The Dutch Jansenists refused to recognize the authority of the nuncio, and a de facto schism ensued.

In 1718, Dominic Varlet, a priest of the Seminary of the Foreign Missions in Paris, was consecrated in Paris as the coadjutor to the Bishop of Babylon. In 1719, while passing through Amsterdam on his way to the Near East, he conferred confirmation, thereby incurring the censures of the Church. Notice of his suspension was served upon him after his arrival in Persia, and Varlet returned to Europe. Rather than appeal the censure in Rome, he settled in Amsterdam and began to pontificate for the Jansenist dissidents. In October, 1742, Varlet performed the first of four episcopal consecrations which he bestowed at the request of the Jansenists of Utrecht. Thus the consecrations bestowed by Varlet gave valid Apostolic Succession to the schismatic Church of Utrecht.

The Church of Utrecht maintained the Roman liturgy with the Tridentine Latin Mass. It professes the Catholic creed on almost all points of faith, the major divergence being on the Dogma of Papal Primacy and infallibility, the Immaculate Conception and the Assumption. They retain the seven sacraments and are very similar to the Roman Catholic Church in ecclesiastical discipline.

The Church of Utrecht has almost certainly retained valid Apostolic Succession. Catholic writers on this subject classify them in the same category as the Eastern Orthodox Churches. The American Ecclesiastical Review in its July 1899 issue carried an article entitled, "Recent Schismatical Movements Among Catholics of the United States." This article says in part:

"Concerning the Jansenist ordinations, we remark briefly that, according to Dens, the Holy See has received priests ordained by the Jansenist archbishop of Utrecht, without reordination, and that Berthier says: 'The ordination of the schismatical Greeks and of the Jansenists is held as valid.' The first Jansenist archbishop was consecrated in 1723, by Varlet, bishop i. p. i., who had been suspended for Jansenistic errors. Since then the succession has been preserved without a break, the Latin rite being maintained intact."

which Bishop Daniel Q. Brown derived his Orders.

Arnold Harris Matthews (1851-1919) was an Englishman raised as an Anglican. He studied for the Anglican ministry but prior to ordination entered the Catholic seminary of St. Peter's at Glasgow. He was ordained to the Catholic priesthood but left the Church in 1889. He returned to the Anglican Church where he functioned as a curate, and while an Anglican clergyman, contracted marriage. He was reconciled to the Roman Catholic Church in 1899. In 1907, Matthews began correspondence with the Old Roman Catholics from Utrecht and was eventually consecrated by Archbishop Gul of Utrecht in April, 1908. Matthews returned to England, and in 1910 consecrated two Roman Catholic priests. This double consecration led to a rupture of relations between Matthews and the Church of Utrecht and brought his formal excommunication by Pope Pius X. In 1912, Matthews also consecrated an Austrian nobleman, the prince De Landes-Berghes et de Rache, and then sent De Landes-Berghes to the United States to head the Old Roman Catholic movement in this country. Matthews was reconciled to the Church in 1915 and died four years later.

In 1916, De Landes-Berghes consecrated Carmel Henry Carfora (1878-1958). Carfora, a former Roman Catholic priest, had been born, educated and ordained in Italy. He came to the United States and worked as a missionary among the Italian immigrants in West Virginia. He organized several "independent" parishes after having some problems with his lawful ecclesiastical superiors. After his consecration by De Landes-Berghes, Carfora proceeded to found the North American Old Roman Catholic Church, which became one of the largest Old Roman Catholic Churches in the world; by 1958, Carfora's organization numbered some 85,000 members. William J. Whalen, in his book Separated Brethren (pages 206 and 207) writes:

"This body (the North American Old Roman Catholic Church) acknowledges the Primacy of the successor of St. Peter but denies his infallibility. Its statement of beliefs includes the seven sacraments, the Mass, Transubstantiation, the veneration and invocation of the glorious and Immaculate Mother of God, of the

Angels, and the Saints, and prayers for the dead. While advocating celibacy, it does not forbid its clergy to marry. English is used in the liturgy....This body seems to be closer to Roman Catholicism than its European counterpart.

In July of 1942, Carfora consecrated Hubert A. Rogers. Rogers functioned as Carfora's co-adjutor and upon the death of Carfora in 1958, Rogers became the head of the North American Old Roman Catholic Church. In 1969, Rogers consecrated Daniel Q. Brown to the episcopacy.

A publication of the Old Roman Catholic diocese of Florida states:

"To correct any misinterpretation of what Old Roman Catholics believe, our bishops and priests meeting at the Twelfth General Council of the Old Roman Catholic Church, held at the Benedictine Abbey of St. Paul (Roman Catholic) at Newton, New Jersey, on April 27-28, 1973, made the following unanimous declaration: 'This General Council reaffirms that it holds and teaches all that is held and taught by the Roman Catholic Church in matters of faith and morals.' Clearly, then, lest there be any further misunderstanding, this Church holds and teaches the Catholic Faith without any reservations, condemning all heresies condemned by Rome, and teaching even those doctrines that have been declared by Roman Pontiffs since this Church has been cut off from our Holy Father, the Pope."

Daniel Q. Brown

Daniel Q. Brown was born and raised in the Roman Catholic Church. He became very concerned at the doctrinal and liturgical aberrations introduced by the Second Vatican Council and so left the Vatican II Church and became affiliated with the North American Old Roman Catholic Church under Rogers. Brown studied at the Old Roman Catholic seminary and was ordained and consecrated by Bishop Rogers. For some time Brown functioned as an Old Roman Catholic bishop, but by September of 1970 he had dropped the name "Old Roman Catholic" and had begun referring to himself

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as a Roman Catholic bishop. We first made contact with Brown in early 1970. Our community had just come under attack in the "traditionalist" Catholic press for our rejection of the new Mass and Paul VI. Bishop Brown wrote to us encouraging us to stand firm. Correspondence was begun with him and we learned that his Orders came through Old Roman Catholic lines. When we discovered that he was an Old Roman Catholic, we informed him that we did not want anything to do with him. It was at that point that he told us that he had gone to the Old Catholics to receive Holy Orders, but that he had never accepted their errors and that he still considered himself to be Catholic. In a letter dated September 17, 1970, Bishop Brown wrote:

"We have no connections or

intercourse with any other church or group and especially not with "Old" Catholics. It is true that our Apostolic Succession was obtained from a bishop descended from the Church of Utrecht, but this was done because we knew that there was no question as to the validity of their Orders. As a matter of fact, the Roman Catholic Church (pre-Vatican II, that is) has recognized the validity of Holy Orders emanating from the Church of Utrecht.

