

## Preamble.

His Excellency. Most Reverend Dom. Carlos Duarte Costa was consecrated as the Roman Catholic Diocesan Bishop of Botucatu in Brazil on December 8, 1924, until certain views he expressed about the treatment of the Brazil's poor, by both the civil government and the Roman Catholic Church in Brazil caused his removal from the Diocese of Botucatu. His Excellency was subsequently named as punishment as Titular bishop of Maurensi by the late Pope Pius XI of the Roman Catholic Church in 1937. His Excellency, Most Reverend Lord Carlos Duarte Costa had been a strong advocate in the 1930s for the reform of the Roman Catholic Church, he challenged many of the key issues such as

- Divorce,
- challenged mandatory celibacy for the clergy, and publicly stated his contempt regarding. (This is not a theological point, but a disciplinary one ) Even at this moment in time in an interview with Germany's Die Zeit magazine the current Bishop of Rome, Pope Francis is considering allowing married priests as was in the old time including lets not forget married bishops and we could quote many Bishops, Cardinals and Popes over the centurys prior to Vatican II who was married.
- abuses of papal power, including the concept of Papal Infallibility, which the bishop considered a misguided and false dogma.

His Excellency President Getúlio Dornelles Vargas asked the Holy See of Rome for the removal of His Excellency Most Reverend Dom. Carlos Duarte Costa from the Diocese of Botucatu. The Vatican could not do this directly.

Therefore the Apostolic Nuncio to Brazil entered into an agreement with the Secretary of the Diocese of Botucatu to obtain the resignation of His Excellency, Most Reverend Lord. Carlos Duarte Costa as Diocesan Bishop of Botucatu. This sneaky act by the secretary in the daily documents and reports that Most Reverend Lord Carlos Duarte Costa always had to sign placed the resignation letter within a series of documents which His Excellency, Most Reverend Dom. Carlos Duarte Costa signed as a result of the deception. The Diocesan secretary of Botucatu informed the Holy See of Rome that His Excellency, Most Reverend Dom. Carlos Duarte Costa had signed the document mistakenly without his excellency reading it.

The Holy See of Rome renounced claims that Most Reverend Dom. Carlos Duarte Costa letter of resignation was a forgery based on the verbal evidence of the Secretary of the Diocese.

His Excellency's resignation was accepted by His Holiness Pope Pius XI on the 22nd September 1937. After the acceptance of his resignation His Excellency, Most Reverend Lord Carlos Duarte Costa was appointed Titular Bishop of Maura, an extinct diocese of Africa. He was permitted to have his full sacramental privileges by His Eminence, Most Reverend Cardinal Sebastião Leme da Silveira Cintra, until his eminence the cardinal passed away in 1942.

The Roman Catholic Church hierarchy decided that now the bishops spiritual protector was dead, they would persecute Bishop Carlos Duarte Costa openly and that is exactly what happened and continues to this day to his successors.

After the forced resignation and alleged excommunication. Archbishop Carlos Duarte Costa made a speech on the 18<sup>th</sup> August 1945 which contained some 11 pages for brief it stated:

"I consider today one of the happiest days of my life."

Excommunication may it be known to the Brazilian public that the Bishop of Rome, Eugenio Pacelli, has no authority to excommunicate me and in accord with what I have made public, I am a more authentic Archbishop of Rio de Janeiro, as I was elected by popular acclamation of the Brazilian people, than he, the Bishop of Rome, elected by Italian Cardinals.

Nor does the present century accept excommunication, a political tool of the Middle Ages when the Bishop of Rome, seemingly oblivious to the evangelical Magna Carta contained in the Sermon on the Mount, spewed forth his hatred against emperors and kings, who did not submit to the will of him.....

A few months prior to an attempt to excommunicate him by the Bishop of Rome. Archbishop Duarte Costa founded as His Excellency the Archbishop of Rio de Janeiro by re-establishing the Catholic Apostolic Church of Brazil (Igreja Católica Apostólica Brasileira) on the 5 July 1945 and he published his Manifesto on July 25, 1945. He was the was the main founder and first Patriarch of the Brazilian Catholic Church and its international extension, the Worldwide Communion of Catholic Apostolic National Churches. This is the reason why the Bishop of Rome in late August 1945 threatened to excommunicate him for founding a new catholic church which would implement changes such as:

1. Clerical celibacy was abolished, though he himself never married and remained celibate.

2. Rules for the reconciliation of divorced and remarried persons were implemented. (*although in August 2015 the Roman Catholic Church Vatican II has taken the same stand in regards this*)
3. The liturgy was translated into the vernacular.
4. Clergy were expected to live and work among the people, and support themselves and their ministries, by holding secular employment

Upon Archbishop Carlos Duarte Costa's death in 1961. Archbishop Luis Fernando Castillo Méndez was elected president of the Episcopal Council, and was designated Patriarch of ICAB and ICAN (the international church communion). H.E, Bishop Castillo Mendez as a young bishop was tortured on orders of the Roman Catholic Archbishop of Venezuela, he was imprisoned and his flesh was severally burned with hot irons and told to give up his faith, vocation and office. He refused and was rescued by Archbishop Duarte Costa weeks later by hiding in an airport toilet and he was smuggled on to private airplane and taken to Brazil where he undertook Brazilian citizenship. He never once thought that his friend and principal consecrator would one day be an inspiration to the religious world and that he would be the Patriarch of the Brazilian Catholic Church to succeed Archbishop Duarte Costa.

His Holiness Patriarch Lord Luis Fernando Castillo Mendez was in private talks with His Holiness, Pope John Paul II in a vision on returning the Brazilian Catholic Church back to Rome as an Autocephalous Catholic Church not to dissimilar to that what the Syriac Orthodox Church of Antioch did.

However the Council of Bishops of the new ICAB had voted against rejoining the Roman Catholic Church Vatican II. The bishops claimed that much suffering and torture had been inflicted upon them largely at the urging of the Roman Catholic Church and that unless they purged their actions and sought forgiveness for their years of actions, then they could not join as one as the split caused by the Roman Catholic Church remains even to this day.

His Holiness, Patriarch Luis Fernando Castillo Mendez served as Patriarch of Brazil and the Catholic Church of England & Wales founded by him as a Sui Juris until his death on the 29<sup>th</sup> October 2009.

Archbishop James Atkinson-Wake was the former Secretary of Doctrine & Faith of the Brazilian Catholic Church Patriarchate from 2005 to 2009 appointed by Patriarchal decree. He was elevated as Archbishop and then as Cardinal of the United Kingdom by His Holiness, Patriarch Luis Fernando Castillo Mendez.

Archbishop James Atkinson-Wake entered in to private talks with the Roman Catholic Church then under H.H. Pope Benedict XVI from 2008 to 2011. After many years of secret talks and co-celebrating many Masses at St Peter's Basilica, Rome and only after these talks broke down. He decided that the Church at that time that appointed by decree as Primate / Superior General by Patriarch Luis Fernando Castillo Mendez have to many differences.

Archbishop James Atkinson-Wake decided that the Church was better off without being in full communion with the Roman Catholic Church Vatican II.

As lawful Catholics or even as Catholic Orthodox bishops not a part of the Roman Catholic Church Vatican II who assumed the sole name Catholic Church which is really the ROMAN Catholic Church.

To this day the various Roman Catholic Bishops play with words and tell untruths including twist words such as “*Archbishop Atkinson-Wake can not be officially recognised*” but unofficially he can be?” Due to these actual matters and facts which has made a large impact of this statement and for this story to be told by the Vatican Curia that Archbishop Atkinson-Wake firstly did not and was not introduced to H.H. Pope Benedict XVI as per published photographs.

Upon the newspapers pushing further the Roman Catholic Church Vatican II, they then stated that he did meet the Pope of the Roman Catholic Church only in a crowd of thousands at a general audience within a crowd of people cheering the Pope. However, the Photograph that we have published on our website clearly shows the untruth of this statement. The actual photograph shows Archbishop Atkinson-Wake and another one of his bishops sat near the Papal Platform away from the faithful, protected by Vatican Secret Service and actually walking in line, onto the papal platform and being presented to His Holiness Pope Benedict XVI by the Protocol Bishop.

Not forgetting the other photographs which shows Archbishop Atkinson-Wake and other bishops of the church vested and co-celebrating Mass with the fellow Roman Catholic Vatican II Bishops at St Peters Basilica in Rome.

To be precise it is difficult for them to play down the real truth. Their is not less than on 6 separate occasions that Archbishop Atkinson-Wake and his bishops have at one time or another co-celebrated Mass with the Roman Bishops / Cardinals at St Peters Basilica at the personal invitation of various Vatican Curia officials.

It is impossible for anyone just to walk in to the Vatican and meet the Pope of Rome, never mind just co-celebrate Mass vested in the vestments given to them to wear by the Roman Catholic Church on that day. As one has to pass through heavy security and vast checks each step of the way before proceeding on to the next level such as:

1. Vatican Secret Service
2. Vatican Police
3. Vatican Swiss Guards
4. Vatican Curia

Anyone will know. Unless you are invited into and within the walls of the Vatican you simply can not just walk in.

In the religious world the Pope of Rome is more protected than the President of the United States of America and the Queen of England with his vast layers of security.

One of my fellow Archbishops described the Vatican as a Police State due to the heavy layers of security.

WE WILL talk about Roman Catholic Archbishop Carlos Duarte Costa as former Bishop of Botucatu and his episcopal successors such as:

1. Bishop Salameo Ferraz,
2. Bishop Antido Jose Vargas,
3. Bishop Pedro dos Santos Silva,

4. Bp Orlando Arce-Moya and
5. Patriarch Castillo Mendez including that of
6. Archbishop James Atkinson-Wake and his successors.

It clearly examines the sacramental validity of Baptism, Confirmation, Mass and Holy Orders of Archbishop Carlos Duarte Costa and his successors according to Universal and Canon law supported by many Theologians.

It touches on known facts and unknown facts that will be of interest to the ecclesiastical world and correct some of those brethren within the Roman Catholic Church Vatican II hierarchy / curia who have felt that is its acceptable to tell untruths about the validity of Archbishop Carlos Duarte Costa former Roman Catholic Bishop of Botucatu and his successors including Most Reverend Lord Atkinson-Wake, Archbishop of Birmingham & Dudley in order to persecute them.

Archbishop Atkinson-Wake has remained silent for years, while the Roman Catholic Church Vatican II senior officials use the press to twist and turn their story's.

Now, Archbishop Atkinson-Wake intends to tell the truth and expresses the facts from many well known canonist and theologians who have been fighting with the Roman Catholic Church Vatican II to be truthful and not keep misleading the faithful of Christ.

It is interesting that the Roman Catholic Church hierarchy of Vatican II talk about religious freedom, and yet it is those who are doing the religious persecution towards other religions / churches.



We as a catholic church will pray for our brethren that they will return to our forefathers true teachings and uphold the true teachings of the Catholic Church. There are many facts and examples used to express and clear up any misunderstanding that might have been stated by the Roman Catholic Church brethren under Vatican II who are extremely misguided in the forefathers teachings.

There are over 100 Catholic Churches not in communion with the Roman Catholic Church. However this does not mean that none of them are invalid. It is not for Roman Catholic bishops to judge Catholic bishops. It is to God that we all answer too. The same for the bishops of the Greek, Russian and all Orthodox Churches they have their own hierarchy and do not require any dispensation from the Pope of Rome for any of its ordinations and or consecration of bishops.

### Holy Orders.

"Follow me and I will make you fishers of men" (Mt. 4:19).

"Go to the deeper water and let down the nets for a catch" (Lk. 5:4).

The Order is a Sacrament that prints indelible character, either to the Diaconate, Priesthood or Episcopate. Only a Bishop consecrated can confer this Sacrament, whose essential part is the imposition of hands on the head of the ordinand, doing-the Minister of God from that moment.

The aspiring should submit to the Parish Priests or Diocesan Bishops, with the application expressing his desire to follow in the Ordained Ministry, according to the terms of the regulations (canonical laws) of CCEW.

A point to note, In 1936, Bishop Duarte Costa made his second ad-lima visit to Rome, meeting with H.H. Pope Pius XI. He presented the Pope with a list of quite radical requests for the Catholic Church in Brazil. Years later most of the requests was to be implemented within the Roman Catholic Church Vatican II.

As mentioned earlier of Bishop Carlos Duarte Costa's "forced resignation", Bishop Duarte Costa left the Roman Catholic Church diocesan quarters, but remained in Rio de Janeiro as Bishop Emeritus of Botucatu and titular Bishop of Maura. He received full support from his protector. His Eminence, Cardinal Lord Sebastião da Silveira Cintra, who granted permission for him to keep a private chapel. Upon Cardinal Cintra's death in 1942 who died from a heart attack in Rio de Janeiro, the rough Justice from the Roman Catholic Church soon began and continues today to the successors of Archbishop Carlos Duarte Costa.

Nevertheless, everyone of the bishops consecrated by any of the bishops within the Catholic Church of England & Wales are valid true catholic bishops. Even those consecrated prior to 2007 by His Holiness Patriarch Luis Fernando Castillo Mendez and that of Archbishop Atkinson-Wake who was not only consecrated in lawful Roman Catholic Vatican 1, Apostolic Succession but he was granted autonomy by His Holiness and elevated to his current position by him.

The Roman Catholic Church Vatican II and it's hierarchy has no say and cannot state anything different as to whether the bishops of the Catholic Church of England & Wales are not valid bishops, they have no authority to declare such so long as the apostolic line from a bishop laying hands on a

bishop is an unbroken line. The rites used was a Roman Catholic Rite with **pure intent, form and matter.**

On 8th December 1924 His Eminence, Cardinal Sebastião Leme da Silveira Cintra Titular Archbishop of Pharsalus assisted by co-consecrators Bishop Alberto José Gonçalves, Bishop of Ribeirão Preto and 2<sup>nd</sup> co-consecrator Bishop Benedito Paulo Alves de Souza, Bishop of Espírito Santo consecrated Father Carlos Duarte Costa as Diocesan Bishop of Botucatu.

In 1936, Bishop Duarte Costa made his second ad-lima visit to Rome, meeting with H.H. Pope Pius XI. He presented the Pope with a list of quite radical requests for the Catholic Church in Brazil. Years later most of the requests was to be implemented within the Roman Catholic Church Vatican II. Mentioned later within this book Bishop Carlos Duarte Costa's was forced to resign.

Bishop Duarte Costa left the diocesan quarters of the Roman Catholic Church but remained in Rio de Janeiro as Bishop Emeritus of Botucatu and titular Bishop of Maura, only to take a new title later in the years being that in 1945. Bishop Carlos Duarte Costa received full support from his friend, protector and principal consecrator, His Eminence, Cardinal Dom Sebastião da Silveira Cintra, who granted permission for him to keep a private chapel and say Mass as a Catholic Bishop with the full rights and privileges. We already established that upon the death in 1942 of His Eminence Cardinal Cintra who died from a heart attack in Rio de Janeiro, the rough justice from the Roman Catholic Church soon began and continues today to the successors of Archbishop Carlos Duarte Costa.

Most Reverend Dom. Luis Fernando Castillo Mendez was ordained a priest under Vatican One on August 10, 1944 by Bishop Valentín Comellas y

Santamaría) & consecrated a Catholic Bishop on 3 May 1948 by Principal consecrator; Most Reverend Dom. Carlos Duarte Costa, Archbishop of Rio de Janeiro. 1st Co-consecrator H.E. Most Reverend Dom. Salameo Ferraz former Bishop of Sao Paulo who returned to the Roman Catholic Church and was accepted as a valid bishop by His Holiness Pope John XXIII and was never re-consecrated not even ad-cautelm by the Roman Catholic Church Vatican II and their actions confirmed validity by de jure & de facto. Bishop Ferraz was appointed as Titular Bishop of Eleutherna, he returned to Rome in late 1956'. the 2nd Co consecrator Most Reverend Antidio Jose Vargas Diocesan Bishop of Lages, (Brazil) consecrated by H.E. the Most Reverend Dom. Carlos Duarte Costa on the 8 December 1946, Co consecrated by Most Reverend Dom. Salamao Ferraz.

