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The Society of St. Pius V and the “Thuc Bishops”

Mario Derksen, M.A.

Please Note:

What follows is a simplified and abridged presentation of the main points to be considered in evaluating the 1981 episcopal consecrations of Bp.

Pierre-Martin Ngo-Dinh-Thuc, based on the “Open Letter to Bp. Clarence Kelly on the ‘Thuc Bishops’ and the Errors in *The Sacred and the Profane*” by Mario Derksen. Readers who are interested in the entire study, with copious documentation and full arguments, are asked to download it at www.ThucBishops.com.

Bishop Pierre-Martin Ngo-Dinh-Thuc

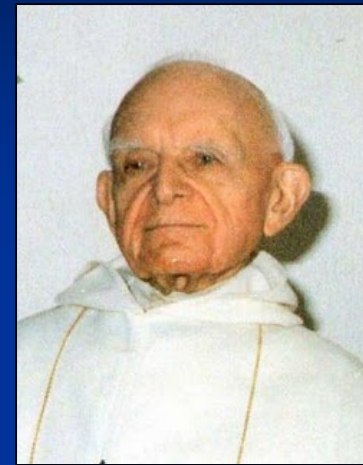


- Born October 6, 1897, in Hue, Vietnam
- Brother of Ngo-Dinh-Diem, first President of South Vietnam
- Consecrated Bishop on May 4, 1938
- Died on December 13, 1984, in Joplin, MO

The 1981 Episcopal Consecrations

- **May 7, 1981**

Fr. Michel-Louis Guerard
des Lauriers, O.P., in
Toulon, France



- **October 17, 1981**

Fr. Adolfo Zamora and Fr.
Moises Carmona in
Toulon, France



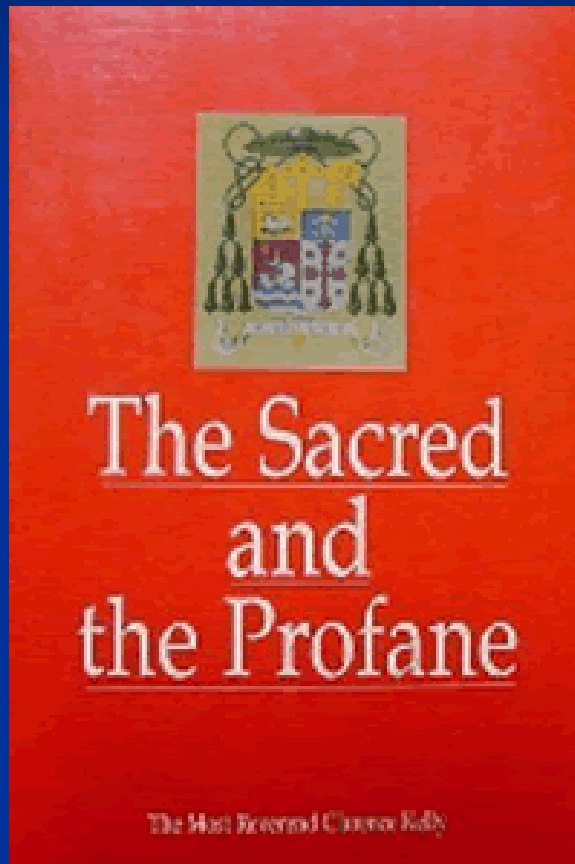
Society of St. Pius V (SSPV)

- Established in 1983
- Fiercest Opponents of 1981 Thuc Consecrations and any subsequent consecrations and ordinations in Thuc lineage
- Clergy include: Bp. Clarence Kelly, Bp. Joseph Santay, Fr. William Jenkins, Fr. Martin Skierka, Fr. Paul Skierka, Fr. Paul Baumberger, Fr. James Curatolo, Fr. James Carroll, Fr. Matthew Newman, Fr. Joseph Greenwell, Fr. Thomas Mroczka, Fr. Benjamin Selway
- Headquarters in Round Top, NY

Bp. Clarence Kelly, SSPV

- Born in 1941
- Ordained Priest by Abp. Marcel Lefebvre on April 14, 1973, at Ecône, Switzerland
- Co-Founded the SSPV in 1983
- Founded the Daughters of Mary in 1984
- Consecrated Bishop by Bp. Alfred Mendez on October 19, 1993, in Carlsbad, CA
- Founded the CSPV in 1996

“The Sacred and the Profane”



- Authored by Bp. Kelly
- Published in 1997
- Considered the SSPV's “definitive” answer to the Thuc Bishops, outlining their case against the consecrations and related issues
- Free download online

Bp. Joseph Santay, CSPV

- Born in 1969
- Ordained Priest by Bp. Clarence Kelly on May 4, 2001
- Consecrated Bishop by Bp. Clarence Kelly on February 28, 2007, in Oyster Bay Cove, NY
- Resides at Immaculate Heart Seminary in Round Top, NY

Questions to be Answered

- **Fact:**

Does the Church require us to hold that the 1981 Thuc Consecrations took place?