We are Roman Catholics who feel obligated under pain of mortal sin to make sure that the Church founded by Our Lord Jesus Christ continues to the end of time as He promised. We believe that the "new" Church is not only heretical but is also fast plunging into a form of Unitarianism if not worse. We question the validity of the present Pope since many of the things he has done--as well as things he has left undone--are not indicative of a valid Pope. We are not, however, anti-Papal. As a matter of fact, we commemorate the Pope (without naming the present one) in every Mass we say. We, indeed, look forward to the day when a valid Pope once more occupies the Chair of Peter (and this shall come--whether in ten years or a hundred) and on that very day we shall submit wholeheartedly to the Vicar of Christ on earth."

This position was reiterated by Bishop Brown in a letter of July 10, 1971:

Several Objections Answered

We corresponded and met with Bishop Brown over a period of about two years. We assured ourselves of his orthodoxy and his good intentions and eventually he ordained and consecrated Bishop Schuckardt in October and November 1971.

"We are Roman Catholics, nothing more, nothing less, who are forced by circumstances to function temporarily without a Pope. We follow the doctrine, dogma and liturgy of the Roman Catholic Church as she existed prior to the death of Pope Pius XII. Our Holy Orders are descended from the Church of Utrecht (Holland) whose Sacraments have been recognized as valid on numerous occasions by the Roman Catholic Church. We are not schismatics, apostates or heretics--on the contrary, we look forward to the day on which we can be united with the valid Holy See. We are not in communion with any other church or denomination."

Some assert that even though the episcopal consecration of Bishop Schuckardt was valid, the exercise of his sacerdotal and episcopal powers would be illicit. This assertion is usually based on the following presumptions: (1) Bishop Brown incurred automatic excommunication and suspension in receiving orders illicitly in a schismatical-heretical sect. (2) Bishop Schuckardt incurred an irregularity, from which he was not dispensed, when as a layman he distributed Holy Communion on several occasions.

Bishop Brown as layman did in the early 1960's incur ipso facto excommunication by joining the Old Roman Catholic Church. He incurred suspension and excommunication by his reception of Holy Orders and receiving episcopal consecration in this schismatical-heretical sect. However, prior to his consecration of Bishop Schuckardt, he publicly renounced the errors of the Old Roman Catholic Church and made a Profession of Faith. Church History provides examples where schismatic and/or heretical bishops have been received into Catholic Communion

through the Profession of Faith.

"From the ancient institutions of the Fathers we have learned that those who are baptized in the name of the Trinity, although amid heresy, whenever they return to the Holy Church, may be recalled to the bosom of their Mother the Church either with the anointing of chrism, or the imposition of hands, or with A PROFESSION OF FAITH ALONE... without any hesitation receive all whoever return from the perverse error of Nestorius... make no opposition or difficulty in regard to their own orders." (Letter of Pope St. Gregory, Qui Caritati, to the bishops of Spain, Dens. 249)

These objections are also founded on a false application of Canon Law, for Canon Law, due to its imperfect nature, is subject to change. This change is termed equity when applied by a superior, or epikeia, when as exception to the law is presumed by an individual (Canon 18). St. Thomas Aquinas discusses epikeia:

"Every law is directed to the common weal of men, and derives the force and nature of law accordingly. Hence the jurist says: 'By no reason of law, or favor of equity, is it allowable for us to interpret harshly and render burdensome, those useful measures which have been enacted for the welfare of man.' Now it happens that the observance of some point of law conduces to the common weal in the majority of instances, and yet, in some cases, it is very hurtful. Since then the lawgiver cannot have in view every single case, he shapes the law according to what happens most frequently....Wherefore if a case arises wherein the observance of a law would be hurtful to the general welfare, it should not be observed." (Summa Theologica, I-II, Q. 96, Art. 6)

"Since human actions, with which laws are concerned, are composed of contingent singulars and are innumerable in their diversity, it was not possible to lay down rules of law that would apply to every single case.

Legislators in framing laws attend to what commonly happens; although if the law be applied to certain cases it will frustrate the equality of justice and be injurious to the common good which the law has in view.

"Epikeia does not set aside that which is just in itself but that which is just as by law established. Nor is it opposed to severity, which follows the letter of the law when it ought to be followed. 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."

(Summa Theologica, II-II, Q. 120, Art. 1)

Abbo and Hanna in their work The Sacred Canons, Pg. 39, in treating of epikeia, state:

"Epikeia, a benign interpretation of the human law according to that which is just and good, is said by St. Thomas to be a virtue by which a person, though not observing the strict letter of the law, does comply with the intention of the lawgiver. The legislator is presumed to intend what is good. If, then, in a particular case, literal obedience would be productive of evil or become morally impossible, the presumption is justified that the legislator did not intend to insist upon the enforcement of his law under those circumstances."

Bishop Brown invoked epikeia. If there only had been a legitimate Holy Father, Brown's path would have been obvious. But he knew that Paul VI was not a pope and he knew of no bishops remaining faithful to the Church, so recourse was impossible. Bishop Brown felt strongly the responsibility to consecrate someone to preserve Apostolic Succession. In Brown's certain doubt of the relevant application of Canon Law, his suspension and any irregularities ceased and

jurisdiction was supplied by the Church to render his acts licit. Woynod in his Practical Commentary on the Code of Canon Law (Vol. I, pg. 10) states:

"When the existence, meaning, or extent of the obligation of a law is doubtful it is called dubium juris...when the majority of moralists maintain that doubtful law is not a law, and has no force to bind in conscience. This is true if the meaning, or scope of the law is in doubt, and the code admits that a law in a dubium juris has no binding force."

Speaking of this doubt of Law, Bouscaren and Ellis in their Canon Law, a Text and a Commentary (pg. 114) say:

"As regards the licitness of the use of jurisdiction which is merely supplied by the Church: (a) in a positive and probable doubt of law the use is simply licit..."

Prior to Bishop Schuckardt's ordination and consecration by Bishop Brown, several priests had reserved the Blessed Sacrament here on condition that Our Lord should be rendered due homage by the Community and that the Sacred Species should be consumed before they could undergo corruption. Again in this instance the principle of epikela was invoked to make it possible for Holy Communion to be taken to the sick and given to members of the religious Congregation when priests were not present. Certainly such an action was not unprecedented in Church History. In the times of persecution such activity was common, as can be seen from the histories of the Roman persecutions and the persecution of the Church in France during the Reign of Terror. The persecution of the Church in Mexico in the early 1900's furnishes us with yet another example. Pope Pius XI in 1927 granted the faithful in Mexico:

"In view of peculiar and extraordinary circumstances...whenver no suitable and ready priest, deacon, subdeacon, or cleric can be had to administer Holy Viaticum to the sick or dying, a pious layman...may carry the Sacred Species in a vessel, which is

blessed or to be blessed; and the sick person may receive the Sacred Species with his own hands...or they (may be) administered by the man who carried them." (Canon Law Digest, Vol. II, pg. 26 ff)

Not only are these actions of the then Brother Francis defensible, in light of precedents in Church History, but because of the extra-ordinary circumstances no irregularities would have been incurred. "The irregularities from delinquency are unlawful exercise of the powers of Major Orders by a cleric or layman." (Moral Theology, McHugh Callan, Vol. II, pg. 747)

"If the doubt is of law, there is no irregularity." (Moral Theology, Jone-Adelman, pg. 472)

"A law ceases to bind...if the law has become unreasonable." (Canon 20)

Traditional Catholics must remember that many of the 2414 canons in the Code of Canon Law are not strictly applicable in the circumstances that we find ourselves in today. The Church today is certainly in a different position than it was in 1958 and therefore the laws must be interpreted in view of the nature of the times and in light of previous precedents in Church History. That part of Canon Law which is applicable must be applied, and that part of Canon Law whose application would be harmful, impossible, useless or unreasonable, in the present circumstances, ought not be applied. For as St. Thomas says:

"To follow the letter of the law when it ought not to be followed is sinful."