Patriarch Luis Fernando Castillo Mendez consecrated Roman Catholic Bishop James Atkinson-Wake he was assisted by two fellow catholic bishops as co-consecrators, 1st Co-consecrator was Most Reverend Dom. Olinto Ferreira Pinto Filho. Diocesan Bishop of Rio de Janeiro, (Bishop Olinto Ferreira Pinto Filho was ordained priest on November 16, 1947 by Archbishop Carlos Duarte Costa & consecrated sacred bishop on 1st May 1966 by Most Reverend Pedro dos Santos Silva, who was consecrated sacred bishop by Archbishop Carlos Duarte Costa on the 4th Nov 1956 and his co-consecrator was Bishop Pedro Gomes who was consecrated by Bishop Santa Silva) 2nd co consecrator was Most Reverend Dom. Josivaldo Pereira de Oliveira, Coadjutor Bishop of Rio de Janeiro ( Bishop Josivaldo was consecrated on 16/03/1980 sacred catholic bishop by Principal Consecrator; H.E. Bishop Luigi Masculo assisted by Bishop Victor de Tarso Sanches Pupo (Bishop Sanchez Pupo was consecrated catholic bishop by Bishop Pedro dos Santos Silva who was consecrated by

Archbishop Duarte Costa) & Bishop Luis Fernando Castillo Mendez ) Bishop Antido Jose Vargas was consecrated by Archbishop Carlos Duarte Costa & Bishop Salameo Ferraz in 1946).

Archbishop James Atkinson-Wake was consecrated a catholic diocesan bishop by his principal consecrator His Holiness, Patriarch Luis Fernando Castillo Mendez, Diocesan Bishop of Brasilia DF.

His Holiness Patriarch Castillo Mendez elevated Diocesan Bishop James Atkinson-Wake to the status as Catholic Archbishop and later as a Brazilian Catholic Church Cardinal of the United Kingdom. This is a matter of public documents within Brazil and the United Kingdom. For clarification the document is referenced: 21/06/2006.

*(Dom is the title used for all episcopal bishops in Brazil translates from Dominus meaning Lord as bishops are Spiritual Lords)*

The purpose here is not to review the ins and outs of Archbishop Duarte Costa's career. But rather, we want to determine whether or not the catholic bishops consecrated by Archbishop Duarte Costa from 1938 to 1961 including Bishop Salameo Ferraz, Bishop Antido Jose Vargas, Bishop Pedro dos Santos Silva, Bp Orlando Arce-Moya and those consecrated by these catholic bishops are validly-consecrated catholic bishops – that is, whether or not they possess the sacramental power possessed by all Catholic bishops to administer the Sacrament of Baptism, Confirmation, to ordain priests who are real priests, and to consecrate other catholic bishops who are true catholic bishops from the hands of Most Reverend Dom. Luis Fernando Castillo Mendez, His Holiness ,the Patriarch of Brazil. Diocesan Bishop of Brasilia DF including that

of Bishop Olinto Ferreira Pinto Filho, Bishop Josivaldo Pereira de Oliveira & Archbishop James Atkinson-Wake etc.

This sacramental power, called Apostolic Succession, passes from one catholic bishop to all the catholic bishops that he or they may consecrate. They in turn pass this sacramental power on to all the bishops they consecrate, and so on.

To pursue our inquiry, therefore, we must look to the episcopal consecrations performed by Archbishop Carlos Duarte Costa, the prelates to whom eight bishops from 1945 to 1956 traced their consecrations including that of their successors such as Patriarch Castillo Mendez, Bishop's Salameo Ferraz and Orlanda Arce- Moya. Bishop Antidio Jose Vargas, Bishop Pedro dos Santos Silva, Bishop Luige Másculo, Bishop Victor de Tarso Sanches Pupo, Bishop Olinto Ferreira Pinto Filho & Bishop Josivaldo Pereira de Oliveira.

If any one of the episcopal consecrations performed by Archbishop Carlos Duarte Costa are regarded as valid, then the line of orders which proceeds from them is likewise valid.

Now, we shall demonstrate, the pertinent facts and the pronouncements of popes, canonists (canon law experts) and Catholic moral theologians all lead to one unavoidable conclusion: We are obliged to regard as valid the episcopal consecrations of Archbishop Carlos Duarte Costa conferred on Bishop Salameo Ferraz, Bishop Pedro dos Santos Silva, Bishop Orlando Arce-Moya & Bishop Luis Fernando Castillo Mendez & Bishop Antidio Jose Vargas.

Since the consecrations of Bishop's Salamao Ferraz and Arce-Moya, these two consecrations was declared valid by H.H. Pope John XXIII of the Roman Catholic Church despite that Bishop salamao Ferraz was married as this is as

stated earlier, not a theological point, but a disciplinary one. We are likewise obliged to regard as valid the line of orders which proceeds from them, and thus to hold that the priests ordained in this line are truly priests and that the bishops consecrated in this line are truly bishops.

### I. SOME NOTES ON THE INVESTIGATION

In 1937 Roman Catholic Diocesan Bishop Carlos Duarte Costa deceived resignation for the Roman Catholic Church was accepted by Pope Pius XI. In place he was appointed a titular see, for which is confirmed in the 1937 Acta Apostolica Sedis as Titular Bishop of Maura (a catholic bishop never the less). Upon His Holiness Pope Pius XI accepting Bishop Carlos Duarte Costa's forced & deceived resignation, the Pope of Rome directly relinquished any and all authority as the Roman Catholic Pope of Rome over Bishop Carlos Duarte Costa.

From 1945 to 1956. Archbishop Carlos Duarte Costa consecrated 8 Catholic bishops in total. Three of them being Bishop Salameo Ferraz on the 15 August 1945, Bishop Luis Fernando Castillo Mendez on the 3<sup>rd</sup> May 1948 and Bishop Orlando Arce-Moya on the 30 November 1956.

We remind that one who is excommunicated or suspended can still excommunicate another and or consecrate. For such one has lost neither orders nor jurisdiction, since neither is he ordained anew when he is absolved, nor is his jurisdiction renewed. But excommunication requires nothing more than orders or jurisdiction. Therefore even one who is excommunicated or suspended can excommunicate. In simple words an excommunicated or suspended catholic bishop does not lose his jurisdiction and or authority no matter which church applies the instrument.

The power of consecration results from the power of the character which is indelible, wherefore, from the very fact that a bishop has the character of order, he can always consecrate, though not always lawfully.

It is different with the power of excommunication which results from jurisdiction, for this can be taken away and bound that is all. Then Roman Catholic Bishop Carlos Duarte Costa refused to follow the political policy of the Vatican and was deposed from his diocese in 1937. He was named on the 22<sup>nd</sup> September 1937 by the Roman Catholic Church Patriarch i.e. Pope Pius XI as titular Bishop of Maura, which tantamount's to being the bishop of nowhere, but simply a catholic bishop (As per Acta Apostolicae Sedis known as Acts of the Apostolic See of Rome).

Most Reverend Dom. Jaime de Barros Câmara was installed as the Roman Catholic Archbishop of Rio de Janeiro on the 15 September 1943 extremely jealous and angry at Bishop Carlos for many years. When he was ordained Bishop of Mossoró, Rio Grande do Norte, Brazil on the 2nd February 1936.

As Archbishop, he now felt he had the right to levy a suspension against Titular Bishop Duarte Costa in 1945, he personally “excommunicated him on July 6, 1945”. However, the Roman Catholic Archbishop had NO AUTHORITY to discipline a bishop NOT OF HIS OWN HOUSEHOLD.

In other words not under his authority / Archdiocese and by such attempted actions the Roman Catholic Archbishop is suspended for a period of 1 year himself according to Roman Catholic Canon law 1917 and Sacred Council of Trent.



As Bishop Carlos Duarte Costa resignation to the Roman Catholic Church Pontiff also known as the Patriarch of the West was accepted in 1936, NINE YEARS PREVIOUSLY. Such authority over him did NOT EXIST. EXCOMMUNICATION IN FORCE by the HOLY SEE has no bearing.

Therefore, Bishop Carlos Duarte Costa was not Excommunicated by the Catholic Church, but an individual Archbishop within the Roman Catholic Church. To be honest it has little or no bearing at all as for hundreds of years bishops have excommunicated each other for one reason or another. His Holiness, Pope JOHN XXIII, Patriarch of the West of the Roman Catholic Church actions of accepting THEM AS CATHOLIC BISHOPS after the individual Catholic Archbishops actions towards Bishop Duarte Costa in July 1945. By his bishops mentioned previously who was consecrated in August 1945 & November 1956 clearly shows VALIDITY de Jure & de Facto.

## II. THE FACT OF THE CONSECRATIONS.

We begin our inquiry by asking several simple questions:

- On 8 December 1924 in Brazil, did Archbishop Silveira Cardinal Cintra performed the rite of episcopal consecration for Rev'd Father Carlos Duarte Costa using the traditional Catholic rite on the 8<sup>th</sup> December 1924 along with the co-consecrators Bishop Alberto José Gonçalves, Bishop of Ribeirão Preto and 2nd co-consecrator Bishop Benedito Paulo Alves de Souza, Bishop of Espírito Santo?
- On 15 August 1945 in Brazil did Archbishop Carlos Duarte Costa perform the rite of episcopal consecration for Rev'd Father Salameo Ferraz using the traditional Catholic rite?

- On the 8 December 1946 did Archbishop Carlos Duarte Costa perform the rite of episcopal consecration for Rev'd Father Antidio Jose Vargas assisted by Bishop Salameo Ferraz?
- On the 4 November 1956 did Archbishop Carlos Duarte Costa assisted by Bishop Ferraz perform the episcopal consecration rite of Bishop Pedro Santos Silva?
- • On the 3<sup>rd</sup> May 1948 in Brazil did Archbishop Carlos Duarte Costa perform the rite of episcopal consecration for Reverend Father Luis Fernando Castillo Mendez assisted by Bishop Salameo Ferraz and Bishop Jose Vargas using the traditional Catholic rite?
- On the 4<sup>th</sup> November 1956 did Archbishop Carlos Duarte Costa perform the episcopal consecrate rite of Bishop Pedro dos Santos Silva ?
- Did Archbishop Carlos Duarte Costa perform the episcopal consecrate rite of Bishop Pedro dos Santos Silva who in turn consecrated Bishop Victor de Tarso Sanches Pupo and also inturn he also as well did consecrate Bishop Pedro Gomes.
- On 30 November 1956 in Brazil did Archbishop Carlos Duarte Costa perform the rite of episcopal consecration for Rev'd Father Orlando Arce-Moya using the traditional Roman Catholic Rite?
- In 1980 did principal consecrating Bishop Luige Masculo Masculo assisted by Bishop Victor de Tarso Sanchez Pupo and Bishop Luis Fernando Castillo Mendez perform the epsicopal consecrate rite of

Bishop Josivaldo Pereira de Oliveria ? (See apostolic succession list on pages 325 onwards)

- On the 1<sup>st</sup> May 1966 did Bishop Pedro dos Santos Silva perform the episcopal consecrate rite of Bishop Olinto Ferreira Pinto Filho assisted by Bishop Pedro Gomes?
- In Brazil, did Patriarch Luis Fernando Castillo Mendez, Bishop Josivaldo Pereira de Oliveira and Bishop Olinto Ferreira Pinto Filho performed the rite of episcopal consecration for Rev'd Father James Atkinson-Wake using the traditional Roman Catholic Rite? The answer to all these questions is with any doubt. YES.

But note that we've used a deliberate clumsy phrase. We've asked if Archbishop Silveira Cardinal Cintra, Bishop Carlos Duarte Costa, H.H. Patriarch Luis Fernando Castillo Mendez and all the bishops mentioned within performed the rite of episcopal consecration for the above people, rather than asking if they consecrated them. Why?

To call attention to an important distinction between two things:

- The fact of a sacrament – i.e., did any ceremony's take place? and
- The validity of a sacrament – i.e., did the ceremony's work?

Catholic canonists and moralists such as Fathers Cappello, [4] Davis,[5] Noldin,[6] Wanenmacher,[7] and Ayrihac [8] and Canon Gregory Hesse take such a distinction for granted. So, too, do Church tribunals convened to rule on the validity of a marriage [9] or an ordination.[10] Facts first. Validity later?

In this section, therefore, we will not address the issue of validity (Did the consecrations work?), but merely the issue of fact (Did the ceremony take place. Did His Eminence, Cardinal Silveria Cintra, Archbishop Carlos Duarte Costa and all the bishops stated within including H.H. Patriarch Luis Fernando Castillo Mendez perform the rite?)

Clearly, the above consecrations took place. But since a few traditional priests have claimed that fact of the consecrations is not “proven” or “certain,” or can’t be “acknowledged,” we’ll take a few moments to prove the obvious.

### A. Legal Limbo

When things were normal in the Church, it was easy to ascertain the fact that an episcopal consecration took place. You went to someone with authority. You looked up the particulars in an official register. If an authorized church official had duly recorded the consecration in the register, church law regarded it as a fact – “proven” in the eyes of church law. The same goes for baptisms, confirmations and priestly ordinations.

If these official registers were lost or accidentally destroyed, you took another route. You brought the evidence to someone with authority – a diocesan bishop or a judge in a Vatican tribunal, say. The official examined the evidence and issued a decree stating that so-and-so had received the sacrament.

These officials enjoyed a legal power called ordinary jurisdiction – authority, deriving ultimately from the pope, to command, make laws, punish and judge. Part of that authority consisted in the power to establish in the eyes of church law the fact that a given sacramental act took place – to function as a sacramental counterpart to the Registrar of Deeds.

In both cases – that of either official registers or hierarchical decrees – someone with ordinary jurisdiction was exercising his power. He judged he had sufficient legal evidence that, say, a particular ordination had been performed. He entered it in to the official register, or issued a decree. The fact of the ordination was then established before the law. In contrast to this, consider my own consecration. It's a fact that Patriarch Luis Fernando Castillo Mendez, Bishop Olinto Ferreira Pinto Filho & Bishop Josivaldo Pereira de Oliveira performed the episcopal consecration rite to Bishop James Atkinson-Wake to the episcopacy in Brasilia DF, Brazil.

That fact has not been legally established so far just yet.

It's not recorded in the ordination register of the Roman Catholic Diocese of Brazil, as their church law would require.

Should normalcy return to the Church in my lifetime, I'd go to someone with ordinary jurisdiction? He would then rule on the evidence and issue a decree which would legally establish the fact of Archbishop Atkinson-Wake's Episcopal Consecration.

The records are registered with the Brazilian Catholic Church registrar instead as well as a matter of public record in Brazil. The same would be for the Russian / Greek & all Orthodox Churches and each would have their own registrars.

Where does this leave the fact of Archbishop Carlos Duarte Costa and Patriarch Luis Fernando Castillo Mendez consecrations?

In fact the same place it leaves Archbishop Atkinson-Wakes episcopal consecration. The consecrations and all sacraments traditional catholic clergy

confer: in a sort of legal limbo. Since no one in the traditional movement possesses ordinary jurisdiction, no one has the power to rule on the legal evidence that a particular sacrament was performed and then establish it as a fact before church law. That's a function of church officials who have received their authority from a Roman Pope. Nevertheless, we traditional Roman Catholics can and do establish the fact that we have conferred or received sacraments.