- **Validity:**

Does the Church require us to accept the 1981 Thuc Consecrations as valid?

- **Lawfulness:**

Were the 1981 Thuc Consecrations in accordance with Church law?

Part 1 - Fact:

Does the Church require us to hold that the 1981 Thuc Consecrations took place?

- Premise 1:**

Canon Law says that facts must be proved unless they are “notorious” facts (Canon 1747 n.1), that is, unless they are facts that are publicly known and committed in such manner that they cannot be concealed or excused (Canon 2197 n.3)

- Premise 2:**

The 1981 consecrations of Bps. des Lauriers, Carmona, and Zamora are notorious facts

- Conclusion:**

Therefore, acc. to the Church’s law, no additional legal or formal proof is required, because all the legal formalities aim to produce is certainty regarding the facts, but notorious facts are already certain

Proof of Premise 2:

“The 1981 consecrations of Bps. des Lauriers, Carmona, and Zamora are notorious facts”

- **Evidence for the Consecrations:**

- Photos of the Ceremonies published in sedevacantist magazine in Germany
- Sworn Testimony by Dr. Kurt Hiller and Dr. Eberhard Heller of Munich, Germany, who assisted at the consecration ceremonies
- Sworn Testimony by Fr. Noel Barbara that Bp. Ngo-Dinh-Thuc acknowledged to him in person to have performed the consecrations
- Testimony by the consecrator, Bp. Ngo-Dinh-Thuc, and the ordinands des Lauriers, Carmona, and Zamora
- Consecration Certificate for Bp. Carmona issued by Bp. Thuc
- Novus Ordo Vatican’s official “excommunication” against Bp. Thuc for the consecrations, published around the world, after a “well-founded inquiry” confirming that the consecrations occurred
- Bp. Kelly himself acknowledges the consecrations were performed

- **We therefore have certitude that the consecrations took place**

Moral Certitude

- Distinguished from metaphysical and physical certitude
 - Metaphysical certitude: triangle has three sides; $1 + 1 = 2$
 - Infallible
 - Could not be otherwise – God could not change it
 - Physical certitude: water boils at 212 °F
 - Based on and known from law of nature
 - Could be otherwise if God so decreed (e.g., miracles)
- Is defined as the kind of reasonable certitude that makes error impossible or very unlikely according to what is customary among mankind
 - We are certain George Washington existed
 - We are certain people will run from a burning house
- Suffices to know consecrations occurred
- Is the highest kind of certitude to be had in this matter
 - Not bound up with legal formalities *per se*
 - Even a legal Church judgment could not produce higher kind of certitude

Moral Certitude (cont'd.)

- Moral certitude of 1981 Thuc consecrations is further demonstrated by trying to argue the opposite: the consecrations did *not* occur
 - Absurd in face of evidence
 - Gigantic conspiracy theory without foundation
 - Very imprudent to believe
 - How to prove in ecclesiastical court?
- Church & Society convict people based on moral certitude of their guilt (and acquit based on lack thereof)
 - Ecclesiastical judge must make decisions based on moral certitude (Canon 1869 §1)
 - Pope Pius XII: Ecclesiastical judges may not deny on legal grounds what they personally know to be true through moral certitude
 - No conflict between Church law and common sense
- Ample evidence in Church's historical practice that proves moral certitude is sufficient to accept sacraments as having taken place



This proves Premise 2 - hence, conclusion follows necessarily

Part 2 - Validity:

Does the Church require us to accept the 1981 Thuc Consecrations as valid?

- **Premise 1:**

Once we know sacramental ceremony has taken place, Church requires us to presume validity until contrary is proved (not just asserted)

- **Premise 2:**

We know the sacramental ceremonies in question (1981 consecrations of Bps. des Lauriers, Carmona, Zamora) have taken place (moral certitude – see Part 1)

- **Conclusion:**

Therefore, acc. to Church teaching, we are required to believe that the 1981 consecrations were valid until someone can prove they were not valid.