Conclusion

Let us briefly re-capitulate the main points of this article. The Old Roman Catholic Church does possess valid Apostolic Succession and the validity of Old Roman Catholic Orders is recognized by the Roman Catholic Church. Although Bishop Daniel Q.

Brown erred in receiving orders from a schismatic Church he did repent and sought to return to the true Catholic Church. Due to the extra-ordinary nature of our times it was not possible for him to submit to a true and legitimate Pope and so he did the best that he could do in these circumstances. He publicly renounced his error, made a profession of the Catholic Faith, and began to work with those traditional Catholics who sought the true Holy Sacrifice of the Mass and the true sacraments of the Church. In sort, Bishop Brown did what any prudent man would have done in the same situation (given the extra-ordinary nature of our times). Bishop Brown invoked Canons 209, 2261, and 2264 to obtain the jurisdiction needed to licitly give the sacraments to the faithful who sought them.

In consecrating Francis Schuckardt to the episcopacy, Bishop Brown invoked the principle of epikeia and judged that the Church would wish that Apostolic Succession be transmitted to others so that the faithful would have the benefit of the Mass and the sacraments. It must be remembered that in granting the so-called "extra-ordinary" or

"emergency" faculties, Holy Mother the Church is providing for the spiritual welfare of Her children, who would otherwise be left without the Mass and the sacraments. Again, it is illogical and ridiculous to argue for a strict interpretation of Canon Law in extra-ordinary times when Canon Law is obviously not strictly applicable or in circumstances when the strict application of the law would deprive the faithful of the sacraments and render the true Mass and Sacraments almost non-existent. It is rather interesting that the same people who argue for a strict interpretation of Canon Law will engage in verbal gymnastics to allow an aged French prelate, in violation of all Canon Law (if strictly applicable), to found a religious society, send priests throughout the world to found parishes in already existent dioceses, openly and scandalously refuse obedience to his superiors, travel into the territory of other bishops to perform pontifical functions even though specifically prohibited from performing these functions etc. etc. ad infinitum.

We here will publish the texts of two letters that Bishop Daniel Q. Brown wrote -- one in defense of the validity of his Orders

and the other expressing his views of the terrible crisis faced by the Church in our days. We thought they would be of interest to our readers.

Open Letter to Reverend Frank Korba
Pastor, St. Mary's Byzantine Catholic Church
December 14, 1975

Rev. Frank Korba, Pastor
St. Mary's Byzantine Catholic Church
101 E. Main Street
Marblehead, Ohio 43440

Reverend and Dear Father Korba:

It has been brought to my attention that a discussion took place among some members of your parish during which the validity of my Holy Orders was questioned. While I realize that it may not be important whether or not the members of the Byzantine Rite accept my validity, it is obvious that their refusal to accept it is due to a lack of knowledge of Church history, theology and Canon Law. I feel, therefore, that they ought to be enlightened on the subject.

As a preface to the examination of this question, I should like to remind you of the Augustinian Principle of "once a priest, always a priest" - a principle accepted by the Catholic Church. As you yourself know, of course, that means that the sacrament of Holy Orders leaves an indelible mark upon the soul of the man receiving Orders. This mark can never be removed - not even by a pope - and is carried on the soul forever. Consequently, if a priest, or a bishop, leaves or even is cast out of the Church or is excommunicated, he still remains a priest or a bishop with all of the powers of a priest or bishop. Now, if he is outside the Church, he is undoubtedly forbidden by the Church to exercise his sacerdotal or episcopal powers. However, if he should defy the Church and say Mass or, in the case of a bishop, consecrate another bishop, such an act would be illegal but it would still be valid. In other words, the Body and Blood of Christ would be truly upon the altar of such a priest at the words of Consecration and a bishop consecrated under such circumstances would indeed be a real bishop. This must be understood by those who erroneously believe that valid Holy Orders cannot exist outside the structure of the Catholic Church. Indeed a number of schismatical and heretical Churches (e.g. Eastern Orthodox, Old Roman Catholic, Coptic, Syrian Jacobite, Nestorian, etc.) possess valid Holy Orders and consequently valid sacraments.

My own Holy Orders and Apostolic Succession come from the Church of Utrecht in Holland, also called the Old Roman Catholic Church. This Church was once a diocese (of Utrecht) of the Roman Catholic Church. Because of political reasons and accusations of heresy, the diocese separated from the Catholic Church. Its first bishop was consecrated by a bishop in good standing of the Catholic Church, Bishop Dominique Varlet, who himself had been consecrated by the Roman Catholic Archbishop of Paris. The bishops of Utrecht maintained the valid Apostolic Succession by consecrating their successors down through the centuries. Therefore, I can trace my own consecration and Apostolic Succession in a direct and unbroken line back to the Roman Catholic Church. Critics will say that the Catholic Church has not infallibly pronounced as valid the Holy Orders of the Old Roman Catholic Church. That is true and the reason is that the Catholic Church never infallibly pronounces as valid any Orders other than Her own. She has likewise never infallibly pronounced Eastern Orthodox Orders to be valid and yet nobody in his right mind would question the validity of those Orders. The Catholic Church has, however, officially pronounced Old Roman Catholic Orders to be valid. This has been done by a number of statements printed under the imprimatur declaring Old Roman Catholic Orders to be valid. I

can provide such statements.