The means we use is moral certitude, a simple concept we'll apply to the consecrations, just as we do to any other sacrament.

## B. Documentation

Unlike many consecrations, Archbishop Duarte Costa, and many bishops that he consecrated performing the rite of episcopal consecration including that of Patriarch Luis Castillo Mendez and Archbishop Atkinson-Wake's consecrations received little or no publicity in the Brazil. Nevertheless, it's easy to document the fact that the ceremonies took place. Here are some sources:

- Published consecration documents & photographs of the consecration of Bishop Carlos Duarte Costa by Roman Catholic Cardinal Silveira Cintra and assisting bishops
- Published consecration documents & photographs of the consecration of Bishop. Luis Fernando Castillo Mendez by Archbishop Carlos Duarte Costa and assisting bishops and many other bishops.
- Published consecration documents, photographs and DVD evidence of Bishop Atkinson-Wake's episcopal consecration by Patriarch

Luis Fernando Castillo Mendez and the assisting bishops. Such full records are held in church and public archive.

- Roman Catholic Vatican Archives known as *Acta Apostolicae Sedis* dated 1937 stating that Bishop Carlos Duarte Costa resignation was accepted by Pope Pius XI from Diocesan Bishop of Botucatu for the Roman Catholic Church to appointment as Titular Bishop of Maura.
  - Brazilian Catholic Apostolic Church archives and not with standing government records of the consecration documents issued by Patriarch Luis Fernando Castillo Mendez for which all bear the signature & seals witnessing each other's signature and office they hold. Witnessing that of Patriarch Castillo Mendez, Bp Olinto Ferreira Pinto Filho and Bp Pereria de Oliveria the consecration of Archbishop Atkinson-Wake such as:

1. Brazilian Notary's.
2. Bureau of Vital Static's Federal District Brasilia DF.
3. Secretary of State of Foreign relations Consular Assistance Division of the Brazilian Government, Brasilia DF.
4. British Embassy Brasilia DF.
5. Home Office Official of the Foreign & Commonwealth Office United Kingdom on behalf of Her Majesty's Principal Secretary of State for Foreign and Commonwealth affairs with a further seal attached known as
6. Apostille as in line with the Hague Convention of 5 October 1961 with a Unique reference number of each document legalised.

- A recorded letter dated 26 June 2006 signed and sealed by Patriarch Castillo Mendez.
- An email from Patriarch Castillo Mendez dated July 2007, which speaks of pure catholic intent of the Roman Catholic Apostolic Succession transmitted by him as the principal consecrating catholic bishop to Catholic Bishop Atkinson-Wake.

### C. An Established Fact

Faced with this documentation, the person sensibly concludes that it is a fact that Roman Catholic Cardinal Silveria Cintra through Archbishop Carlos Duarte Costa through to the bishops that he Archbishop Carlos Duarte Costa performed the rite of episcopal consecrations to Patriarch Luis Fernando Castillo Mendez through to Archbishop Atkinson-Wake performed these consecrations and a fact that he used the Traditional Catholic rite.

Why? The documentation all points to the same basic facts. The parties involved never change their stories on these facts. It “rings true.” The “sound of truth” we hear, when considering facts about this or any other matter, results from moral certitude, a common-sense standard we employ all the time.

Catholic moral theologians say that moral certitude occurs when we realize it’s impossible for us to be wrong about a particular fact, since the opposite of that fact is so unlikely that we know it would be imprudent to believe it. It therefore involves considering the opposite of something to see how likely it is to arrive at moral certitude about the Archbishop Carlos Duarte Costa consecrations,



therefore, we consider whether the opposite of the evidence we have is likely enough to be believable: i.e. that Archbishop Carlos Duarte Costa did not perform either Bishop Salameo Ferraz, Bishop Castillo Mendez or Bishop Arce-Moya's consecration, or that, if he did, he did not use the traditional rite for which was repeated by Patriarch Castillo Mendez to Archbishop James Atkinson-Wake.

This pre-supposes scenarios like the following:

- (1) That Archbishop Carlos Duarte Costa, Patriarch Castillo Mendez (both now deceased), faked photos on several occasions, committed perjury in several instances, and engaged in a complex and well-orchestrated conspiracy.
- (2) That the different people most directly involved were completely mistaken about the fact that episcopal consecrations took place.
- (3) That Archbishop Carlos Duarte Costa, Bishop Salameo Ferraz and Patriarch Castillo Mendez subsequently conferred ordinations and episcopal consecrations they knew were null and void.
- (4) That Archbishop Carlos Duarte Costa, Bishop Salameo Ferraz and Patriarch Castillo Mendez aided and abetted to consecrate anyone as a bishop with some rite other than the traditional Catholic rite.
- (5) That the persons involved with the consecrations also deceived officials about the event, and or conspiracy.

These scenarios, obviously, are preposterous and absurd, and no evidence whatsoever exists to support them. But they're the only kind of theories someone can put forward if he wants to say that we have no moral certitude

about the fact of the Archbishop Carlos Duarte Costa, Bishop Salameo Ferraz and Patriarch Luis Fernando Castillo Mendez consecrations.

This leaves us with moral certitude about the fact of the Archbishop Carlos Duarte Costa, Bishop Salameo Ferraz and Patriarch Castillo Mendez consecrations, certitude “which excludes all fear of error and every serious or prudent doubt.” This is all that theologians require for any sacrament.

Since we have no serious or prudent ground to doubt that the consecrations took place and that the old rite was used, we must regard both occurrences as established facts.

### III. THE VALIDITY OF THE CONSECRATIONS

We now turn to the question which occasioned this study:

- Are we obliged to regard that Archbishop Carlos Duarte Costa, Bishop Salameo Ferraz, Patriarch Castillo Mendez and Archbishop Atkinson-Wake consecrations as valid – i.e, as having worked?

Based on the principles of church law and moral theology apply to all the sacraments, we are obliged to answer. Yes.

This was supported by Canon Gregory Hesse STD. JCD Canon Gregory Hesse was ordained by His Eminence Cardinal Marella who was Cardinal-Bishop of Porto e Santa Rufina, Archpriest of the Basilica di San Pietro in Vaticano {Saint Peter Basilica} in St. Peter's Basilica in 1981, and worked as a secretary to His Eminence Cardinal Alfons Maria Stickler Cardinal-Deacon of San Giorgio in Velabro, Librarian of the Vatican Library in the Vatican for a few

years. He was canonically on good terms with Rome himself and he began a loose affiliation with the Society of St. Pius X.

He often was dressed as a Monsignor according to a privilege Urban VIII bestowed on all priests ordained in St. Peter's Basilica. He entered priestly studies in Rome and earned doctorates in Canon Law and Theology from the Angelicum he was the author of QUO PRIMUM

Since 1991, he worked in Austria, Germany and the United States giving lectures and producing theological articles that appeared in Catholic Family News.

To understand why, we have but to recall how little is required to perform a valid episcopal consecration, and how church law and moral theologians consider those requirements as met in a given case, unless there is positive evidence to the contrary.

#### A. Recipe for Validity

Among the many beautiful ceremonies of the Catholic Church, the Rite of Episcopal Consecration is surely the most splendid and the most complex. It takes place on the feast of an Apostle, usually before a large gathering of the faithful. In its most solemn form, the catholic bishop who performs the rite is assisted by two other catholic bishops (called “Co-consecrator’s”). To perform an episcopal consecration observing all the elaborate ceremonial directions takes about three to four hours.

This is about the length of time it takes a catholic bishop to impose his hands on a priest’s head and recite the 16-word formula the Church requires for

validity along with the valid sacrament which incorporates the chalice and patten etc.

The foregoing may startle the many listeners. But the case is akin to something we all learned in catechism class. All you need to baptize someone validly is ordinary water and the short formula (I baptize thee, etc.). It was so simple that even a Muslim or a Jew could get it right if someone really wanted to be baptized. And once the water was poured and the short formula was recited, you'd be just as validly baptized, and just as much a Christian as if the pope himself had done it in St. Peter's Basilica.

The recipe the Catholic Church lays down for a valid episcopal consecration is equally simple.

Other than a validly-consecrated catholic bishop to perform the rite and a validly-ordained priest who intends to receive consecration, there are just three ingredients essential for validity:

(1) The imposition of hands by the consecrating bishop (*technically called the matter of the sacrament*).

(2) The essential 16-word formula recited by the consecrating bishop (*technically called the form of the sacrament*).

(3) A minimal intention on the consecrating bishop's part "to do what the Catholic Church does" (*called ministerial intention*).

Though all the ceremonies prescribed in the rite should be observed, the three foregoing elements are all that is required for an episcopal consecration to be valid.

## B. Burden of Disproof

Once you're certain of the fact that a real catholic bishop performed a consecration using a Catholic rite, is it then necessary to prove positively that the catholic bishop did not omit one of these essential elements during the ceremony?

NO. The mere fact that a catholic bishop used a Catholic rite is of itself sufficient evidence for validity, which thereafter requires no further proof. Validity becomes a "given," which can only be disproved. And this can only be achieved by demonstrating that one of the ingredients essential to validity was either absent (or probably absent) when the ceremony was performed.

This applies to all the sacraments and is evident from:

1. Ordinary Pastoral Practice. Day-to-day sacramental record-keeping takes for granted that the minister of a sacrament fulfilled the essential requirements for validity. Official baptismal and ordination registers say nothing whatsoever about technical terms such as "matter," "form" or "ministerial intention." And sacramental certificates merely state that so-and-so received a sacrament "with all necessary and fitting ceremonies and solemnities," or simply "according to the rite of the Holy Roman Church." They say nothing more, because church law requires nothing more. Such sacraments are regarded as valid without further proof.
2. Canonists. Canonists speak of "the queen of presumptions, which holds the act or contract as valid, until invalidity is proved." It is applied to the sacraments in the following way: If someone goes before a church court to

challenge the validity of a Catholic baptism, marriage or ordination, the burden of proof is on him. He must show that something essential was lacking when the sacrament was conferred.

3. Church Law and Moral Theology. These sources forbid read ministering a sacrament conditionally unless there is a “prudent” or “positive” doubt about validity. As an example of a doubt which would not fall into this category, the Dominican moral theologian Fanfani speaks of a priest who does not recall whether he recited the essential sacramental formula. “He should repeat nothing,” says Fanfani. “Indeed, he sins if he does so – for everything that is done must be supposed to have been done correctly, unless the contrary is positively established.” That the essential parts of the rite were performed is once again simply taken for granted.

Canonist Gasparri (later a Roman Catholic Cardinal and compiler of the 1917 Code of Canon Law) offers a general principle: “...an act, especially one as solemn as an ordination, must be regarded as valid, as long as invalidity would not be clearly demonstrated.”

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

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

episcopal consecrations received from Orthodox bishops, and from Old Catholic Bishops in Holland, Germany and Switzerland “are to be regarded as valid, unless in a particular case an essential defect were to be admitted.”

The foregoing, of course, reflects the Church’s reasonableness. She doesn’t ask us to disprove convoluted negative accusations – “Prove positively to me that you did not omit to do what you were supposed to do to make the sacrament valid.”

Otherwise, hordes of specially-qualified witnesses would have to be trained to do an independent validity check each time a priest conferred a sacrament. It is easy to see, therefore, why a sacrament administered with a Catholic rite must be regarded as valid until the contrary is positively established.

### C. Validity

The requirements for a valid episcopal consecration, then, are minimal. And when a Catholic rite is employed for this or any other sacrament, ordinary pastoral practice, canonists, church law and moral theologians require no further proof for a sacrament’s validity – even when it is administered by a schismatic. Validity, rather must be disproved.

Bp is abbreviated term for Bishop.

When we turn to consider the consecrations of Bishop’s Carlos Duarte Costa, Bp Salameo Ferraz, Bp Luis Fernando Castillo Mendez, and Bp Atkinson-Wake and all the bishops named . Three key facts are absolutely certain:

- (1) Archbishop Carlos Duarte Costa was a validly-consecrated catholic bishop as he was consecrated under the old rite of Vatican One.
- (2) Bishop Salameo Ferraz was a validly consecrated catholic bishop as he worked on four Vatican II commissions as a Vatican One Catholic Bishop.
- (3) Patriarch Luis Fernando Castillo Mendez, Bishop Josivaldo Pereira de Oliveira and Bishop Olinto Ferreira Pinto Filho was a validly consecrated catholic bishop as the rite used was a catholic rite as expressed by Canon Gregory Hesse STD. JCD. & Dr Milan Kucera. LL.M. Ph.D.
- (4) They all performed the rite of episcopal consecration for then Catholic Bishop Luis Fernando Castillo Mendez on the 3 May 1948. When Patriarch Luis Fernando Castillo Mendez with 2 assisting bishops performed the rite of episcopal consecration for Catholic Bishop James Atkinson-Wake in the Patriarchal Cathedral in Brasilia DF as per the late Patriarch Castillo Mendez's email which refers clearly the pure Catholic intent.
- (5) Archbishop Carlos Duarte Costa, Bp Salameo Ferraz and Bp Vargas employed a Catholic rite for then Bishop Luis Fernando Castillo Mendez consecration in turn the same was repeated for the consecration of Bishop Atkinson-Wake.



We have a validly-consecrated catholic bishop. Each one performed the rite of episcopal consecration. Each one used a Catholic rite. No further proof is needed. Therefore:

- We are obliged to regard the episcopal consecrations Archbishop Carlos Duarte Costa conferred in 1948 on then Bishop Castillo Mendez who conferred consecration on Bishop Atkinson-Wake as valid but illicit. (*illicit meaning without the approval and blessing of the Pope of Rome for which is not needed and we disagree with*)

### Ecclesiastical Law

In both the Roman Catholic and Anglican Churches the method for receiving holy orders, whether as deacon, presbyter or bishop (where applicable) is by the laying on of the hands with prayer according to the prescribed liturgical forms. Both churches claim to maintain the historic succession of bishops from the time of the apostles and restrict (notwithstanding the provisions of the 1917 Code of Canon Law) presidency at an ordination service to a bishop. Roman Catholic Church has a well-developed concept of the sacramental validity of the holy orders that it imparts and recognises the orders of other Churches as either valid and licit (lawful), valid but illicit or invalid.

The Church of England does not use language of validity in its corpus of ecclesiastical law concerning holy orders. The Church of England sees ordination by a bishop in historic succession as normative. Such ministers in historic normative are eligible to be permitted to officiate in the Church of England by the archbishops under the terms of the overseas and Other Clergy (Ministry and Ordination) Measure 1967.

A Measure is an Act of Parliament which has received Royal Assent.

We must remember that that the Church of England as a whole has no legal status or personality. There is no act of parliament that purports to establish it as the Church of England as stated by Lord Hope of Craighead for which was heard in a court case heard in the House of Lords. The relationship which the state has with the Church of England is one of recognition, not of devolution to it of any of the powers or functions of government. Lord Hobhouse of Woodborough, delivering a concurring opinion stated, the Church of England is not itself a legal entity.

The legal entities are the various office holders and various bodies set up within the structure. Ecclesiastical law exists to facilitate and animate these various persons and bodies. As has already been stated, the ecclesiastical law by which the Church of England is governed is part of the law of the land and its courts are courts of the realm.