Proof of Premise 1:

“Once we know ceremony has taken place, Church requires us to presume validity.”

- **No sacrament can ever be proved valid, only presumed valid.**
 - No empirical evidence possible to verify validity
 - Minister or recipient could always secretly withhold intention
 - Must trust in Divine Providence
- **At what point do we have sufficient grounds for presuming it valid?**
 - Church says: When the fact of the ceremony has been proved, validity of the sacrament is presumed.
 - Obligation of ensuring validity is on minister (see Canon 1002)
 - Evident from daily liturgical life
 - no one hears priest pronounce words of consecration
 - no one verifies host and wine have proper ingredients
 - most don't know the formula of absolution in confession
 - otherwise, no certainty of having received extreme unction
 - What would be alternative?
 - special witnesses would constantly be required for all sacraments

Proof of Premise 1 (cont'd.)

Proving the contrary:

To prove that the 1981 consecrations were invalid, one would have to demonstrate that Bp. Thuc:

- did not use the correct matter (laying on of hands) or form (16-word prayer at end of Preface) when consecrating, or
- did not have the intention to do what the Church does (i.e., did not intend to make bishops) because of ill will, distraction, or insanity
 - would have to be externally manifested
 - very hard to *prove* – people are understood to *intend* to do what they do
 - very hard to *do* – consecrating bishops without intending to?
 - even distractions during ceremony do not nullify intention unless so great that they become incompatible with the sacramental action
 - mental state would have to be so compromised that the intention could not be formed → impossible to go through ceremony of episcopal consecration
 - Church says intention hardly ever lacking

One would have to prove that Bp. Thuc *did* or *probably did* this if one wanted to raise sufficient doubt regarding the validity of the consecrations

 This proves Premise 1 – hence, we must accept the consecrations as valid.

Part 3 - Lawfulness:

Were the 1981 Consecrations in Accordance with Church Law?

Preliminary Considerations:

Church Law = Canon Law

- Rules, commands, and prohibitions for the conduct of Church's members
- Proposed and enacted by rightful ecclesiastical superiors
- Some divine in origin (divine laws)
 - unchangeable, Church cannot dispense from
- Some ecclesiastical/human in origin (church laws)
 - changeable, Church can dispense from

Purpose of Canon Law

- Promote and ensure common good of Church community at large
- Ultimate end: facilitate and safeguard salvation of souls

Church Law & Penalties

- **Penalties are a part of Church Law**

- imposed by Church authority
- can be changed or rescinded if ecclesiastical in nature/origin
- exist to deter crime, punish offenses, and help reform the offender for the ultimate purpose of facilitating the salvation of souls

- **Penalties divided into 3 kinds:**

- **remedial**

- not penalty in strict sense – irrelevant to Thuc consecrations

- **medicinal**

- aka “censure”
- main purpose: reform the delinquent, act as “medicine” for him
- examples: excommunication, suspension

- **vindictive**

- main purpose: expiation of crime, chastisement of offender, redressing the wrong done
- example: privation of clerical garb

Church Law & Penalties (cont'd.)

When and how the Church imposes penalties:

- After commission of offense through intervention of ecclesiastical superior or judge
 - called “ferendae sententiae”
 - unless and until judge/superior imposes penalty, no such penalty is incurred
- Automatically and immediately upon commission of offense
 - called “latae sententiae”
 - more serious than ferendae sententiae penalty
 - no Church trial or judgment necessary – penalty is incurred as soon as crime is committed

For penalty to be automatic (latae sententiae), Church law must specifically indicate such; otherwise, penalty is considered ferendae sententiae. Most penalties are ferendae sententiae.

Assessing Guilt

For *ferendae sententiae* penalties, they are only inflicted if the putative offender is personally guilty, i.e., if he is morally culpable

- mitigating factors include ignorance, fear, lack of use of reason, intoxication
- judge/superior has authority to determine degree of guilt in the putative offender

For *latae sententiae* penalties, incurred immediately and automatically, Church assesses guilt as follows:

- full guilt is presumed until contrary is proved in an ecclesiastical court
 - burden of proof is on delinquent – must demonstrate that he was not (fully) culpable (e.g., must prove he did not know he was violating a law, or violated the law while on medicine that impaired his use of reason)

Violating the Law – Letter vs. Spirit

Sometimes, occasions may arise in which observing the letter of the law would violate its spirit, i.e., where keeping the law would not serve the purpose of the law, namely, the salvation of souls

- because lawgiver can only make laws that apply generally
- cannot envision and make laws for every possible circumstance