There are some who question my validity because of the influence of a paper which was distributed some time ago by one Hugo Kellner, an amateur theologian. Kellner denounced me as invalid because of his faulty interpretation of Canon 2264. This Canon states that "Acts of Jurisdiction by a vitandus are invalid". A "vitandus" is one who has been excommunicated by the most solemn excommunication of the Catholic Church. In this excommunication, the excommunicated person is named and the faithful are warned to avoid him. The Latin for "to avoid" is "vitare", hence "vitandus" or one to be avoided. Since Bishop Arnold Harris Mathew, through whom I receive my Succession, was excommunicated by Pope Pius X as a vitandus, Kellner claims that any consecrations performed by Mathew after his excommunication are invalid. He states that, consequently, my own consecration is invalid. The error in Kellner's reasoning is that Canon 2264 declares Acts of Jurisdiction (such as a bishop granting faculties to a priest in his diocese, etc.) but does not declare sacramental acts (saying Mass, conferring the sacraments - including Holy Orders) to be invalid. This is clearly shown further on in the same Canon with the statement that, in cases of emergency (danger of death, etc.) a Catholic may receive the sacraments from a vitandus. Furthermore, there is irrefutable proof that the Catholic Church accepts sacraments - including Holy Orders - from a vitandus to be valid. This is proven in the case of Bishop Orestes Chornock who was a Byzantine Rite Catholic bishop in Pittsburgh, Pennsylvania. Bishop Chornock became involved in a dispute with the Pope over the Papal decree of 1929 which forbade further ordinations of married men in the Byzantine Rite. Bishop Chornock considered the decree to be discriminatory because it affected only the Byzantines in the U.S. and also felt that it was an imposition of "Latinization" upon the Eastern Rites. The dispute became so bitter that the Pope excommunicated Bishop Chornock - a vitandus - the same excommunication imposed upon Bishop Mathew. After his excommunication, Bishop Chornock went into the Eastern Orthodox Church where he was received as a bishop - without reordination, of course. While a bishop of the Orthodox Church, he ordained a number of priests. Sometime later, some of these priests converted to the Byzantine Rite Catholic Church where they were received as priests without re-ordination, meaning that the Catholic Church accepted them as validly ordained - by a vitandus. I have the names and addresses of some of those priests.

The validity of my Holy Orders cannot be questioned and indeed is not questioned by those who are familiar with Church history and Canon Law. There are, however, those who, although admitting that I am a valid bishop, believe that I am not a legal or licit bishop. They ask how I can claim to be a Catholic bishop when I am not in union with Paul VI. The answer is simply that I, and my followers, cannot accept Paul VI as the valid and licit pope and consequently his Church as the true Catholic Church. We cannot accept as Catholic a Church which permits its members to be Masons, or a Church which accepts Transignification rather than Transubstantiation, a Church which permits heresy to be taught without even a reprimand to the teachers of heresy, a Church whose "pope" promotes the cult of man and secularism, among many other aberrations from true Catholic teaching of which I have documented evidence. In fine, if the "new" Church of Paul VI is the true Church, then the Catholic Church has been wrong for 2,000 years. That we cannot accept. Apologists for the Paul VI Church admit that there are "some" within Paul's Church who are unorthodox but have blinded themselves into believing that a little heresy doesn't hurt much. The truth is that the Catholic Church cannot be a "little bit heretical" any more than a woman can be a little bit pregnant. You yourself have stated that you (the Byzantines) are the most orthodox of any in your Church. That is an admission that there are then in your Church those who are less orthodox than

yourselves. In the true Catholic Church there cannot be those who are more orthodox or less orthodox - one is either orthodox or one is heretical. Catholic Truth is One and any Church which permits some members to be less orthodox than others cannot call itself the Catholic Church. It is true that heresies have arisen in the Church even from the beginning but those heresies were always denounced and the heretics were cast out of the Church - excommunicated. Heresy was never permitted to exist side by side with orthodoxy. I do not make these statements in arrogance, Father, or to start a "religious argument" but only to explain my reason for being.

Before assuming leadership of several parishes of Catholics who have left the Paul VI Church for reasons which I have outlined, I left the Old Roman Catholic Church and made the Profession of Faith and the Abjuration of Heresy in the presence of some 40 witnesses. Since we cannot in good conscience accept Paul VI as pope, we cannot submit to him. We consider the Church to be in Interregnum or a period between popes - a phenomenon which has occurred at other times in Church history. We believe, of course, that there will again be a valid pope in God's own time. When that occurs, we shall submit to the valid pope. More than this we cannot do at the present time and under present conditions. We can justify our position by the application of the Canonical principles of Epikheia and of Intrinsic Cessation - with which you, of course, are familiar.

Since I know that the question of my validity and my position is of some interest to others in your group, I am making this more or less an open letter and am sending out copies to a number of other persons. There is no attempt or desire on my part to proselytize among the Latins of your parish. On the contrary, most of them whom I know could not be accepted by us for various Canonical reasons. Also, if you question anything in this letter or feel that I may have left anything unsaid, it is my hope that you will contact me so that I may answer you. I have documentation for every statement I make.

Before closing, I cannot help noting that the presence of the Latins in your parish, and in other Byzantine parishes, brings up an interesting theological question. It is common knowledge that those people have left the Western Rite and have gone into your parish because they do not accept the Novus Ordo Mass as a valid Mass and because they consider Paul VI to be a heretic. Since they reject the Western Rite (Novus Ordo) of your Church as heretical and since they refuse to accept your pope, they have to be, from your own point of view, heretics. The question in my mind is how you can give the sacraments to those whom you know to be heretics. If that practice is acceptable in your Church, then it must be that you approve the principle of "private interpretation" which is not a Catholic principle but Protestant. I bring this up because I have never been able to obtain a satisfactory answer to the question.

With the hope that this letter may clear up some of the misunderstanding about my background and position, with best wishes I remain,

Sincerely yours in Christ,
(Most Rev.) Daniel Q. Brown

Open Letter to Hugh McGovern, Editor of the Voice
October 13, 1975

Dear Hugh:

This is an attempt to talk common sense to you - always bearing in mind what a Spanish philosopher wisely observed - that common sense is the least common of all the senses.

In recent issues of The Voice, you have been beguiling your readers with speculation that Archbishop Lefebvre will leave the apostate Church and head up the Traditionalist Movement. You say that the Archbishop is "our last hope". If indeed he is your last hope, then you have no hope at all. The Archbishop will not leave Paul VI, nor will he consecrate a bishop for the Traditionalists - and I explain why.

Either you do not know what is going on in Switzerland or you are not telling for reasons which would work to your advantage. Even now, you have many people worked up with the false hope that the Archbishop will become their bishop and that does not hurt your circulation a bit. As you have done so often in the past, you are again going off half-cocked with emotion-packed sensationalism which only serves to confuse the very people who most need the truth.

Over the years Archbishop Lefebvre has been supported financially by a small number of very wealthy people - including at least one American. This financial support has been so generous that the boys who attend the seminary have been able to do so free of charge if necessary. Everything is provided them - even their room and board. However, it must be noted that the people who have been providing this financial aid are Wanderer-type "Catholics" who purport to believe in "Traditionalism" as long as it is confined within the structure of the "Church" - meaning the Church of Paul VI. That is a mockery of Catholic Truth. Now if the Archbishop left Paul VI and consecrated a bishop for the Traditionalists (which he would have to do, otherwise there would be no point to his actions), he would have to do so without the Mandate of Paul VI who would certainly give no permission for the consecration of such a bishop. If the Archbishop defied Paul VI by consecrating a bishop without the Mandate, he would then be excommunicated. At this point, those who are giving him financial aid would immediately withdraw their support from him. This would mean that the Archbishop would be thrown on the mercy of the wolves who call themselves "leaders" of the Traditionalist Movement. It takes little imagination to see what would happen if and when the Archbishop got out of line with those ego-maniacs. They would cut him to pieces. Now, the Archbishop is not a stupid man and he knows what his fate would be at the hands of the neurotic "leaders". He is old and ill and it is doubtful that he could survive that kind of treatment. He needs compassion and understanding.