The principle of religious liberty has long been recognised at common law, albeit it has never previously been guaranteed as is now the case under the Human Rights Act 1998. A self-denying principle of non-interference by which the judiciary decline to enter in to questions concerning the internal affairs of religious organizations is well acknowledged. Lord Reid explained it as follows;

“No temporal court of law can determine the truth of any religious belief: it is not competent to investigate any such matter and it ought not to attempt to do so”

Article 9 of the said human rights states;

“..... It includes the right to hold a religion or belief and to change it and the right not to allow the State to determine one’s religion or belief is legitimate”

In the High Court of the Chancery Division a case of *Versani v’s Jesani* 1999 Ch19 stated by Judge Patten was that:

*“ .....the court will not venture in to doctrinal disputes or differences, But there is authority that the court will not regulate issues as to the procedures adopted by religious bodies or the customs and practices of a particular religious community or questions as to the moral and religious fitness of a person to carry out the spiritual and pastoral duties of his office”.*

The topic is addressed by Mark Hill QC ‘Judicial Approaches to Religious Disputes in R O’Dair & A Lewis Current Legal Issues 4; Law and Religious (Oxford University Press, 2001) 409. Mark Hill QC sits as a Recorder in the Crown Court and the County Court on the Midland Circuit as is most of the research enclosed in regards to Ecclesiastical Law was assisted by his Mark Hill QC fellow Editorial Board being; Professor Sir John Baker QC, University of Cambridge. Professor Norman Does, Centre for Law & Religion, Cardiff University. The Right Worshipful Charles George QC, Dean of the Arches. Sir John Laws, Lord Justice of Appeal. Professor Maria Celis, Catholic University of Chile.

#### IV. “Negative” Doubts

The only way a sacrament can truly be said to be doubtful is if you establish a positive (or prudent) doubt about its validity. A doubt is positive when it possesses a basis which is clearly objective and firmly rooted in reality. In the

case of a sacrament, it must be founded on solid evidence that something essential to validity was probably omitted.

To establish a positive doubt about the validity of Archbishop Carlos Duarte Costa consecration's to Bishop Salameo Ferraz, Patriarch Luis Fernando Castillo Mendez and Bishop Orlando Arce-Moya consecrations including that of Archbishop Atkinson-Wake, you'd have to prove that, when the rite was performed, a substantial defect either did occur or probably occurred in one of the following essential elements:

- The imposition of hands.
- The essential 16-word formula.
- The minimal intention of the bishop "to do what the Church does."

No one who was present when Archbishop Carlos Duarte Costa was performing the rite of episcopal consecration to his bishops from 1945 through to 1961. The same for that of Patriarch Luis Fernando Castillo Mendez and or at Archbishop Atkinson-Wake consecration by Patriarch Luis Fernando Castillo Mendez and the assisting bishops.

No one has ever said or proved that one defect occurred, no such evidence has ever been proved beyond all reasonable doubt, not even by any Roman Catholic Bishop's or hierarchy, they have just issued self declared letters without supplying any facts or proof to support their absurd claims to the principal consecrator and or the consecrated new bishop.

Absent of any evidence whatsoever for such a defect, any objectors raise personal speculations, musings, conjectures, hypotheses and – a favourite

device – rhetorical questions about what may or may not, or possibly could or could not, have occurred during the “essential 45 seconds” of the fore mentioned consecration.

The chief characteristic of such objections, however, is that they are subjective – i.e., rooted not in a knowledge of what occurred during the rite, but in the objector’s lack of personal knowledge of what occurred. Such objections are what moral theologians call negative (or imprudent) doubts. And negative doubts don’t render a sacrament “doubtful.”

We’ll limit ourselves to a few of the more frequently-repeated negative doubts.

Objection 1. I, question whether Archbishop Carlos Duarte Costa and his fellow bishops including Patriarch Castillo Mendez “intended to do what the Church does,” so the consecrations must be considered doubtful.

- A priest or bishop who confers a sacrament doesn’t have to “prove” that he intends to do what the Church does. He is automatically presumed to intend what the rite means.

This is certain theological doctrine, taught by the Church. And to deny it is “theologically rash.” Pope Leo XIII specifically confirmed the principle with regard to Holy Orders when he said that someone who seriously and correctly uses the matter and form “is for that very reason deemed to have intended to do what the Church does.”

We quoted earlier the Canonist Gasparri’s and Gregory Hesse STD. JCD statement that an ordination must be regarded as valid until invalidity is clearly demonstrated. He also says that a catholic bishop who confers Holy Orders is never presumed to have the intention of not ordaining someone as

long as the contrary is not proved. For no one should be presumed to be evil, he adds, unless he is proven as such.

Attacking Archbishop Carlos Duarte Costa, Bp Salameo Ferraz, Bishop Antido Jose Vargas, Bishop Pedro dos Santos Silva, infact any bishop who performed the rite of episcopal consecration including H.H. Patriarch Dom Castillo Mendez ministerial intention, therefore, is impermissible the same for that of Archbishop Atkinson-Wake.

- The mere attempt to do so, moreover, betrays an epic spirit of presumption. Investigating and trying cases where ordinations are impugned for lack of intention was the job of a Vatican court called the Holy Office in the Roman Catholic Church? The pope himself then specifically confirmed the court's decision. No clergy, therefore, have neither the right nor the authority to attack the ministerial intention of a validly-consecrated Catholic Bishop. The very idea is silly.

No priest can ever be prevented from offering exclusively the true mass, the Traditional Latin Mass:

“Furthermore, by these presents this law in virtue of Our Apostolic Authority, We grant and concede in perpetuity that for the chanting or reading of the Mass in any church whatsoever, this Missal is hereafter to be followed absolutely without any scruple of conscience and or fear of incurring any penalty, judgment or censure and may freely and lawfully be used”. H.H. Pope Pius V in Quo Primum.

Objection 2. I, think Patriarch Luis Fernando Castillo Mendez was insane or senile, so the consecrations must be considered doubtful.

Since it attacks Patriarch Luis Fernando Castillo Mendez ministerial intention. From what we've said above, it's likewise impermissible.

- The minimum “level” of intention required to confer a sacrament validly is virtual intention. A lengthy discussion of this technical concept isn't possible here. All we need say is that virtual intention guarantees that a sacrament is valid, even if the priest or bishop is internally distracted before and during the whole sacramental rite.
- Virtual intention, says the theologian Coronata, “is certainly present in someone who regularly performs sacramental actions.” The mere act of putting on vestments and going to the altar is considered sufficient evidence for virtual intention.

Patriarch Luis Fernando Castillo Mendez celebrated Mass regularly before, during and even after the consecrations – and very devoutly. It's ridiculous to imply that, when he vested and performed the three to four-hour-long episcopal consecrations that Patriarch Castillo Mendez suddenly couldn't manage the bare minimum of a virtual intention.

CANON XIII.-If any one saith, that the received and approved rites of the Catholic Church, wont to be used in the solemn administration of the sacraments, may be contemned, or without sin be omitted at pleasure by the ministers, or be changed, by every pastor of the churches, into other new ones; let him be anathema. Sacred Council of Trent the fifth day after the coming Sunday in Albis (Low Sunday), which will be the twenty-first of the month of April of the present year, MDXLVII. His Holiness Pope Paul III.

- Those who actually knew him clearly dismiss these accusations. Several bishops and clergy including laity, who was present at the rite of episcopal consecration of Bishop Atkinson-Wake, attested under oath that Patriarch Castillo Mendez “conferred the consecrations in full possession of his intellectual powers.” Stating that he was of “sound mind,” “perfectly lucid,” and “had the intention to do what the Church does.” Archbishop Castillo Mendez, was “nobody’s fool,” and discussed with competence various issues in theology and canon law. He even regaled Bp Brian Dineley, Bp John Carroll and Abp Atkinson-Wake with details about Abp Atkinson-Wake’s consecration with excitement.. Validity of the consecrations is beyond questions and or any doubt.
- Patriarch Luis Castillo Mendez remained as Patriarch of Brazil. Diocesan Bishop of Brasilia DF, he travel widely to various countries.
- We therefore draw the appropriate conclusion: Catholic teaching forbids assaults on Archbishop Carlos Duarte Costa and any bishops by his hands including that from Patriarch Castillo Mendez sacramental intention. And, in light of statements from the many and those who knew him, Catholic moral principles dictate that one cease repeating the baseless calumny that he was incapable of conferring a valid sacrament.

Let's not forget that if H.H. Patriarch Luis Fernando Castillo Mendez ever did have a defect or miss a vital important form and or matter it would have not gone un-noticed by the two assisting co-consecrator's and or assistants including that of the Master of Ceremonies. The reason there is three catholic bishops at a consecration is if there was any issues with one apostolic line the new bishop being consecrated could and would rest upon one or both of the



other two assisting bishops known as co-consecrators apostolic lineage. In this case it would have been Bishop Olinto Ferreira Pinto Filho and or Bishop Josivaldo Pereira de Oliveira.

Therefore we must at all times keep this important factor in mind that their is three catholic bishops in total with three separate individual apostolic lines.

Now we shall continue with further issues.

### B. Non-Existent “Requirements”

Objection 1. Without a signed certificate, an episcopal consecration is doubtful.

- There is no church law which says that failure to issue a certificate automatically renders an episcopal consecration doubtful. Moral certitude about the fact a sacrament took place is all that’s required to regard it as valid.
- In any case, Patriarch Luis Fernando Castillo Mendez had such episcopal signed certificate from his consecrating bishop’s & such is recorded in government records of the said episcopal consecration.
- In any case, then Bishop Atkinson-Wake has such episcopal signed certificate from his principal consecrator and assisted consecrating bishop’s and such is recorded in the Brazilian government records of the said episcopal consecration.
- Under church law, only three classes of people can challenge the validity of an ordination or consecration.

- (1) Recipient of the sacrament,

(2) His diocesan ordinary, and the

(3) Ordinary of the diocese where the sacrament was conferred

\*\* All other persons, says the Canonist Cappello and Gregory Hesse STD. JCD & Exarch Milan Kucera. LL.M. Ph.D. lack the right to accuse.\*\*

Objection 2. Without “qualified witnesses” an episcopal consecration is doubtful.

- No church law prescribes that witnesses, qualified or otherwise, must be present at an episcopal consecration – still less, that a consecration is doubtful without them.

Objection 3. Without at least two priests present to attest that it was performed validly, an episcopal consecration is doubtful.

This “requirement” doesn’t exist, and is directly contradicted by acts authorized by the Holy See.

- The function of the priest-assistants is not, to attest to the validity of a consecration. Pope Benedict XIV Patriarch of the West of the Roman Catholic Church says clearly that the reason for the priest-assistants is to add solemnity to the liturgical act and to carry out the prescriptions of the rites.

- In mission countries, episcopal consecrations were often performed without priest-assistants. The practice was sanctioned by Pope Alexander VII, Pope Clement X and Pope Pius VI.

Pius VI’s brief, in fact, was addressed to bishops in what was then called Tonkin and Cochin China.

- The Church did not merely allow episcopal consecrations to be performed without two priest-assistants, but in some cases specifically ordered it.

In one case, Rome ordered that an episcopal consecration not only be performed secretly and without assistants, but even under the seal of confession.

In a more recent case, Pope Pius XI in 1926 ordered that the Papal Nuncio to Germany perform a secret episcopal consecration without anyone present. The Nuncio was Eugenio Cardinal Pacelli, later, of course, Pope Pius XII. Pacelli petitioned Rome that he be allowed to have at least one priest present – not, please note, to serve as a “witness,” but merely so the Cardinal could have someone to hold the Missal on the new bishop’s shoulders as prescribed while the Preface was recited.

- Pope Pius XI sent the bishop whom Pacelli consecrated, Mgr. d’Herbigny, into Russia in order to consecrate bishops secretly. He conducted the first such consecration on 21 April 1926 for a certain Father Neveu. The consecration took place without priest-assistants and in the presence of two laymen – circumstances identical to those of the Thuc consecrations. Mgr. d’Herbigny issued no certificate.

The Church, obviously, would not allow – still less command – a bishop to perform an episcopal consecration without priest-assistants if such were “doubtful.” It is impossible, therefore, to maintain that the Patriarch Dom Castillo Mendez consecrations are “doubtful” on such grounds.

Objection 4. Without a papal dispensation, an episcopal consecration performed without two priest-assistants is doubtful.

- Once again, no law or canonist supports this.
- The teachings of the canonists directly contradict it. Bouix says flatly: “Even if there should be a consecration without any assistants and without obtaining a pontifical dispensation, it would still be valid.” Regatillo, writing in a 1953 work, goes even further. He says that a consecration performed without a dispensation would be valid even if the bishop “is the only one who is present at the consecration.”
- Pope Alexander VII, Pope Clement XI and Pope Benedict XIV declared that consecrations performed without such a dispensation are valid.

## Conclusions

Traditional Catholics, long accustomed to controversies where the virtue or wickedness of persons or organizations stands at centre stage, may find all the foregoing dry and bland. We’ve spent no time at all arguing over the personal qualities of the parties involved – whether or not Archbishop Carlos Duarte Costa, Bp Salameo Ferraz, Bishop Pedro dos Santos Silva, Bishop Antídio José Vargas, Bishop Victor de Tarso Sanches Pupo, Bishop Luige Másculo, Bishop Pedro Gomes de Vasconceles, Bishop Olinto Ferreira Pinto Filho, Bishop Josivaldo Pereira de Oliveira and or Patriarch Castillo Mendez were virtuous, wise, prudent, logical, consistent or theologically perspicacious.

Such discussions have no bearing whatsoever on the issue of whether or not a sacrament is valid. They concern what theologians call the probity of the minister. And it is a truth of the Catholic faith that the valid administration of a sacrament does not depend on a priest or bishop’s probity.

The issue of whether the Archbishop Carlos Duarte Costa, Bp Salameo Ferraz, Bishop Pedro dos Santos Silva, Bishop Antídio José Vargas, Bishop Victor de Tarso Sanches Pupo, Bishop Luige Másculo, Bishop Pedro Gomes de Vasconceles, Bishop Olinto Ferreira Pinto Filho, Bishop Josivaldo Pereira de Oliveira or Patriarch Castillo Mendez consecrations were valid, therefore, boils down to a few dry principles and a handful of facts:

(1) All that is required to perform an episcopal consecration validly is an imposition of hands, a 16-word formula and the minimal intention “to do what the Church does.”

(2) Once you establish the fact that a validly-consecrated bishop performed an episcopal consecration using a Catholic rite, the essential elements are taken for granted. The validity of the consecration requires no further proof; rather, it can only be disproved – and the burden of disproof is on the accuser. This is evident from ordinary pastoral practice, canonists, church law and moral theology. The principle is extended even to episcopal consecrations performed by schismatic’s.

(3) Three essential facts are beyond any dispute:

(a) Archbishop Carlos Duarte Costa was a validly-consecrated a Roman Catholic Bishop.

(b) He performed the rite of episcopal consecration for Bishop Salameo Ferraz on the 15 August 1945 and then Bishop Luis Fernando Castillo Mendez on 3 May 1948.

(c) Archbishop Carlos Duarte Costa employed a Catholic rite for all consecrations for Bishop Pedro dos Santos Silva, Bishop Antídio José Vargas, and so did those who performed the rite of episcopal consecration for Bishop Victor de Tarso Sanches Pupo, Bishop Luige Másculo, Bishop Pedro Gomes de Vasconceles, Bishop Olinto Ferreira Pinto Filho, Bishop Josivaldo Pereira de Oliveira and so did Patriarch Castillo Mendez upon performing the episcopal rite of consecration of then Bishop Atkinson-Wake.

(e) The Holy See of the Roman Catholic Church Vatican II has shown on not less than two occasions that two consecrations done by Archbishop Carlos Duarte Costa since his deceived resignation in 1937 was accepted by Pope Pius XI and that his alleged excommunication on the 6 July 1945 from the Roman Catholic Church by Pope Pius XII, Patriarch of the West still has the function / power to ordain and or consecrate is nevertheless valid by ‘*de jure and de facto*’ in that both bishops he consecrated that is:

- **Bishop Salameo Ferraz** consecrated on the 15 August 1945 was accepted as a valid catholic bishop by then Pope John XXIII as he was received and appointed on May 10, 1963 as Titular Bishop of Eleuterna, he was later called by Pope Paul VI to serve on a working commission of the Second Vatican Council and addressed the Council Fathers in session. .
- **Bishop Orlanda Arce Moya** consecrated October 1956 was accepted as a valid catholic bishop by then Pope John XXIII, He was appointed by the Pope John XXIII as Auxiliary Bishop to the Cardinal -Archbishop of Madrid, Spain.