Solution: Principle of Epikeia (Equity/Fairness)

- Epikeia is the interpretation of the mind and will of the legislator
 - What did the legislator intend in making a particular law?
 - Spirit is superior to letter
- Epikeia can be impermissible, permissible, or obligatory in a particular case
- Example: mother forbidding her children from leaving the house
 - Meant to apply in general
 - Not meant to apply when there's an unforeseen circumstance justifying the children in leaving the house (e.g., a fire breaks out)
- Our Lord rebuked Pharisees for clinging to letter of law vs. spirit
 - The law was made for souls, not souls for the law (cf. Mark 2:23-24)
 - We can/must violate Sunday rest to help a neighbor in grave need

Epikeia and the Thuc Consecrations

- Clearly an urgent need in 1981 to have sedevacantist bishops in the world
 - To perpetuate the sacraments
 - To perpetuate apostolic succession materially
- Problem: Bp. Thuc did not have necessary authorization from Holy See to consecrate bishops (Canon 953 requires a papal mandate)
- Problem: Bp. Thuc might have been under excommunication or suspension for having previously consecrated objectively unworthy men (clergy in the Palmar de Troya sect, Jean Laborie, etc.) – and therefore without even presumed papal permission (see Canon 2370 / Holy Office Decree of April 9, 1951)
- Yet: Salvation and good of souls demanded consecration of sedevacantist bishops

Epikēia and the Thuc Consecrations (cont'd.)

- Bp. Thuc, at the time, was the only bishop professing the Roman Catholic Faith and willing to consecrate sedevacantist bishops
 - Abp. Marcel Lefebvre not willing to consecrate sedevacantists
 - Bp. Antonio de Castro Mayer not willing to consecrate sedevacantists
 - Bp. Blasius Kurz already deceased (1973)
 - Bp. Alfred Mendez not willing to consecrate sedevacantists, still involved with Novus Ordo (co-consecrator in 1978 ceremony)
- In keeping with spirit of the law to receive consecration from Bp. Thuc
 - At least permissible to act contrary to Church law
 - Possibly morally obligatory/necessary to act contrary to Church law to uphold purpose for which law exists
 - Divine law of salvation of souls trumps human/Church law which did not foresee this circumstance and whose purpose is to serve the divine law

Epikieia and the Thuc Consecrations (cont'd.)

Assuming contrary (“Thuc consecrations not permissible”) leads to absurdity:

- God would not want sedevacantist remnant to have bishops & sacraments because of one bishop’s misdeeds (consecrating the unworthy)
- God would want innocent faithful to go without countless sacramental graces because of a penalty whose purpose it was to bring Bp. Thuc to his senses (“medicinal” penalty)
- God would want Bp. Thuc’s (assumed) excommunication to stand in the way of the salvation of souls
- Pope would want his own, changeable law to trump facilitating the salvation of souls
- Church law would exist for its own sake, not to help souls
- Church law would trump divine law

This is unreasonable and contrary to the purpose of the Church and the Gospel.

Burden of proof is now on those who would say otherwise—assuming Bp. Thuc was under excommunication or suspension to begin with.

If violating the letter of the law to uphold the spirit isn’t permissible in this case, when is it ever?

Receiving Sacraments from Excommunicates

Canon 2261 §2

“The faithful . . . can for any just cause seek the Sacraments and Sacramentals from one excommunicated, especially if other ministers are lacking. . . .”

- shows Church’s reasonableness, leniency, and mercy towards the faithful
- Church seeks to remove unnecessary obstacles in the way of salvation
- Church does not seek to punish the faithful for misdeeds of her clergy:

“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.”

--Fr. Francis Hyland, *Excommunication: Its Nature, Historical Development and Effects* (1928), p. 91

Excommunication vs. Schism

- Excommunication = medicinal punishment depriving excommunicate from certain spiritual goods and benefits
- Schism = refusal of communion with Roman Pontiff or the faithful

Answering the SSPV's Objections

Objection 1: The Thuc consecrations have not been proved according to the norms of Church Law.

Response: This is false. Canon Law recognizes as needing no further proof that which is “notorious in fact” (Canon 1747 n.1). The Thuc consecrations are notorious in fact and thus are morally certain. They therefore meet the requirements of Church law to allow—and require—us to accept them.

Objection 2: There were no witnesses present at the Thuc consecrations who can vouch that Bp. Thuc used the correct matter and form in conferring the sacrament.