What has obviously not occurred to you is that, if the Archbishop did in fact agree to head up the Traditionalist Movement, his first act would have to be the excommunication of all of those "leaders" who have been playing fast and loose with Catholic Truth - and that includes you. I can pick up virtually any issue of The Voice and find theological, canonical and/or scriptural errors in your writing. Some of these errors I have already pointed out to you. Of course, you have chosen not to acknowledge my correspondence - just as you ignored my challenge to debate you on the pages of your own paper. One of the most blatant errors appears on the very mast-head of The Voice. There you state that you are dedicated to the "restoration" of the Roman Catholic Church to the status-quo of pre-Vatican II. "Restoration" means bringing back something which has been lost or taken away. The Catholic Church has never been lost or taken away and your

implication that it has been a denial of Christ's truth. You suggest that Paul VI has "destroyed" the Church when the truth is that nobody can destroy the Church founded by Jesus Christ. To say otherwise is to call Christ a liar. Nor has Paul VI "taken over" the Church as you imply. He and his cohorts have rather merely confiscated the cathedrals, churches and other material wealth of the Church. You are confusing the material image of the Church with the real Church.

What this means is that you, and many other Traditionalists, are living in a dream world. You naively believe that someday, somehow, somebody is going to wave a magic wand over the city of Rome, or perhaps flick a switch in the Vatican, and suddenly everything will be as it was before. That will never happen. The great material wealth and worldly prestige of the Catholic Church was built up over centuries. We do not have that much time left. I do not claim to be a prophet or seer but everything points to the probability that the end of time may be closer than we realize. The physical Church as you and I knew it is probably gone forever. It seems clear that the true Catholic Church will consist of a very small number of real faithful who will not even have church buildings but will hear Mass in the living rooms of homes. Many adjustments will have to be made and true Catholics will have to adapt to conditions unheard of in the Church of more prosperous times - without, of course, giving up Catholic truth. More than once the principles of Epikela and of Intrinsic Cessation ("when it is morally impossible to follow a man-made law of the Church, then one may do what the Church would do or one may resort to former laws of the Church") will have to be applied and Catholics must educate themselves so as to recognize the circumstances under which these principles may be used. In fine, true Catholics will find themselves in a status not at all unlike that of the primitive Church. Left behind will be the compromisers with Truth - those cowardly souls who refuse to leave the "pope" and who insist upon attending his illicit Byzantine Masses as a sop to their consciences, the wretched CUF'ers who whisper that the "Holy Father" says this or that, the amateur theologians (mostly old men who hate everybody) who get their kicks by writing long treatises on theological minutiae, the editors of "Traditionalist" newsletters who bend whichever way the wind blows in an effort to please as many subscribers as possible, "Traditionalist" priests who try to stand with one foot in orthodoxy and the other in heresy (an impossible balancing act) by saying the Tridentine Mass on one hand and on the other refusing to denounce their apostate "bishops" and their heretical "pope", lay owners of "Catholic" parishes who are breaking Canon Law and at the same time are blindly obsessed with the fine points of the law, ad infinitum et ad nauseum.

When will you ever learn, Hugh, that as long as you keep hiding your head in the sand, you are not facing the truth? Time is running out. God will not be mocked.

In Christ,
(Most Rev.) Daniel Q. Brown

(32)-A

Mount St. Michael
North 8500 St. Michael's Road
Spokane, Washington 99207

Feast of Corpus Christi
June 21, 1984

Dear friends in Our Lady,

Praised be Jesus and Mary!

I am writing this rather lengthy letter in an attempt to clearly explain the position that I have been forced to take during the last few weeks. This is not an easy time for any of us, and I feel that I have an obligation to be completely open with you, the laity, and explain my position in a clear and forthright manner. I am forced to write this letter since Bishop Schuckardt has labelled myself and the other priests at Mount St. Michael's as Satanic and excommunicate. These allegations are of a very serious nature and have been made publicly. As many of you may be approached in the coming weeks by lay people or religious who have sided with Bishop Schuckardt, I feel that it is imperative that you understand fully the real issues at hand.

1) Incompetency

Most of you are well aware of the fact that over the past several years Bishop Schuckardt's health has grown increasingly worse and that he has become more and more dependent upon his medication. In the past several months, the medical professionals who have worked with Bishop Schuckardt for many years, and who are totally aware of his complex medical problems and history, have approached me several times and indicated that Bishop Schuckardt takes far too much medication that the medication is having a disastrous effect on his general health, and that the medication is actually causing the problems that it is supposed to relieve. (The side effects of the medication that Bishop Schuckardt takes are: euphoria, dysphoria, headaches, excitement, hypersensitivity, agitation, confusion, hallucinations, convulsions, facial flushing, dry mouth, nausea, vomiting, and phlebitis.) The doctors who have worked with Bishop Schuckardt have said that, if he does not moderate the amount of medication he is taking, he will be dead within a year. It is my opinion that this problem with medication is causally related to many of the other problems we will discuss.

You are all aware of the fact that for the past several years things in the Community have been in complete and utter chaos. It is my feeling that the vast majority of this chaos is caused by Bishop Schuckardt's inability to physically function and because of the various emotional and psychological side-effects of the medication he takes. We all realize that as remnant Catholics we are to be followers of Christ Crucified, and that we will have certain crosses and contradictions in our daily life that we have to accept in a spirit of humility and resignation. The problems we will discuss are not merely crosses and contradictions, but proofs that Bishop Schuckardt is not capable of administering the affairs of the Church and of providing for the spiritual needs of the people.

Several cases in point:

a) Church law provides that pastors make the sacraments available for the people at times when the people are able to receive the sacraments and attend the Holy Sacrifice of the Mass. In the past year it has become the norm, here in Spokane, that Mass times for Sundays and Holydays of Obligation are not even announced until Sunday morning or the morning of the Feast. On many occasions, announced Masses for Sundays or feasts have been cancelled at the last minute or their location changed at the last minute. On the Feast of the Assumption, 1983, and on the Epiphany of Our Lord, 1984, (both days of obligation) Masses were not scheduled for the laity until late in the evening. On the Feast of the Assumption the priests were instructed to say private Masses at 9:00 p.m. Mass was finally provided for the laity at 11:00 p.m., but the vast majority of the religious did not attend Mass on that day as they were to wait for Bishop Schuckardt's Mass, which was never offered.

On the Feast of St. Joseph the Worker, 1984, three different phone messages were sent out within a four-hour period that the day was not, was, then was not a holiday of obligation.