- Let's not forget that the Roman Catholic Church does not advertise the clear fact that Archbishop Carlos Duarte Costa was a Co-consecrator to Bishop Eliseu Maria Coroli, in 1940 for the Roman Catholic Church some 3 years after he resigned to the Pope of Rome as a Diocesan Bishop.
- Lets not also forget that Patriarch Luis Fernando Castillo Mendez was consecrated in 1948 some 3 years after Bishop Ferraz and 8 years before Bishop Arce-Moya and yet both of these other two were declared valid catholic bishops by the Roman Pontiff. The idea to suggest that Patriarch Luis Fernando Castillo Mendez in between was invalid is absolutely absurd the same is for such bishops as Bishop Antídio José Vargas consecrated in December 1946 some 16 months after Bishop Salameo Ferraz and some almost 10 years before Bishop Arce Moya was consecrated by Archbishop Carlos Duarte Costa and for which involved some input as co-consecrator from Bishop Salameo Ferraz to Bishop Vargas in 1946 some many years before Bishop Salameo Ferraz decided to return to the Roman Catholic Church Vatican II as a valid catholic bishop, not forgetting Bishop Pedro dos Santos Silva consecrated in 1956 some 26 days before Bishop Arce Moya and 11 years and 3 months after Bishop Salameo Ferraz.

Neither Bishops Salameo Ferraz and / or Bishop Orlanda Arce Moya were re-consecrated when they was permitted as one to be within the Roman Catholic Church, not even sub-conditione. By these said actions of the Roman Catholic Church, they accepted the authority of Archbishop Carlos Duarte Costa to

consecrate bishops, even outside of the Roman Catholic Church after 1937 onwards.

Let's also not forget that a co-consecrator to then Bishop Luis Fernando Castillo Mendez on the 3 May 1948 was Bishop Salameo Ferraz accepted by Pope John XXIII as a Catholic Bishop from the hands of Archbishop Carlos Duarte Costa and that a co-consecrators are themselves' bishops who assist the presiding bishop in the act of consecrating a new bishop.

It is a very strict rule of the Church that there should be two such assistant bishops, or three bishops in all-though an exception is made for missionary countries where it is practically impossible to bring so many bishops together, The part assigned by the Roman Pontifical in its present form to the assistant bishops is, after helping to place the book of the Gospels on the shoulders of the elect, to join the consecrator in laying hands on his head, and in saying over him the words Accipe Spiritum Sanctum..

If there is any problem with the validity of the presiding bishop from the bishop receiving consecration. It can be rest assured that one of the co-consecrators will be a valid catholic bishop. Therefore, there could not be any errors in the Apostolic Succession. In the situation of then Bishop Luis Fernando Castillo Mendez his co consecrator being Bishop Salameo Ferraz and Bp Vargas who both were consecrated by former Roman Catholic Bishop Carlos Duarte Costa then Archbishop of Rio de Janerio.

The *validity of Bishop Salameo Ferraz has already been clearly established* in this case, that if then Bishop Castillo Mendez validity was at error, the co-consecrators (also known as assistants ) of then Bishop James Atkinson-Wake would take effect from then the apostolic line of



1. Bishop Olinto Ferreira Pinto Filho, he was ordained a priest by Catholic Archbishop Carlos Duarte Costa on November 16, 1947. He was later raised to the Catholic episcopate as a catholic bishop on 1st May 1966 by Catholic Bishop Pedro dos Santos Silva, he in turn was consecrated also by Catholic Archbishop Carlos Duarte Costa on 4 May 1956.

2. Bishop Josivaldo Pereira de Oliveria was a co consecrator also to then Bishop Atkinson-Wake. Bishop Josivaldo was raised to the Catholic Episcopate as a Bishop by Principal Consecrator H.E. Bishop Luigi Masculo assisted by Bishop Victor de Tarso Sanches Pupo & Bishop Luis Fernando Castillo Mendez ) Bishop Antido Jose Vargas was consecrated by Bishop Carlos Duarte Costa & Bishop Salameo Ferraz in 1946).

**It is impossible for these lines of Apostolic Succession to be all invalid especially bearing in mind that their was co-consecrators from the hands of Archbishop Duarte Costa who had seperate apostolic lines and those who was co-consecrators of then Bishop Castillo Mendez who had returned to Vatican II as valid Roman Catholic bishops.**

As Pope John XXIII confirmed that both consecrations of Bishop Salameo Ferraz and Bishop Orlando Arce-Moya was valid during his reign as Pope, Patriarch of the West for the Roman Catholic Church. And as Patriarch Dom Luis Fernando Castillo Mendez was consecrated some 3 years after Bishop Salameo Ferraz and some 8 years before Bishop Orlanda Arce-Moya, there is no question that the apostolic succession of Archbishop Luis Fernando Castillo Mendez is valid but in the Roman Catholic Churches eyes and term illicit. However this does not affect the validity whatsoever. We have a validly-

consecrated catholic bishop's. They performed episcopal Consecrations. They used a Catholic rite.

We are obliged, therefore, to regard the episcopal consecrations of Archbishop Carlos Duarte Costa conferred on:

1. Bishop's Salameo Ferraz,
2. Bishop Antido Jose Vargas,
3. Bishop Pedro dos Santos Silva,
4. Bp Orlando Arce-Moya and
5. Patriarch Castillo Mendez including that of those bishops consecrated by them and their successors such as
6. Bishop Luige Másculo,
7. Bishop Victor de Tarso Sanches Pupo,
8. Bishop Pedro Gomes de Vasconcelos
9. Bishop Olinto Ferreira Pinto Filho &
10. Bishop Josivaldo Pereira de Oliveira who conferred such in lawful unbroken apostolic succession on then
11. Archbishop Neville Anderson
12. Archbishop Atkinson-Wake as valid but illicit in the view of the Roman Catholic Church Vatican II view and simply valid in the eyes of the Orthodox and or Anglican Church and God. Even though the

latest report issued by the Roman Catholic Church Vatican II states that Archbishop Atkinson-Wake is not recognised by them officially and that he is Schismatic, to be a schismatic one has to be valid ? But unofficially he is recognised !

Schism is a division between people, usually belonging to a religious denomination. The word is most frequently applied to a split in what had previously been a single religious body, such as the East–West Schism or the Great Western Schism. a person who creates or incites schism in an organization or who is a member of a splinter group. Schismatic as an adjective means pertaining to a schism or schisms, or to those ideas, policies, etc. that are thought to lead towards or promote schism.

Schism is a rejection of communion with the authorities of a Church, and not every break of communion is necessarily about doctrine, as is clear from examples such as the Western Schism and the breaking of communion between Patriarch Bartholomew I of Constantinople and Archbishop Christodoulos of Athens in 2004. But, when for any reason people withdraw from communion, two distinct ecclesiastical entities may result.

*In Roman Catholic Church canon law since 1951, an act of schism, like an act of apostasy or heresy, automatically brings the penalty of excommunication on the individual who commits it. As stated in canon 1312 §1 1 of the Code of Canon Law, this penalty is intended to be medicinal, so as to lead to restoration of unity.*

Since all of the Episcopal consecrations stated so far are valid. We are likewise obliged to regard the consecration of Archbishop Carlos Duarte Costa, Bp Salameo Ferraz, Bishop Antido Jose Vargas, Bishop Pedro dos Santos Silva, Bp

Orlando Arce-Moya and Patriarch Castillo Mendez including that of Bishop Luige Másculo, Bishop Victor de Tarso Sanches Pupo, Bishop Pedro Gomes de Vasconceles, Bishop Olinto Ferreira Pinto Filho & Bishop Josivaldo Pereira de Oliveira and Patriarch Castillo Mendez including Bp Orlando Arce-Moya are validly-consecrated catholic bishops who possess the sacramental power to confirm, to ordain, and to consecrate other catholic bishops including that of Archbishop Atkinson-Wake and his Roman Catholic Bishops Vatican I, in turn.

Archbishop Neville Anderson was consecrated as mentioned earlier by Principal consecrator; His Holiness, Patriarch Luis Fernando Castillo Mendez assisted by co-consecrators Bishop Josivaldo Pereira de Oliveria. However, his 2<sup>nd</sup> co-consecrator differs from that of Archbishop Atkinson-Wake who's 2<sup>nd</sup> co-consecrator was Bishop Olinto Ferreira Pinto Filho.

Archbishop Neville Andersons 2<sup>nd</sup> co-consecrator was Bishop Joanir da Silva Neves who was consecrated in 1995 by Bishop Jose Antenor da Rocha who was consecrated in 1971 by Bishop Olinto Ferreira Pinto Filho who was consecrated in 1966 by Bishop Pedro dos Santa Silva who was consecrated in 1956 by Archbishop Carlos Duarte Costa, Bishop Silva was assisted by Bishop Pedro Gomes de Vasconceles.

If someone is to say a catholic bishop, whether it be Archbishop Duarte Costa, Bishop Antido Jose Vargas, Bishop Pedro dos Santos Silva, Bishop Pedro Gomes de Vasconceles, Bishop Jose Antenor da Rocha, Bishop Joanir da Silva Neves, Bp Orlando Arce-Moya and Patriarch Castillo Mendez including that of Bishop Luige Másculo, Bishop Victor de Tarso Sanches Pupo, Bishop Olinto

Ferreira Pinto Filho & Bishop Josivaldo Pereira de Oliveira, Patriarch Luis Fernando Castillo Mendez,

Decree concerning the Consecration of a Bishop without Canonical Appointment.

"The Supreme Sacred Congregation of the Holy Office of the Roman Catholic Church, in virtue of a special faculty established for it by the Supreme Pontiff, published the following Decree: "A Bishop, of whatever rite or dignity, who consecrates as a Bishop someone who is neither nominated by the Holy See nor expressly confirmed by that same See, and he who receives consecration, even if coerced by grave fear (c.229, §3, 3), incur ipso facto [automatically] excommunication most especially reserved to the Apostolic See. This Decree takes effect from the date of its promulgation.

Those who have attempted to invoke this decree in our own circumstances seem to have confused two things:

1. The Mandatum: the papal document granting permission for the consecration of a bishop who will serve as a bishop in any capacity, including as an auxiliary or titular bishop, and
2. The canonical appointment: a papal decree designating a bishop as Ordinary (or "residential bishop") of a duly constituted diocese, which appointment auxiliary and titular bishops did not receive.

Canonist Fr. Eduardo Regatillo, in his *Institutiones Juris Canonici* (Santander: Sal Terrae 1956), 2:600, states that the 1951 decree affects only bishops consecrated without papal appointment to be heads of dioceses.

"Anyone who is to be promoted to the episcopacy needs the canonical appointment by which he is constituted Bishop of such a vacant diocese.

In practice, it may be doubted whether only those who are to be consecrated residential Bishops are affected - that is, those who are consecrated for a diocese now in existence - or also titular bishops (who are created for an extinct see or diocese), or bishops who are consecrated for no diocese.

"From the purpose intended by the Holy Office, the decree appears to cover only those who are consecrated as residential bishops, for this is the actual case which the Holy See intends to condemn.

"This new type (of offence) differs from the one mentioned in canon 2370, where the canon refers to consecrations performed without apostolic mandate (described in canon 953). The new decree, on the other hand, punishes consecrations performed without pontifical appointment.

- "An appointment designates the person and bestows the title (to an office)".
- "A mandate grants the permission to confer the consecration."

All of the Bishops by the hands of Archbishop Duarte Costa and those he consecrated and in turn those from all his bishops were given such a mandate by their principal consecrator, therefore fulfilling this obligation.

Regatillo's interpretation is confirmed a reading of Pope Pius XII's encyclical (reproduced below), especially paragraphs 45-48.

NO traditional Catholic bishop - at least none of our acquaintance - has been consecrated to the episcopacy and then received illegal designation and title to a diocese established by the Roman Pontiff.

Traditional Catholic bishops are consecrated for no diocese. One cannot claim, therefore, that the 1951 Decree applies to them.

Reverend Fr. Kaschewsky is a German fellow canon lawyer and correspondent for *Una Voce Deutschland* in his study on behalf of many fellow canon lawyers concerning the legitimacy of the Episcopal Consecrations?

The consecration of a bishop has, in the hierarchy of the Sacrament of Orders, pride of place. A cardinal and the pope do not have a higher consecration. A bishop possesses two powers:

- a power of consecration;
- A power of jurisdiction, which he can exercise only if he is in charge of a diocese.

The episcopal power is a power of divine right, which endows a catholic bishop with a personal authority and gives him a legal and constitutional status which the Pope and or a Patriarch can neither suppress nor modify.

1. A bishop is not allowed to confer episcopal consecration on anyone without papal mandate (Canon 953, CIC (Code of Canon Law in Latin 1917).[1] whoever acts contrarily incurs an excommunication *latae sententiae* - reserved to the Holy See (Canon 1382, CIC 1983). The excommunication *latae sententiae* takes effect by the very act itself; it does not need to be decreed. In this particular case, the 1917 Canon

Law inflicted only a suspension ("*Ipsa iure suspensi sunt, donec Sedes Apostolica eos dispensaverit* - They are suspended by the Law itself, until the Apostolic See dispenses them." As long as they belong to that pacific Church(Canon 2370. CIC 1917.)

It is only since the Decree of the Holy Office of August 9, 1951, that the sanction of the excommunication '*ipso facto* ' most specially reserved to the Holy See was introduced for illegal episcopal consecrations. This was due, without doubt, to the tragic turn of the Church in the People's Republic of China. This sanction was later confirmed after the actions of the sect of Palmar de Troya in Spain.

2. However, Canon Law is far from judging things only according to their exterior aspects. Not to take into account the particular circumstances and the subjective disposition of the persons in question would also be in contradiction with the Church's current notion of justice. In the case of an episcopal consecration without papal mandate, the threatened sanction, according to the terms of Canon 1382, is very clearly an *ipso facto* sanction as stated above.

Therefore, in this case one must apply the principle:

An *ipso facto* sanction does not apply if there exists an attenuating circumstance as laid down by law.

Since the specious arguments of persons have distressed many loyal Catholics, it will be useful to consider the falsity of their arguments, and to establish the validity of the holy orders received from Archbishop Carlos Duarte Costa to Bishop Antido Jose Vargas, Bishop Pedro dos Santos Silva, Bp Orlando Arce-



Moya and Patriarch Castillo Mendez including that of Bishop Luige Másculo, Bishop Victor de Tarso Sanches Pupo, Bishop Olinto Ferreira Pinto Filho & Bishop Josivaldo Pereira de Oliveira, Patriarch Luis Fernando Castillo Mendez and Bishop Atkinson-Wake, in the light of the definitions of the Church and of sound Catholic theology, we have already spoken about the three required elements needed for a valid episcopal consecration so let's look at the required confection of a valid Sacrament.

Before giving a response, it is necessary to formulate the question precisely.

For the valid confection of a Sacrament, it has always been believed and the Church has solemnly defined that three things are required:

1. The proper matter (e.g., bread and wine in the Eucharist);
2. The proper form (i.e., the words pronounced over the matter, for example: "This is my Body", etc., in the Eucharist);
3. And in the minister (i.e., in him who confects the sacrament), the proper intention.