Response: This is true but irrelevant. Canon Law puts the burden of ensuring the proper use of the sacramental rite on the consecrator(s) and no one else (Canon 1002). Therefore, no one else has the obligation to ensure the consecrator(s) did it right. The Church requires us to presume that the sacrament was conferred validly, absent any evidence to the contrary, once we know that the ceremony has taken place. If there is no such evidence, we are not permitted to doubt validity.

Objection 3: An 1853 decree from the Sacred Congregation of Rites requires, in the absence of co-consecrating bishops, assistant priests at an episcopal consecration to ensure things are done correctly.

Response: The decree actually says no such thing. It merely states that the assistant priests, when replacing co-consecrating bishops, ought to observe the rubrics of the Roman Pontifical in the same way as the co-consecrating bishops.

Answering the SSPV's Objections (cont'd.)

Objection 4: Just as the Church requires witnesses at a private baptism who can testify to the correct use of matter and form, so does the Church require witnesses for “clandestine” episcopal consecrations.

Response: This is false. There is no analogy to a private baptism. A private baptism is not a baptism at which there are almost no people present, but one that is conferred in an emergency situation with only the essential rites (matter and form); it is often performed by a layman. It is distinguished from solemn baptism, at which the pastor uses the full liturgical ceremony. There is no such distinction to be found with episcopal consecrations. One or two validity witnesses are required or at least highly desired for a private baptism if the person baptizing is a layman and not properly instructed in how to baptize. This cannot be made analogous to episcopal consecrations at which only two laymen are present; they are not “private” consecrations in the sense of a “private” baptism. Bp. Thuc was the ordinary minister of the consecrations and properly trained in how to confer them.

Generally speaking, whenever the Church speaks of witnesses to a sacrament, she is referring to witnesses to the ceremony, not specifically to the validity of the sacrament. The Church herself acknowledges that all the legal formalities for the conferral of a sacrament only serve to prove that the sacrament was conferred, not that it was valid. Such validity, again, is presumed, absent evidence to the contrary.

Answering the SSPV's Objections (cont'd.)

Objection 5: The Thuc consecrations must be considered doubtful because Bp. Thuc's mental state was questionable because of his bizarre and inconsistent behavior (e.g., consecrating unworthy candidates, flip-flopping on sedevacantism).

Response: Despite objectively worrisome behavior, there is no sufficient evidence that Bp. Thuc's mental state was so compromised that he was (or probably was) unable to meet the minimal requirements necessary for the valid conferral of a sacrament. The bar for sacramental validity is fairly low, as far as the minister's mental state goes: In order for the Church to presume a sacrament valid, the right matter and form must be properly applied by the minister with the intention of doing what the Church does. Thus, all that is required of the minister in terms of mental state is that he be so mentally competent as to be able to form this intention. The minimum-necessary intention is a so-called "virtual intention," which is had when one acts with deliberation even though one is distracted. So, our intellect must be minimally connected to the action we are performing. (Example: Speaking on the phone while driving a car.) This suffices for a so-called "human act," and therefore also for the sacramental intention. The reason is that each sacramental action must be a human act, i.e., an act proceeding from knowledge and free will. There is no evidence that during the consecration ceremonies, Bp. Thuc was not acting from knowledge and free will. (It would have to be imagined that he did not realize he was consecrating bishops, which is absurd.)

Answering the SSPV's Objections (cont'd.)

Objection 6: Even if the Thuc lineage is valid, we can have nothing to do with any clerics ordained or consecrated in it because it is “sordid.”

Response: The objection is vague. Just what is meant by “sordid”? It is not a technical term used in sacred theology. The objection could have the following meanings:

We cannot approach the Thuc lineage except in danger of death because...

- **the sacraments from this lineage are in themselves defiled.**
This would be blasphemy. The sacraments are in themselves holy because they were instituted by God. If this were not so, we could not approach the Thuc lineage even in danger of death.
- **it would be sinful to do so because it would violate the moral law.**
The only way it could violate the moral law is if there were a Church law forbidding it, since the reception of the sacraments is governed by Church law – see next point.
- **the Church forbids us from doing so.**
This assertion lacks clear evidence. The objector would have to demonstrate this from canon law. Where is the evidence?

Appeal to the SSPV: Please Acknowledge the Facts

The Society of St. Pius V is being asked to respond to these arguments in public and in writing. The ball is in their court. Is there anything unreasonable about this request?

If the Thuc consecrations are as “dangerous” as they claim, why not take the time to respond to the evidence presented?

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