On Easter Sunday, 1984, Mass times were not announced until 3:00 p.m. with the Masses scheduled at such times that by the time the message was disseminated among the laity some of the Masses had already been said. The solemn ceremonies of the Easter Vigil were delayed for over two full weeks so that Bishop Schuckardt could be present.

My concern is not the fact that the laity are often obliged to wait long hours for Mass and for ceremonies. My concern is that many of the laity are deprived of the opportunity of assisting at Mass and receiving the sacraments even on feasts of obligation, simply because Bishop Schuckardt will not schedule Masses at an hour and place where the laity can attend Mass.

When I mentioned my concern to Bro. Fidelis, one of Bishop Schuckardt's aides, I was told that he (Bro. Fidelis) would not worry if the priests all had private Masses on Sundays and, if the Bishop was unable to say Mass, the people missed Mass. The laity would just have to "offer it up."

b) Liturgies have been scheduled and re-scheduled over the past few months to the point of absurdity. The Brothers and Sisters still have not had the solemn ceremonies of vows for 1983; Christmas ceremonies were constantly postponed during Christmastide to the point that we were told to combine Bishop Schuckardt's Christmas Mass with the Ash Wednesday Liturgy; when Sister Mary Gertrude died, her funeral was scheduled for four successive days; the ceremonies for the Feast of the Purification and for Epiphany were scheduled on a number of dates, and at this time the purification candles still have not been blessed. This year we kept Christmas decorations up two weeks into Lent, and Passiontide decorations were kept up into the third week after Easter. All of these abuses are of grave concern to me since a Bishop by law is supposed to see to the regularity of the liturgical life of his diocese.

c) Most of you have been told time and time again about the urgent financial needs that the Church has; you have been asked time and again to help support the missions of the priests and Bishop. After we re-obtained possession of the Priory and started to go through the boxes of mail that had been accumulated over the years and simply stacked in corners and out-of-the-way places, we found a large amount of cash and over \$15,000 in out-of-date, uncashed checks. Many of these checks and much of the unanswered mail dates back to the early 1970's.

Other results of the mail not being processed have been the lack of communication between the religious and their relatives and friends in other parts of the country; the lack of follow-up in contacting and keeping contact with people reached in missions; the total lack of regular processing of mail and book orders at the Center.

After the recent O'Neill legal suit, over \$13,000 in Church funds were seized by Mr. O'Neill simply because mail at P. O. Box 1207 was not processed and we were not made aware that Mr. O'Neill was seizing these funds.

d) Bishop Schuckardt and some of those religious with him may contend that none of these problems are at all that serious. As a priest I feel that it is a very serious matter that the laity are not able to attend Mass and receive the sacraments regularly. The other problems that I have mentioned are a direct result of the dependency that Bishop Schuckardt has on his medication. I feel that the man is so physically sick that he is not capable of functioning in a reasonable manner.

e) Those of you who have attended the Conference or the Retreat-Seminars in recent years are aware of the problem to some degree. You will remember that the Fall Conference in 1983 was re-scheduled the day after it was to have started, in spite of the fact that people had travelled here from out of state. When the Conference was finally held, the keynote address was scheduled four nights in succession without success. At the San Diego Seminar in 1983, the people were not assigned rooms until 1:00 in the morning, and the Seminar dragged on until Tuesday morning. At the Ohio Seminar in 1984, the room assignments were not made until 3:00 in the morning. On the pilgrimage to Germany in December, 1983, the pilgrims spent two extra days in one city because Bishop Schuckardt refused to let the group go on without him. The added expenses for these two extra days were, of course, paid by the pilgrims themselves, in spite of the fact that they had already paid for lodging and meals in two other cities. Many excuses were made for these delays and re-schedulings. The real reason was that Bishop Schuckardt, because of the quantity of medication he was taking, was unable to function properly.

2) Claims to the Papacy

I have become aware recently that on several occasions Bishop Schuckardt made the claim to several people that he was the Pope. The claim seems to have been based upon the reasoning that he was the "only Catholic bishop in the world" and that on pilgrimage in Rome at the shrine of Our Lady of the Snows he was mystically crowned by Our Lady. In the past when I asked Bishop Schuckardt about these claims I have always received an evasive answer.

a) I have in my possession a booklet written by a member of the Community which bears the Nihil Obstat of Bishop Schuckardt. This booklet contains an erroneous history of Bishop Schuckardt's life, of his episcopal consecration, and makes reference to Bishop Schuckardt as Pope Hadrian VII and has a chart showing Our Lady of Guadalupe presenting the Papal tiara to Bishop Schuckardt.

b) I have in my possession sworn statements by several persons whom Bishop Schuckardt told personally that he was the Pope. (These same persons were instructed not to tell myself and other priests and clerics since we "did not have the grace to accept it.")

c) Bishop Schuckardt has worn and wears a white cassock in the manner of a Pope (not an episcopal white cassock trimmed in red piping, but a papal white cassock trimmed with gold piping). Bishop Schuckardt has allowed pictures of

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Page 34, paragraph 1 is badly faded. It should read: " Other results of the mail not being processed have been the lack of communication between the religious and their relatives and friends in other parts of the country; the lack of follow-up in contacting and keeping contact with people reached in missions; the total lack of regular process of mail and book orders at the Center. "

Page 36, paragraph 1 is badly faded. It should read:

Absolution of an Accomplice in a Sin of Impurity

One of the most severe censures in the Canon Law of the Catholic Church is reserved for a priest who attempts to absolve an accomplice of his in a sin against the Sixth Commandment. This crime carries a penalty of Excommunication Latae Sententiae which is Most Especially Reserved to the Holy See. To incur this penalty, a priest must commit a sin of impurity with some other person and then attempt to hear the confession of that person. If such a crime occurs, the absolution is invalid and the minister incurs the excommunication Latae Sententiae. "

himself in a papal cassock to be made and disseminated among the religious and laity.

d) Two religious superiors have deposed under oath that they were given a chart showing Bishop Schuckardt being mystically crowned as Pope and told "under obedience" to have duplicate copies made and displayed in every religious house and school. (The charts were made, but never displayed. Copies of the charts are in the Church files.)

e) On several occasions in the past Bishop Schuckardt has shown me letters from different lay and religious in which he is addressed as the Pope. My impression was that he wanted me to agree with him that he was the Pope. It is my belief that in the near future Bishop Schuckardt would have proclaimed himself Pope.

f) As this claim is based in part on a "vision" that Bishop Schuckardt had, I would like to remind you that one of the side effects of the narcotic that he has been taking for quite some time is hallucinations.

g) Bishop Schuckardt also has allowed his aides to address him as "Your Holiness" in private.