In the case of the consecration of then Bishop Antido Jose Vargas, Bishop Pedro dos Santos Silva, Bp Orlando Arce-Moya and Patriarch Castillo Mendez including that of Bishop Luige Másculo, Bishop Victor de Tarso Sanches Pupo, Bishop Pedro Gomes de Vasconceles, Bishop Olinto Ferreira Pinto Filho & Bishop Josivaldo Pereira de Oliveira and Patriarch Castillo Mendez, there can be no question that in such solemn and public ceremonies a mistake of matter or of form could escape unnoticed.

The question, therefore, if question there is - and such as the above-mentioned persons have posed it - is a question of the INTENTION of Archbishop Duarte Costa when he administered the sacrament of holy orders to then Bishop Antido Jose Vargas, Bishop Pedro dos Santos Silva, Bp Orlando Arce-Moya and Patriarch Castillo Mendez including that of Bishop Luige Másculo, Bishop Victor de Tarso Sanches Pupo, Bishop Pedro Gomes de Vasconceles, Bishop Olinto Ferreira Pinto Filho & Bishop Josivaldo Pereira de Oliveira and Patriarch Castillo Mendez to then Catholic Bishop Atkinson-Wake and so on.

Before considering the case directly, it will be useful to consider in summary the teaching of the Church and of sound theology on the INTENTION OF THE MINISTER OF A SACRAMENT in general.

First of all, what the question is NOT. The Church has solemnly defined, and all Catholics must believe, that for the valid confection of a sacrament neither faith nor the state of grace is required in the minister. Therefore, both sinful and heretical, schismatical and apostate priests or bishops can still validly (though sinfully and illicitly) confect the sacraments, provided, of course, that they use the proper matter and form and have the necessary intention. The question, therefore, is NOT whether or not Archbishop Duarte Costa, could validly administer a sacrament at all, but whether he did in this case.

Secondly, let us formulate more precisely the question of the REQUIRED INTENTION. We shall distinguish the external intention (by which the minister wishes to accomplish properly the external ceremonies and rites of the sacrament, but inwardly wishes not to confect the sacrament); and the internal (by which the minister truly and interiorly wishes to do what the Church does).

The question is, does the external intention suffice? That is, will a sacrament be valid if the minister properly performs all the necessary external rites and ceremonies (with the proper matter and form), if within himself he wishes not to confect the sacrament?

The Church has defined that the minister must have the intention of doing what the Church does (Trent, sess. 7, and can. 11). Therefore, at least the external intention of doing what the Church does, and thus of accomplishing the ceremony properly, is required. For one reason, because the minister of the sacrament acts only as the minister of Christ, and thus must intend to act as such, and not simply to perform a natural action, or to act in his own name or by his own power.

But, furthermore, today theologians commonly hold, and the declarations of the Church seem to confirm, that the external intention does not suffice, but that to confect a sacrament validly, the minister must have, at least implicitly, the INTERNAL INTENTION of doing what the Church does.

**Why?** The Church solemnly requires matter, form and intention for a valid sacrament. But if no internal intention were required, there would be no reason to include intention as the third element in the list, for the external intention of accomplishing the ceremony properly is actually nothing more than the use of the matter and form.

Therefore, this required intention must be something more: internal.

Furthermore, if the minister had no internal intention, he would simply be acting in his own name, or by his own power, performing a natural and not a supernatural act.

The central question, then, will be: How are we to recognize the presence of this internal intention required in the minister for the valid confection of a sacrament?

Pope Leo XIII answers clearly and with solemn authority:

Concerning the mind or intention, inasmuch as it is in itself something internal, the Church does not pass judgment; but in so far as it is externally manifested, she is bound to judge of it.

Now, if in order to effect and confer a Sacrament a person has seriously and correctly used the due matter and form, he is for that very reason presumed to have intended to do what the Church does.

It is on this principle that the doctrine is solidly founded which holds as a true Sacrament that which is conferred by the ministry of a heretic or of a non-baptized person, as long as it is conferred in the Catholic rite.

St. Thomas Aquinas, the Prince of Theologians, says the same thing (III, Q. 64, A. 8 ad 2):

In the words uttered by (the minister), the intention of the Church is expressed; and this suffices for the validity of the sacrament, EXCEPT THE CONTRARY BE EXPRESSED EXTERIORLY on the part of the minister.

Therefore, in the conferral of the sacrament of holy orders (or of any other) as long as the ordaining bishop, be he Catholic or apostate, observes externally the rite prescribed for the sacrament, he MUST be presumed to have the right intention, and the sacrament MUST be accepted as valid.

Let us recall one more time that there is not the least question of the possibility of receiving valid ordinations from a bishop who has abandoned the faith. In fact, such ordinations received from heretics or others are normally valid. In defining this truth of faith, Pope Paschal II does not add the least qualification, not even an implicit reference to cases where such ordinations might not be valid:

Therefore, instructed by the examples of our Fathers, who at diverse times have received Novatians, Donatists, and other heretics in their orders [i.e., acknowledging the validity of the orders which they had received in their heretical sects]: We receive in the episcopal office [i.e., as valid bishops] the bishops of the aforesaid kingdom, who were ordained in schism... October 22, 1106.

Let us consider momentarily a few more points on the intention required in the minister of a sacrament.

- We shall distinguish the intention of doing what the Church does, and the intention of doing what the Church intends. The Church does (performs) a sacred rite instituted by Christ, and by this rite she intends to confer grace - and in some sacraments, the character.
- The minister does not at all need to intend to confer grace by the rite which he performs. It suffices that he intend to perform a sacred rite. (So all theologians teach.)
- Indeed, he does not even have to believe that the rite which he is performing is sacred. It suffices that he intend to perform seriously a rite which Christians hold as sacred. Thus, for example, a Jew can validly

baptize a Christian child, even though he believes that baptism is a completely meaningless ceremony, if he intends to perform a rite which Christians hold to be sacred. Thus, also a priest who has lost the faith in the Sacraments can still confect them validly as long as he has the intention of performing seriously the rites which the faithful ask of him and which they consider sacred.

**St. Thomas** teaches the same thing (in IV Sent., dist. 6, Q. 1 A. 3, sol 2, ad 1):

Sometimes he [the minister] intends to do what the Church does, although he considers it to be nothing.

The minimum intention required in the minister of a sacrament is, then, this: That he intends to perform a rite which the Church considers sacred, and to accomplish seriously all the prescribed externals. Indeed, who could possibly lack this minimal intention in administering a sacrament?

We have seen that the Church considers the presence of the required intention the normal case as regards sacraments administered by heretics, schismatics, etc.

According to the solemn teaching of the Church, therefore, and the conclusions of sound theology, there is ABSOLUTELY NO JUSTIFICATION for any doubts on the validity of the holy orders of Bishop Antido Jose Vargas, Bishop Pedro dos Santos Silva, Bp Orlando Arce-Moya and Patriarch Castillo Mendez including that of Bishop Luige Másculo, Bishop Victor de Tarso Sanches Pupo, Bishop Olinto Ferreira Pinto Filho & Bishop Josivaldo Pereira de Oliveira, and or Archbishop Atkinson-Wake.

As history records, Roman Catholic Archbishop Carlos Duarte Costa did not at any moment - neither before, nor during or after the ceremonies - give the least indication that he did not intend to do what the Church does in conferring holy orders upon then Bishop Antido Jose Vargas, Bishop Pedro dos Santos Silva, Bp Orlando Arce-Moya and Patriarch Castillo Mendez including that of Bishop Luige Másculo, Bishop Victor de Tarso Sanches Pupo, Bishop Pedro Gomes de Vasconceles, Bishop Olinto Ferreira Pinto Filho & Bishop Josivaldo Pereira de Oliveira and Patriarch Castillo Mendez.

IF there were any justification for questioning the validity of the Bishop's orders - and we have seen that there is not - the question would concern his sacerdotal ordination rather than his episcopal consecration.

(Let us recall, however, that cases where orders conferred by heretics, etc., are invalid are so rare that Pope Paschal II in defining the Church's doctrine on this point does not even envisage the case.) The question - if there were any - would concern his ordination to the priesthood more than his consecration to the episcopate, because a single minister, a single bishop - Catholic Bishop Carlos Duarte Costa - confers the holy priesthood, and thus all depends upon the intention of this single minister of the sacrament.

(We have seen, however, that all are bound to presume that he had the necessary intention.) If it is almost impossible for a sacerdotal ordination to be invalid, an invalid episcopal consecration would be even more impossible for this reason:

In accordance with the most ancient tradition of the Church, a new bishop is always consecrated by THREE other catholic bishops.

The Pontifical Romanum refers to them as assistants, but since, as the rubrics prescribe, all three bishops impose hands on the bishop-elect (the matter of the sacrament), and recite the form of consecration.

Pope Pius XII (*Episcopalis consecrationis*, Nov. 30, 1944) insists that they are to be referred to as co-consecrators. Thus, as this was already obvious, all three concur in the consecration (where only one would suffice for validity), and, therefore, even in the unimaginable case where two of the three bishops would lack the necessary intention, the remaining bishop would still validly consecrate the bishop elect.

**For Example:**

1. Archbishop Duarte Costa consecrated Bishop P Silva who consecrated Bishop Pupo, Bishop Pedro Gomes de Vasconceles who consecrated Bishop Olinto who co-consecrated Archbishop Atkinson-Wake passing on the apostolic line from Archbishop Duarte Costa.
2. Archbishop Duarte Costa consecrated Bishop Salameo Ferraz. Abp Duarte Costa consecrated Bishop Vargas assisted by a co consecrator Bishop Ferraz who consecrated Bishop Masculo who consecrated Bishop Josivaldo who co-consecrated Archbishop Atkinson-Wake not forgetting that Bishop Josivaldo was co-consecrated by Bishop Pupo who was consecrated by Bishop Silva who was consecrated by Archbishop Duarte Costa Again passing on the Apostolic Line of Archbishop Carlos Duarte Costa.



Therefore, there can be no question of validity and an unbroken Apostolic Succession. The thought of such claims is absurd. See the diagram below and a larger page within:

(Cf. also Pius XII, Allocution to the International Congress of Pastoral Liturgy, Sep. 22, 1956.) If I remember correctly, based on a misunderstanding of the nature of the episcopate, Catholic Bishops' Conference of the Philippines and many other Catholic Bishops conferences in various countries seem to be of the opinion that a bishop lacking jurisdiction cannot confer the episcopate on another, even lately in a statement issued by the CBCP stated that Archbishop Duarte Costa was not a Catholic Bishop and referred to him as 'MR' denying the validity and or apostolic succession of Roman Catholic Bishop Duarte Costa the same valid episcopacy transmitted from Roman Catholic Cardinal Sebastião da Silveira Cintra on the 8 December 1924, for which is a denial of their own Roman Catholic Episcopacy.

*(I also refer to the point made by the Sacred Council of Trent Session 23 Canon 7 and 8 under H.H. Pope Pius IV 15th July 1563.*

*CANON VI.--If any one saith, that bishops are not superior to priests; or, that they have not the power of confirming and ordaining; or, that the power which they possess is common to them and to priests; or, that orders, conferred by them, without the consent, or vocation of the people, or of the secular power, are invalid; or, that those who have neither been rightly ordained, nor sent, by ecclesiastical and canonical power, but come from elsewhere, are lawful ministers of the word and of the sacraments; let him be anathema.*

*CANON VII.--If any one saith, that the bishops, who are assumed by authority of the Roman Pontiff, are not legitimate and true bishops, but are a human figment; let him be anathema. These canons are not exempt to any Roman Catholic clergy and or Pontiff, it clearly included all).* This includes in the recent statements made by various bishops of the Roman Catholic Church Vatican II who have referred to Bishop Duarte Costa as not being a bishop!

I have read a document not served upon me but within the world wide web were the Catholic Bishop Conference of the Philippines which really is the Roman Catholic Church in the Philippines it has has stated that I am excommunicated according to Canon 364, it then recites the following statement

“A schismatic is one who separates himself from the unity of the Church by refusing to submit to the Pope or those under him according to the hierarchy of the Church. Regardless of adherence to every other law of the Church, rejection of the pontiff is cause to be named schismatic. Schism, according to the canon law, is one of the offences that a carry a penalty of automatic excommunication”

This clearly contradicts Dominus Iesus August 2000 IV. UNICITY AND UNITY OF THE CHURCH.

17. Therefore, there exists a single Church of Christ, which subsists in the Catholic Church, governed by the Successor of Peter and by the Bishops in communion with him.<sup>58</sup> The Churches which, while not existing in perfect communion with the Catholic Church, remain united to her by means of the closest bonds, that is, by apostolic succession and a valid Eucharist, are true particular Churches.<sup>59</sup> Therefore, the Church of Christ is present and

operative also in these Churches, even though they lack full communion with the Catholic Church, since they do not accept the Catholic doctrine of the Primacy,

How can the Roman Church state what they have done. It clearly contradicts Dominus Iesus as it clearly states;

*17. The Churches which, while not existing in perfect communion with the Catholic Church, remain united to her by means of the closest bonds, that is, by apostolic succession and a valid Eucharist, are true particular Churches.<sup>59</sup> Therefore, the Church of Christ is present and operative also in these Churches, even though they lack full communion with the Catholic Church, since they do not accept the Catholic doctrine of the Primacy.*

Does the Roman Catholic Church in the Philippines not understand what the late Pope John Paul II authorised and wrote.

In my opinion what the Roman Catholic Church in the Philippines is saying makes little and or no sense.

Not forgetting as mentioned before towards the Roman Catholic Bishops in Brazil that Archbishop Carlos Duarte Costa was consecrated with authority from the Pope of Rome and by a Cardinal of the Roman Catholic Church therefore to denie him and refer to him as a MR, the Roman Catholic Bishops are guilty and punishable according to the sacred Council of Trent Session 23 ON THE SACRAMENT OF ORDER.

CANON VII.--*If any one saith, that the bishops, who are assumed by authority of the Roman Pontiff, are not legitimate and true bishops, but are a human figment; let him be anathema* and also clearly as Bishop Carlos Duarte Costa

was assumed by the Roman Pontiff this Canon applies as so does this canon where the Bishops of the Roman Church lay claim that Bishop Duarte Costa was a MR not valid ordained and or consecrated, not a true bishop

*CANON VI.--If any one saith, that bishops are not superior to priests; or, that they have not the power of confirming and ordaining; or, that the power which they possess is common to them and to priests; or, that orders, conferred by them, without the consent, or vocation of the people, or of the secular power, are invalid; or, that those who have neither been rightly ordained, nor sent, by ecclesiastical and canonical power, but come from elsewhere, are lawful ministers of the word and of the sacraments; let him be anathema.*

These Doctrine & Canons were put in to place and effect on the seventh under the Sovereign Pontiff, Pius IV., celebrated on the fifteenth day of July, MDLXIII.

It is sad not the least when I read such documents portrayed and lying to the faithful to mislead them by such Men of God.

Archbishop Atkinson-Wakes validity and that of Patriarch Castillo Mendez and or Archbishop Duarte Costa in fact any of them do not rest upon being in communion with the Roman Catholic Church Vatican II and or Pontiff as stated by Dominus Iesus August 2000 as quoted prior as if it does rest and or to be invalid is due to such a schismatic act that the Roman Church lay claim causes invalidity then they must see the Orthodox Bishops of Russia, Greece, Antioch, Bulgaria etc. as Invalid and Schismatic's and we know this is not the case.

We must remember I am not a bishop of the Roman Catholic Church and they are not the begin all and end all of the Catholic Church. It s all Bishops in awful apostolic succession that make up the Catholic Church.

The Roman Catholic Church may be the largest of these, but they are just a part of the Catholic Church as we are. (*See document within*)

The constant practice of the Catholic Church in regards to holy orders, however, disproves this curious theory of invalidity: if it were true, NO bishop consecrated in heresy or in schism would ever have been validly consecrated; but the Church has constantly received such bishops as valid bishops. (Cf. decree of Paschal II.).

In any case, though this has no relation to any question of holy orders, Archbishop Carlos Duarte Costa never lost his jurisdiction as a Catholic Bishop.

Even as a Titular, and thus ipso facto excommunicated is a myth, he retained his jurisdiction as Catholic Bishop and so did those he consecrated as co-consecrator in 1940 and those as principal consecrator from August 1945 onwards.

Once again, our conclusion:

We may and MUST presume that Bishop Antido Jose Vargas, Bishop Pedro dos Santos Silva, Bishop Orlando Arce-Moya, and Archbishop Castillo Mendez including that of Bishop Luige Másculo, Bishop Victor de Tarso Sanches Pupo, Bishop Pedro Gomes de Vasconceles, Bishop Olinto Ferreira Pinto Filho & Bishop Josivaldo Pereira de Oliveira, Patriarch Castillo Mendez & Archbishop Atkinson-Wake validly received the sacrament of holy orders.

ABSOLUTELY NOTHING would permit or justify a conclusion to the contrary. There is thus need to consider attentively the rules of Canons 1323 and 1324 of the CIC 1983, which correspond to Canons 2205 (N.2,3) of the CIC 1917. These canons deal with the case of an act to which a sanction is normally attached, but which was done only in order to avoid a grave inconvenience or to provide for a necessity.

Here is a quote from Canon 1323, N. 4 (CIC 1983): "No penalty is incurred by a person forced by a necessity to act against the law."

The former Code (Canon 2205, N.2) speaks in the same sense. (For the restrictions in both cases, see VII to IX here below.)

### 1. What does the law mean by "grave inconvenience" and "necessity" ?

Let us quote from the book on Canon Law written by E. Eichmann (Kl. Morsdort):

A grave inconvenience or necessity is a situation of constraint such that, without fault, the person in difficulty is physically or morally obliged to do something against the law in order to avert the danger. (Necessitas non habet legem - necessity has no law.) This may be a threat against his spiritual goods, his life, his freedom or other earthly goods. It is generally granted - and no one seriously questions this - that due to the orientations taken after the Council, one finds within the Church a serious threat against the spiritual goods especially with regard to priestly formation, Faith, morals and religious worship. The proof of this affirmation is found in many publications including the review, Una Voce Korrespondenz.

The question is to know if and how one can combat this attack upon the spiritual goods. No one will contest that one way (if not the only way) of healing the evils which we are suffering from, resides in the raising of priestly vocations and the formation of good priests. Often times young theologians ask us which diocesan seminary may be recommended, i.e., in which the deadly spirit of adaptation to the world has not yet entered, where true devotion is taught and given priority of place, where the adoration of Jesus Christ in the Blessed Sacrament of the Altar is the centre of the priestly life, where Communion kneeling down and the wearing of the cassock are natural. (I say this in order to speak also of the exterior signs, since they are always the indication of an interior disposition.) The answer is: "There is none!"

3. Thus it is sufficiently, clearly and undoubtedly established that there is a situation of grave inconvenience. In order to avert this truly dangerous situation, some candidates to the priesthood are correctly trained outside of official seminaries, who, if the law were strictly followed, would almost certainly never be ordained, i.e., would not be able to become priests. Here is certainly such a situation of necessity, from which any penalty is excluded. Only the consecration of a bishop who would ordain these priests can avert the above-mentioned danger.

Otherwise not only the studies and the priestly formation of these candidates for the Holy Priesthood would be lost, but also the faithful who depend upon them would not benefit by these spiritual goods which they would be able to receive through them. Thus the faithful also find themselves in a situation of danger. Of course it would be exaggerating to say that the spiritual goods necessary for the salvation of souls are not administered in any official post-conciliar church; but the disastrous

present situation consists in Catholics often having to wonder whether the catechesis and religious services are still truly Catholic or not.

4. Even moderate and objective observers of the present situation of the Church acknowledge that at least in some cases the true intention of the priest, absolutely indispensable for the validity of the sacraments, is doubtful or even clearly not there.

First restriction of the principle applied above: in Canon 2205, N. 2 of the 1917 Code of Canon Law, the threat of sanction in such situations of emergency was lifted only when it was a law purely of ecclesiastical right and not of Divine Right. This restriction is no longer found in the new Code.

Now since those who would like to apply this sanction would most certainly use the new Code, such a restriction would not apply, even if the one performing these consecrations would feel bound by it.

5. Another restriction: only situations of necessity of an accidental character make free from the sanction. This means that the inconveniences which are naturally linked with the fulfilment of a certain law must be accepted and do not authorize one to break the law.

However, this restriction does not apply in our case since it is precisely accidental, unusual and highly against the nature of things that respect for the law in our case - that is, to abstain from the episcopal consecration without papal mandate - leads to the situation of peril. The fact that the salvation of souls is endangered by abstaining from such episcopal consecration does not constitute, at least not according to the nature of



things, a situation of peril normally linked to obedience to the law, but rather is a characteristic of the present abnormal situation.

- Another restriction: an action incurring a punishment, but performed in order to avert a danger, is not exempted from sanction if it is intrinsically evil or brings prejudice to souls (Canon 1324, N.1.5). In the former Code, the limits of the dispensation from sanctions were still more restricted (Canon 2205, 2): any action leading to the contempt of Faith or of the hierarchy of the Church was also condemned.

The question whether or not an episcopal consecration without papal mandate is an act intrinsically evil or leading to the prejudice of souls, without any doubt, goes beyond the framework of law of the Church, or at least cannot be decided by purely juridical considerations. But precisely there judgements differ: some say that it would cause an immense damage for souls because of the danger of schism; others speak of an action absolutely required for the salvation of souls.

6. However, we need not answer this question, since Canon 1324, N. 3, CIC 1983, simply says that in situations described in N. 1, there is no sanction for the person who does not follow the law.

This means that even if one would claim that an episcopal consecration without papal mandate would be in all cases an act by itself worthy of an automatic sanction, and bringing prejudice to souls, it would still remain free from an automatic sanction (*latae sententiae*) because of the emergency situation described above. Now exactly such a sanction is threatened in the case of a non-authorized episcopal consecration by Canon 1382, CIC 1983! It follows, on the basis of a situation of evident

peril (Canon 1323 N. 4, Canon 1324, N. 1,5 and N. 3), that the threat of excommunication, threatened in Canon 1382 against the unauthorized consecrator, would not apply.

*Even if one were to call in question or actually deny altogether the existence of a situation of emergency, as we have described it, the following would still apply:*

No one will deny that a catholic bishop who, in the aforementioned situation, consecrates another one, would be at least subjectively of the opinion that he is in a situation of necessity such as we have described above.

Thus one cannot speak of a premeditated violation of the law: for one who goes against the law but believing even wrongly that his action is legitimate, does not act in a premeditated way. The New Code is even clearer:

- A. The person who thought, without fault on his part, that a circumstance foreseen in Canon 1323, N. 4,5,7, applied when he was breaking the law or an administrative order, does not incur any punishment.
- B. The violator of the law is not exempt from all penalty, but the penalty laid down in the law or in the administrative order must be mitigated, or a penance must be substituted, if the offence was accomplished by someone believing through an error, even if culpable, that he was in a circumstance foreseen in Canon 1323, N. 4 and 5 (Canon 1324, N. 1.8).

Moreover, Canon 1324, N. 3, says: "In the circumstances explained in N. 1, the violator does not incur any *latae sententiae* penalty (automatic penalty)."

Thus those who would suppose that the emergency exists only in the fantasy and the imagination of the Bishop concerned could hardly argue that this supposedly erroneous conception would be punishable.

Even if someone were to put it to him that he was guilty for having arrived at such a mistaken notion of the existence of an emergency (not, in fact, existing), still:

1. The automatic excommunication could not follow as mentioned in Canon 1382 (*it could not be automatic*).
2. In any case, an eventual penalty which a judge might apply would have to be more clement than that foreseen in the law, so that here too an excommunication would be out of the question.

A. Due to the existence of a real emergency, a bishop who would consecrate another one without a papal mandate, would not fall under the sanction foreseen for illegal consecration (Canon 1323, N. 4).

B. Even if the emergency did not objectively exist, the violator would remain exempt from any sanction since he would have subjectively and in a non-culpable way estimated that there was a real emergency (Canon 1324, N. 1.5).

C. One must also say that, even if there were an erroneous and punishable supposition of an emergency, still there would be no automatic sanction, much less an excommunication (Canon 1324, N. 1.8,3).

1. Therefore, the widely spread opinion that the consecration of one or several bishops without papal mandate would cause an automatic excommunication and would lead to schism is completely false.

Due to the very terms of the applicable law itself, an excommunication for the aforementioned case could not be applied, neither automatically, nor by sentence of a judge.

St. Thomas Aquinas states;

“ laws are ordinances of right reason made for the common good promulgated by one who has authority in society”. A fundamental principle of law is that Law ceases automatically:

1. if through changed conditions, it has become harmful, impossible or irrational;
2. If its very purpose has ceased to be verified for the whole community” (Moral Theology, Ff. Henry Davis, 1958).

These same facts above were always taught between 1883 - 1973 by: His Eminence, Most Reverend Amleto Giovanni CARDINAL Cicognani, Titular Archbishop of Laodicea in Phrygia. Secretary Emeritus of the Secretariat of State. Cardinal-Bishop of Frascati. Cardinal-Bishop of Ostia. Dean of the College of Cardinals. Professor of Canon Law at the Pontifical Institute of Canon and Civil Law in Rome.

*To accuse a priest or bishop of being doubtfully or invalidly ordained or consecrated, without sufficient reason, is objectively a mortal sin of injustice. Sacerdotium vol. III p.3.*

## **CONGREGATION FOR THE DOCTRINE OF THE FAITH**

### **DECLARATION “DOMINUS IESUS”**

#### **IV. UNICITY AND UNITY OF THE CHURCH.**

17. Therefore, there exists a single Church of Christ, which subsists in the Catholic Church, governed by the Successor of Peter and by the Bishops in

communion with him.<sup>58</sup> The Churches which, while not existing in perfect communion with the Catholic Church, remain united to her by means of the closest bonds, that is, by apostolic succession and a valid Eucharist, are true particular Churches. <sup>59</sup> Therefore, the Church of Christ is present and operative also in these Churches, even though they lack full communion with the Catholic Church, since they do not accept the Catholic doctrine of the Primacy, which, according to the will of God, the Bishop of Rome objectively has and exercises over the entire Church.<sup>60</sup> On the other hand, the ecclesial communities which have not preserved the valid Episcopate and the genuine and integral substance of the Eucharistic mystery, <sup>61</sup> are not Churches in the proper sense; however, those who are baptized in these communities are, by Baptism, incorporated in Christ and thus are in a certain communion, albeit imperfect, with the Church. <sup>62</sup> Baptism in fact tends per se toward the full development of life in Christ, through the integral profession of faith, the Eucharist, and full communion in the Church.<sup>63</sup>

The Sovereign Pontiff John Paul II, at the Audience of June 16, 2000, granted to the undersigned Cardinal Prefect of the Congregation for the Doctrine of the Faith, with sure knowledge and by his apostolic authority, ratified and confirmed this Declaration, adopted in Plenary Session and ordered its publication.

*Rome, from the Offices of the Congregation for the Doctrine of the Faith, August 6, 2000, the Feast of the Transfiguration of the Lord. Joseph Card. Ratzinger Prefect. Tarcisio Bertone, S.D.B. Archbishop Emeritus of Vercelli. Secretary.*

(58) Cf. Congregation for the Doctrine of the Faith, Declaration *Mysterium Ecclesiae*, 1: AAS 65 (1973), 396-398. (59) Cf. Second Vatican Council, Decree *Unitatis redintegratio*, 14 and 15; Congregation for the Doctrine of the Faith, Letter *Communio notio*, 17: AAS 85 (1993), 848. (60) Cf. First Vatican Council, Constitution *Pastor aeternus*: DS 3053-3064; Second Vatican Council, Dogmatic Constitution *Lumen gentium*, 22. (61) Cf. Second Vatican Council, Decree *Unitatis redintegratio*, 22. (62) Cf. *ibid.*, 3. (63) Cf. *ibid.*, 22.

\*So as we read *Dominus Iesus* August 2000 paragraph 17. It is clear from reading this it is clear that while not existing in perfect communion with the Catholic Church, remain united to her by means of the closest bonds, that is , by apostolic succession and a valid Eucharist, are true particular Churches(Second Vatican Council, *Unitatis redintegratio* Ss14 & 15)

Therefore, the Church of Christ is present and operative also in these Churches, even though they lack full communion with the Catholic Church, since they may not accept the Catholic doctrine of the Popes Primacy.

Then declaration then defines such as the Church of England as not being ‘ Churches in the proper sense’ Ecclesiastical & Canon Law defines the definition in *Dominus Iesus* that the Roman Catholic Church has to recognise the RCSPLXIII Society as a “true particular Society” in the same way that in instance, the Greek, Bulgarian and Russian Orthodox Churches are.

Today the Roman Catholic Church dare not and will not state that the Orthodox bishops are not valid bishops as they are re-mindful of the great schism ? The pope of Rome has no authority whatsoever within any of these churches in the same way he does not in our society or that of the Brazilian Catholic Church.

The Congregation for the Doctrine of the Faith published, a document treating of the unicity and salvific universality of Jesus Christ and of the Church. This document has provoked a rather violent reaction in progressive circles and outside the Church, in the majority of the communities who are interested in ecumenism. In effect, this document reminds us forcefully and re-imposes numerous points of traditional Catholic doctrine on the subject. At the same time, these truths of Faith are strongly moderated by other propositions that have Vatican II as their only source. (The general principles of *Nostra Aetate*, *Lumen gentium*, *Gaudium et spes* are spoken of).

The principles acquisitions of the last Council concerning the relations of the Catholic Church with other religions, both Christian and non-Christian, are presented as if they had been perfectly integrated into the Catholic Faith.

The same things that have been said of the Council can be applied to *Dominus Iesus*:

Two theological traditions that, deep down are incompatible, entered into collision (Bishop Henrici, *La maturation du concile, Communio*). The real problem is so unusual for a Catholic that we can easily understand the instinctive blindness that enables one to escape from it: the will to be faithful to two councils that are so clearly divergent one from the other is quite simply impossible. This contradiction in the text is clear, especially when it treats of the unicity of the Catholic Church.

The identity between the Church of Christ and the Catholic Church does indeed seem to be clearly affirmed, when it speaks of the historical continuity between the Church founded by Our Lord and the Catholic Church of today (§16). But it is at the same time denied by the "subsistit in". (§16 & 17).

His Eminence Cardinal Ratzinger himself declared last Spring that continuity does not exist between the "est" (which affirms this oneness of the Church) and the "subsistit in" (which enables, alongside the one true Church, other churches to be considered as "true". Cf. §17).

In effect, in the same text Cardinal Ratzinger affirms on the one hand that the subsist it is the foundation of ecumenism[3] and on the other hand that this subsist it is in contradiction with the traditional est:

Since sin is a contradiction, we cannot in the final analysis fully resolve from a logical point of view this difference between subsistit and est.

In the paradox of the difference between, on the one hand, the Church's singularity and concrete realization, and on the other hand the existence of an ecclesial reality outside the unique subject, is reflected the contradictory character of human sin, the contradiction of division. It is consequently not difficult to conclude that ecumenism, whose foundation is in contradiction with the traditional doctrine, as its promoters admit, is itself just as opposed to traditional doctrine.