3) Immorality and Scandal

Over the last several years certain charges have been publicly made that Bishop Schuckardt has in the past and continues to have sexual contact with some of his young aides. I have in the past on three or four occasions gone to Bishop Schuckardt about this problem. I was left with the impression that it had been resolved, but obviously it was not. Several years ago when I made a very forceful stand with Bishop Schuckardt on this point and was on the point of making the problem a public matter, I found that Bishop Schuckardt had told the religious and laity (who were for the most part totally unaware of the problem) that I had suffered a nervous breakdown and was in a very bad mental state. Obviously at that time I was not able to get the problem resolved once and for all since Bishop Schuckardt had effectively destroyed any backing that I might have had. Thanks be to God, I have had the opportunity this time to explain the true situation to the laity and religious, and have the backing of the overwhelming majority of the Community for the actions that I have taken.

a) I have sworn statements from several young men that while working with Bishop Schuckardt as "medical aides" they were seduced by and sexually abused by Bishop Schuckardt.

b) I and Father Mary Benedict have talked with three young men who are presently with the Bishop and who function in a capacity as his personal aides at great length about this problem. All three of the young men have told Father Mary Benedict and myself, either separately or jointly, that they either have in the past or presently still do engage in sexual activity with Bishop Schuckardt as part of his "medical treatment." All of these young men assured us that Bishop Schuckardt has told them that there is nothing at all morally wrong with what they are doing. When I told one of them that the moral teachings of the Catholic Church forbade such activity, I was told that I, as a priest, must conform my mind to that of Bishop Schuckardt.

4) Absolution of Sin of Impurity

One of the most serious censures in the Canon Law of the Catholic Church reserved for a priest is an attempt to absolve an accomplice of his in a sin against the Sixth Commandment. This crime carries a penalty of excommunication. Latae Sententiae with its most especially reserved to the Holy See. To incur this penalty a priest must commit a sin of impurity with some other person and then attempt to hear the confession of that person. If such a crime occurs, the absolution is invalid and the minister incurs the excommunication Latae Sententiae.

a) I have in my possession a statement sworn under oath from a young man who claims that he was seduced by Bishop Schuckardt, that he was used by Bishop Schuckardt for immoral purposes, and that afterwards Bishop Schuckardt heard his confession. In my opinion, and that of the priests and clerics that I consulted, Bishop Schuckardt clearly has incurred the penalty of this crime.

b) I know from the statements of Bishop Schuckardt's current aides that some of these young men are currently involved in sins of impurity with him, and I also know for a fact that they are accustomed to confess to Bishop Schuckardt and not to any other priests. One of these young men told Father Mary Benedict that Bishop Schuckardt told him he may not discuss this matter in confession or in counselling with any priest or superior.

While it is very difficult for me to bring these problems into the public view, I feel that I have a moral obligation as a religious superior and as Vicar General to protect the souls under my care and to try to repair this scandal which has already gone on for too long. I feel that I am well within my rights as Vicar General to declare that in accordance with the terms of Canon 429, Bishop Schuckardt has abused his authority as Bishop and that in accordance with Canons 78, 336, 1261, 1324, 1332, 2218, 2300, 2317, 2343, 2359, 2367, 2383, 2394, and 2404 I have a moral and legal obligation to warn the faithful that they should have nothing whatsoever to do with Bishop Francis K. Schuckardt and those religious and lay who are following him. Those religious are: Fr. Alphonsus Barnes, Fr. Phillip Mangold, Fr. Clement Kosch, Fr. Matthew Krier, Bro. Isaac Jorges Gorbet, Bro. Jose Rojas, Bro. Fidelis Jacobs, Bro. Matthias Horvath, Bro. John Francis Belzak, Bro. Stanislaus Ward, and Bro. Longinus Bordin. The Religious Sisters are: Sr. Dolores Mangold, Sr. Veronica Jacobs, Sr. Celestine Brazill, and Sr. Louise Schoenhofen. The lay are: Steve Belzak, Mitch Belzak, Mr. and Mrs. Mike Jacobs, Mrs. Mary McCullough, Irene Hom, Tony Constable, and Seraphim Rocha. If these people arrive in your area and wish to discuss this problem with you, please encourage them to get in touch with me at Mount St. Michael's. I would be more than willing to talk with any of them in your presence, so that you can hear both sides at the same time and then make a prudent and informed judgement as to who is telling the truth. I can assure you that I have nothing at all to hide; I doubt that they can make the same claim.

One final point that I would like to discuss. I am now told by several people that Bishop Schuckardt has excommunicated myself and all of the priests for the actions that we have taken. I would ask you to consider the following points. Excommunication is a censure imposed by the Church for grave exterior faults after the culprit has been warned by proper authority and is obstinate in his sin. While not in the least disparaging the power of the Church to excommunicate, I would like to point out the following:

- (a) it is the determination of myself and the priests that Bishop Schuckardt does not have the mental competency to govern (because of his problem with abuse of medication); if he is not competent to govern, then he certainly cannot issue a valid excommunication;
- (b) even if Bishop Schuckardt were mentally competent, there is no cause for the present excommunication and the proper canonical form was not observed in its issuance, therefore it is invalid;
- (c) if Bishop Schuckardt is mentally competent and responsible for his actions, it is my belief that in accordance with Canon 2367 he has already incurred an excommunication Latae Sententiae reserved in the most special manner to the Holy See for absolutio complicem in peccato turpi and is not able to excommunicate anyone, being himself excommunicate.

I have also been told that I am about to be excommunicated for bringing a legal action in secular courts against Bishop Schuckardt in violation of Canon 120. This Canon forbids the suing of certain prelates in secular courts without permission of the Holy See or of the ordinary. My reply to this is that Canon 120 specifically states that this permission is not to be refused "without a just and grave cause." The reasonable man, in view of the unique circumstances of time and place that we find ourselves in, and in view of the unique aspects of this case could, I feel, in clear conscience invoke the principle of epekeia (Canon 18) and assume that the Holy See would grant permission in this case. I am also able to reasonably apply Canon 21 on the "Intrinsic Cessation of Law" to this case. Canon 21 states in part, "A law ceases to exist when it ceases to be reasonable; for then its whole purpose of promoting the welfare of the community is defeated." In this case I can also apply the principle of "Moral Impossibility", that is, if it is morally or physically impossible to obey a merely human law, then that law ceases to be binding in that particular instance. I am also within my rights in applying the principle enunciated by Canon 15, "in a positive doubt of law, ecclesiastical laws are not binding." In this case I would argue that the binding force of Canon 120 in this particular instance is not clear; therefore, in accord with Canon 15, Canon 120 would not be binding.

I am not a canon lawyer, as you all well know. I am a simple priest who is trying to correct a scandal which has grown public over the last few years and has led to the destruction of many souls. In no way do I question nor doubt the validity of Bishop Schuckardt's orders, nor do I differ with him in regard to the principles upon which this Catholic community was founded. I am not led by a thirst for power nor do I have any improper motives in pursuing this line of action. The priests at Mount St. Michael's and I have tried to correct this problem privately and quietly. We tried on many occasions to talk with Bishop Schuckardt and work these serious problems out. It was not I who started the battle, but once committed to the battle I will not stop halfway. There are many souls at stake here, yours and mine. As God is my witness, I have taken this action only to fulfill the obligations imposed upon me in my office as Vicar General, Religious Superior and Priest. Let us all pray for those who have fallen away from the true Catholic Faith that they may quickly and speedily be reconciled to our Holy Mother the Church. Let us pray for one another that we may have the grace and courage to persevere in our Faith, and let us always recall that eloquent axiom - Salus animarum suprema lex, "The salvation of souls is the highest law."

In Jesus and Mary,

Very Rev. Fr. Denis Philomena Marie, CMRI

Very Reverend Father Denis Philomena Marie, CMRI
Vicar General

"The bishop must urge the observance of the laws of the Church, and he cannot dispense with the common law except in so far as Canon 81 allows.

CANON 336.

"The bishop has the duty to guard ecclesiastical discipline against abuses, especially in reference to the administration of the sacraments and sacramentals, He must watch over the integrity of faith and morals, and must see that the people are properly instructed...."

CANON 336; A PRACTICAL COMMENTARY ON THE CODE OF CANON LAW.

"The vicar-general has, by virtue of his office, jurisdiction over the entire diocese in spiritual and temporal matters to the extent of the bishop's ordinary jurisdiction...."

CANON 368; COMMENTARY ON CANON LAW. (Woywod and Smith)

"It is the duty of the local Ordinaries to see that the precepts of the Sacraments regarding divine worship are faithfully observed, and that neither into public nor into private worship,.... anything (be) admitted that is contrary to faith or discordant with ecclesiastical tradition...."

CANON 1261.

"On Sundays and other feasts of obligation the pastor must, at an hour which he judges most convenient for the attendance of the people, give catechetical instruction...."

COMMENTARY ON CANON LAW. (Woywod and Smith)

"Persons who stubbornly teach or defend, either publicly or privately, a doctrine which has been condemned by the Apostolic See or by an Ecumenical Council, not however as formally heretical, shall be barred from the ministry of preaching the Word of God and of hearing sacramental confessions, and from every office of teaching...."

CANON 2317.

"It is not sufficient to avoid heretical error, but one must also diligently shun any errors which more or less approach heresy.

CANON 1324.

"If a pastor is gravely negligent in the administration of the sacraments,.... he shall be punished by the Ordinary according to Canons 2182-2185."

CANON 2383.

"Abuse of ecclesiastical authority shall be punished according to the prudent discretion of the lawful superior according to the gravity of the fault...."

CANON 2404.

"If they have committed an offense against the sixth commandment with minors under sixteen years of age, or been guilty of adultery, rape, bestiality, sodomy, traffic in vice or incest with blood-relatives or relations by marriage in the first degree, they shall be suspended, declared infamous, deprived of every office, benefice, dignity, or position that they may hold, and in more grievous cases they shall be deposed."

CANON 2359, 2.

"If they have sinned against the sixth commandment in other ways, they shall be corrected with appropriate penalties in proportion to the gravity of their sin, even with deprivation of office or benefice, especially if they have the care of souls."

CANON 2359, 3.

"Besides other aggravating circumstances, a crime is more serious: 1) in proportion to the greater dignity of the person who commits the crime... 2) because of the abuse of authority or office in committing the crime... Thus clerics are more severely punished than the laity for certain crimes..."

CANON 2207.

"Penalties should be decreed with due proportion to the crime, taking into account imputability, scandal, and damage; hence not only the object and gravity of the law should be considered, but also the age, knowledge, education, sex, condition, and state of mind of the delinquent,..."

CANON 2218, 1.

"A priest who absolves or pretends to absolve his accomplice in a sin of impurity automatically incurs excommunication reserved in a most special manner to the Apostolic See. ...The same penalty is incurred by a priest who absolves or pretends to absolve his accomplice, who does not even confess the sin of complicity from which he (or she) has not yet been absolved for the reason that the confessarius complex has directly or indirectly induced the penitent to omit confessing the sin."

CANON 2367.

"If a person by his own authority takes possession of an ecclesiastical benefice, office or dignity,... incurs the following penalties: ...suspension from or deprivation of any benefice, office or dignity which he had previously obtained, and even by deposition, if the gravity of the offense calls for it..."

CANON 2394.

"...those who without canonical provision (cfr. Canons 147, 1-2; 332, 1), seize or allow themselves to be illegitimately thrust into, or who retain an ecclesiastical office, benefice or dignity, and all who take part in this, incur ipso facto excommunication reserved in a special manner to the Apostolic See."

COMMENTARY ON CANON LAW, (Woywod and Smith)

"Infamy of fact is contracted when a person, either because of a crime he has committed or because of corrupt morals, has, in the judgment of the Ordinary, lost his good repute among upright and solid members of the faithful."

CANON 2293.

"Consequences of infamy of fact: the person must be held off from receiving orders... and from ecclesiastical dignities, benefices, and offices, and also from exercising the sacred ministry and from legitimate ecclesiastical acts."

CANON 2294.

Feast of Our Mother
of Perpetual Help
June 27, 1984

Dear friends in Our Lady,

Praised be Jesus and Mary;

I am writing this letter as a personal rebuttal to a letter of Rev.

Denis Chicoine dated June 21, 1984, and to reveal my stand in regard to

the present tragic situation. Hopefully this letter will be instrumental in helping others to take the right stand also.

First I must remark that in reading Rev. Chicoine's letter, I almost

expected to find John Tappin's signature at the end. Rev. Denis Chicoine

admits that he is not a canon lawyer, but then proceeds to pose as one,

with results that can only be classified as ridiculous. I will simply

proceed to answer his letter point by point.

1) Incompetency

All of us priests have certainly been concerned about His Excellency's

health and the problems in Our Lady's community. The existence of problems,

however, does not prove incompetence. Canonically, incompetence is defined

as habitual insanity and as inability to communicate (Canons 88, 3 and 429).

I lived at the Priory, however, and I know His Excellency to be habitually

lucid, and that he has and does regularly communicate with the souls under

his jurisdiction. I must further point out that His Excellency uses

medication prescribed for him by the same medical professionals referred to

in Rev. Chicoine's letter. Finally, no mention is made of the critical

element of the chronic illness and severe continual pain suffered by the

Bishop on our behalf. This pain and illness are an essential factor in

considering almost every allegation by Rev. Chicoine and his associates.

2) Claims to the Papacy

I can hardly believe that Rev. Denis Chicoine is serious. The book

referred to in his letter, is undoubtedly by Sr. Mary Ermyntre. I myself

made His Excellency aware of the fact that this woman had fabricated "Nihil

Obstat"s for her books before they were copied. His Excellency forbade

such presumption and cautioned against the reading of these books without

specific permission. I regard the remainder of Rev. Chicoine's arguments

as ridiculous and not worthy of serious consideration by anyone possessed

of right reason and grace.