We find in Dominus Iesus a tragic confirmation that an indescribable darkness covers the Vatican. Never in times past has contradiction been taught, even less that which is recognized as such. This document, despite the praiseworthy intention of condemning abuses, will be of no helping in resolving the doctrinal crisis as it intends to do, for it only teaches true doctrine halfway, which means in a falsified way

*\*\* Let's not forget that at least two of the Catholic Bishops later consecrated by Catholic Archbishop Duarte Costa were accepted back in to mainstream*



*Roman Church Catholicism and went on to enjoy careers in the Vatican II hierarchy, they were never re-consecrated not even sub-conditione and by these actions 'de jure and de facto' the validity of the Holy Orders that Catholic Archbishop Duarte Costa transmitted in August 1945 Bishop Salameo Barbosa Ferraz and November 1956 Bishop Orlando Arce-Moya.*

Let's argue another point that the Roman Catholic Church said Patriarch Luis Fernando Castillo Mendez was not an ordained priest, therefore he could not be consecrated a bishop later for which do we really think a Roman Catholic Bishop would be so stupid or negligent not to check that the person about to be consecrated is a priest, then the Roman Catholic Church Vatican II would have to show proof of this their accusation if any and if the person was not a deacon and or priest it has little or no effect as the consecration to the episcopacy as for it incorporates the lower orders as the episcopacy is the higher of the Holy Orders.

With this in mind, the co-consecrator (assistant bishop) being Bishop Olinto Ferreira Pinto Filho who also laid on hands with pure intent would take effect bearing in mind, we have already established that Archbishop Carlos Duarte Costa had the authority as a catholic bishop to ORDAIN priests and CONSECRATE bishop's as he consecrated as a valid Catholic Bishop's Salameo Barbosa Ferraz, Bishop Orlanda Arce –Moya, Bishop Antido Jose Vargas, Bishop Pedro dos Santos Silva, Bp Orlando Arce-Moya and Patriarch Castillo Mendez including that of Bishop Luige Másculo, Bishop Victor de Tarso Sanches Pupo, Bishop Pedro Gomes de Vasconceles. Bishop Olinto Ferreira Pinto Filho & Bishop Josivaldo Pereira de Oliveira.

\*\*Bishop Olinto Ferreira Pinto Filho was ordained a priest by Catholic Archbishop Carlos Duarte Costa on November 16, 1947. He was later raised to the Episcopate as a catholic bishop on 1st May 1966 by Catholic Bishop Pedro dos Santos Silva, he in turn was consecrated also by Catholic Archbishop Carlos Duarte Costa on 4 May 1956 assisted by Bishop Pedro Gomes de Vasconceles. Therefore, Archbishop Atkinson-Wake is a valid catholic bishop whether some or all of the Roman Catholic Bishops from Vatican II or the Vatican Curia like it or not. Such acceptance does not rest on the Patriarch of the West, Bishop of Rome but upon the intent and also an unbroken Apostolic Succession.

## NOTES

1. **1917 Code of Canon law states:** A bishop is not allowed to confer Episcopal consecration on anyone without a mandate (Roman Catholic Church Canon 953, CIC 1917). Whoever acts contrarily incurs Excommunication latae sententiae– "reserved to the Holy See"
2. (Canon 1382, CC 1983). Excommunication Latae Sententiae takes effect by the very act itself; it does not need to be decreed. In this particular case, the 1917 Canon Law inflicted only a suspension ("Ipso iure suspensi sunt, donec sedes Apostolica eos dispenaverit"– "They are suspended by the law itself, until the Apostolic See dispenses them" [Canon 2370, CC 1917.1).

However, if such a consecration or act was a matter of emergency, then the act (Suspension) itself cannot take place.

2. **The decree of the Holy Office of Rome; August 9, 1951**, the sanction of the excommunication ‘*ipso facto*’ most specially reserved to the Holy See of Rome was introduced for illegal Episcopal consecrations some 3 years after the consecration of Bishop Luis Fernando Castillo Mendez was consecrated and therefore can not and does not apply.
3. **S. Woywood, Practical Commentary on the Code of Canon Law** (New York: Wagner 1952), 1905.

“A sacred order is presumed valid until its invalidity is established by proof to the effect that it was received with want of intention on the part of the petitioner. He must show that something essential was lacking when the sacrament was conferred.”

4. **.P. Gasparri, Tractatus de Sacra Ordinatione (Paris: Delhomme 1893)**, 1:970. “Canonist Gasparri (later a Roman Catholic Cardinal and compiler of the 1917 Code of Canon Law) offers a general principle: “...an act, especially one as solemn as an ordination, must be regarded as valid, as long as invalidity would not be clearly demonstrated.”...*tum quia actus, praesertim adeo solemnis qualis est ordinatio, habendus est ut validus, donec invaliditas non evincatur.*”

5. A priest or bishop who confers a sacrament doesn’t have to “prove” that he intends to do what the Church does. He is automatically presumed to intend what the rite means. This is certain theological doctrine, taught by the Church. And to deny it, is “theologically rash”.

**B. Leeming, Principles of Sacramental Theology (Westminster md: Newman 1956)**, 482. “This principle is affirmed as certain theological doctrine, taught

by the Church, to deny which would be theologically rash... the minister is presumed to intend what the rite means..”

6. **Pope Leo XIII** specifically confirmed the principle with regard to Holy Orders when he said that someone who seriously and correctly uses the matter and form “is for that very reason deemed to have intended to do what the Church does Bull *Apostolicae Curae*, 13 September 1896. “*Iamvero quum quis ad sacramentum conficiendum et conferendum materiam formamque debitam serio ac rite adhibuit, eo ipso censetur id nimirum facere intendisse quod facit Ecclesia.*”

7. A catholic bishop who confers Holy Orders is never presumed to have the intention of not ordaining someone as long as the contrary is not proved. For no one should be presumed to be evil, he adds, unless he is proven as such -*Tractatus de Sacra Ordinatione*, 1:970. “*Proinde numquam praesumitur ministrum talem intentionem non ordinandi habuisse in ordinatione peragenda, donec contrarium non probetur; tum quia nemo praesumitur malus, nisi probetur...*”

8. **Theologian Coronata**, “is certainly present in someone who regularly performs sacramental actions.” The mere act of putting on vestments and going to the altar is considered sufficient evidence for virtual intention M. Conte a Coronata, *De Sacramentis: Tractatus Canonicus* (Turin: Marietti 1943) 1:56. “*Virtualis enim intentio, ut iam vidimus, est intentio ipsa actualis quae cum distractione operatur. Talis intentio certe habetur in eo qui de more ponit actiones sacramentales.*

9. Recipient of the sacrament for challenges, his diocesan ordinary, and the ordinary of the diocese where the sacrament was conferred. See

Canon 1994.1. “*Validitatem sacrae ordinationis accusare valet clericus peraeque ac Ordinarius cui clericus subsit vel in cuius diocesi ordinatus sit.*”

All other person lack the right to accuse, See Cappello 4:683. “*Aliae personae extraneae procul dubio jure accusandi carent.*”

10. A consecration without any assistants and without obtaining a pontifical dispensation, it would still be valid.

11. **S. Many, Praelectiones de Sacra Ordinatione (Paris: Letouzey 1905),** 519. “Alexander VII, brevi Onerosa, 4 Feb. 1664, *concessit ut aliqua episcopalis ordinatio, apud Sinas, fieret ab uno tantum episcopo, cum assistentia duorum presbyterorum, et etiam, si opus esset, sine illorum assistentia.*”

11. **Pope Alexander VII, Brief Alias, 27 February 1660.** “*Quantum spectat ad sacramentum et impressionem characteris fuisse validam.*” Pope Clement XI and Pope Benedict XIV declared that consecrations performed without such a dispensation are valid De Synodo Diocesana 13.13.9-10. “... *consecrationem hujusmodi validam, licet illicitam, esse censuerunt... ratam firmamque, sed illicitam Consecrationem pronuntiavit.*” Benedict’s emphasis, quoting Clement’s decree of 26 November 1718.

12. The Catholic faith that the valid administration of a sacrament does not depend on a priest or bishop’s probity. Cappello, 1:36. “*In ministro non requiritur nec status gratiae, nec vitae probitas, imo nec ipsa fides, ad validam sacramentorum confectionem vel administrationem. Haec est veritas catholica de fide.*”

13. **Pope Leo XIII** answers clearly and with solemn authority: Concerning the mind or intention, in as much as it is in itself something internal, the Church does not pass judgment; but in so far as it is externally manifested, she is bound to judge of it. Now, if in order to effect and confer a Sacrament a person has seriously and correctly used the due matter and form, he is for that very reason presumed to have intended to do what the Church does.

It is on this principle that the doctrine is solidly founded which holds as a true Sacrament that which is conferred by the ministry of a heretic or of a non-baptized person, as long as it is conferred in the Catholic rite.

14. **St. Thomas Aquinas, the Prince of Theologians**, says the same thing (III, Q. 64, A. 8 ad 2): In the words uttered by (the minister), the intention of the Church is expressed; and this suffices for the validity of the sacrament, EXCEPT THE CONTRARY BE EXPRESSED EXTERIORLY on the part of the minister [emphasis given by author].

Therefore, in the conferral of the sacrament of holy orders (or of any other) as long as the ordaining bishop, be he Catholic or apostate, observes externally the rite prescribed for the sacrament, he MUST be presumed to have the right intention, and the sacrament MUST be accepted as valid.

Let us recall one more time that there is not the least question of the possibility of receiving valid ordinations from a bishop who has abandoned the faith. In fact, such ordinations received from heretics or others are normally valid.

15. In defining this truth of faith, **Pope Paschal II** does not add the least qualification, not even an implicit reference to cases where such ordinations

might not be valid: Therefore, instructed by the examples of our Fathers, who at diverse times have received Novatians, Donatists, and other heretics in their orders [i.e., acknowledging the validity of the orders which they had received in their heretical sects]:

We receive in the episcopal office [i.e., as valid bishops] the bishops of the aforesaid kingdom, who were ordained in schism... October 22, 1106.

16. Let us consider momentarily a few more points on the intention required in the minister of a sacrament. We shall distinguish the intention of doing what the Church does, and the intention of doing what the Church intends.

The Church does (performs) a sacred rite instituted by Christ, and by this rite she intends to confer grace – and in some sacraments, the character.

The minister does not at all need to intend to confer grace by the rite which he performs. It suffices that he intend to perform a sacred rite. (So teach all theologians.) Indeed, he does not even have to believe that the rite which he is performing is sacred. It suffices that he intend to perform seriously a rite which Christians hold as sacred. Thus, for example, a Jew can validly baptize a Christian child, even though he believes that baptism is a completely meaningless ceremony, if he intends to perform a rite which Christians hold to be sacred.

Thus, also a priest who has lost the faith in the Sacraments can still confect them validly as long as he has the intention of performing seriously the rites which the faithful ask of him and which they consider sacred.

17. **St. Thomas teaches the same thing** (in IV Sent., dist. 6, Q. 1 A. 3, sol 2, ad 1): Sometimes he [the minister] intends to do what the Church does, although he considers it to be nothing. The minimum intention required in the minister of a sacrament is, then, this:

That he intend to perform a rite which the Church considers sacred, and to accomplish seriously all the prescribed externals. Indeed, who could possibly lack this minimal intention in administering a sacrament? We have seen that the Church considers the presence of the required intention the normal case as regards sacraments administered by heretics, schismatics, etc.

It is almost impossible for a sacerdotal (Priestly) ordination to be invalid, an invalid episcopal consecration would be even more impossible for this reason:

In accordance with the most ancient tradition of the Church, a new bishop is always consecrated by THREE other bishops. The Pontificale Romanum refers them as assistants, but since, as the rubrics prescribe, all three bishops impose hands on the bishop-elect (the matter of the sacrament), and recite the form of consecration.

18. **Pope Pius XII (*Episcopalis consecrationis*, Nov. 30, 1944)** insists that they are to be referred to as co-consecrators. Thus, as this was already obvious, all three concur in the consecration (where only one would suffice for validity), and, therefore, even in the unimaginable case where two of the three bishops would lack the necessary intention, the remaining bishop would still validly consecrate the elect. (Cf. also Pius XII, Allocution to the International Congress of Pastoral Liturgy, Sep. 22, 1956.)



19. **Consecrations without Papal Mandate**: leads us to consider the precedent found in ecclesiastical history for the consecration of bishops during the time of interregnum (the vacancy of the Apostolic See).

“On November 29, 1268, Pope Clement IV died, and there began one of the longest periods of interregnum or vacancy of the papal office in the history of the Roman Catholic Church.

The cardinals at that time were to assemble in conclave in the city of Viterbo, but through the intrigues of Carlo d’Anglio, King of Naples, discord was sown among the members of the Sacred College and the prospect of any election grew more and more remote.

“After almost three years, the Mayor of Viterbo enclosed the cardinals in a palace, allowing them only strict living rations, until a decision would be made which would give to the Church its visible Head. At last, on September 1, 1271, Pope Gregory X was elected to the Chair of St Peter”.

During this long period of vacancy of the Apostolic See, vacancies also occurred in many dioceses throughout the world. In order that the priests and faithful might not be left without shepherds, bishops were elected and consecrated to fill the vacant sees.

There were accomplished during this time twenty-one known elections and consecrations in various countries.

The most important aspect of this historical precedent is that all of these consecrations of bishops were ratified by Pope Gregory X, who consequently affirmed the lawfulness of such consecrations.” there is on 9 separate other

occasions that a pope did not sit on the Chair of St Peter's throne for a record time of between 2 to 4 years.

However consecrations of hundreds of bishops took place. Yet there was no Papal Mandate issued for their consecrations. (Information taken from Vatican Archives) And yet there consecrations remain valid and licit.

19. **Pope Benedict XVI** to the Bishops of the World to Present the "*Motu Proprio*" on the Use of the Roman Liturgy prior to the Reforms of 1970. That the Latin Mass was to be used and an acceptable rite.

H.H. Pope Benedict XVI, with the Motu Proprio of July 14, 2007 acknowledged that the traditional mass, has never been repealed and that every priest can celebrate it. His Holiness Pope Benedict XVI 'Pontiff' affirmed by Decree on the 21/01/2009 that traditional catholic bishops are not schismatic's or excommunicated.

### 13. ERRORS CONCERNING THE SACRAMENTAL VALIDITY OF THE EPISCOPACY

It is important that we now reflect upon what, according to the one Apostolic Tradition, gives sacramental validity to an episcopal ordination and effectively establishes a local church as the sacramental presence of the one, holy, catholic, apostolic church. The first thing that we have to confront is the widespread error that the basic criterion of validity or at least of lawfulness of the ordination of a Bishop is that he be named by the Bishop of Rome, or Pope, with the consequence that the local bishop and the church he serves are subordinate to the Pope. This custom is based on the jurisdictional power that

the Bishop of Rome progressively claimed for himself in order to act as Supreme Pontiff with absolute power over all the Church.

Nevertheless, this innovation, introduced incrementally by the Church of Rome, is contrary to the witness of the Holy Scriptures, wherein it is clear that he who elects, and also gives the gifts needed for carrying out the ministry to which one is elected, is the Holy Spirit Himself, acting through the community that, being in prayer, is the body charged to make the discernment.

26 This was the practice in the early church, for it is clear that it was the community's responsibility to do the electing.

27 This procedure began to be altered in the East in the fourth century when the Byzantine emperors began to intervene in the nomination with the aim of making the bishops faithful to them. In the West it was in the ninth century when Emperor Charlemagne claimed this role, the alleged reason being that the bishops named be apposite to the function.

This procedure brought about serious problems, and at the beginning of the thirteenth century the Popes began to try to name the bishops directly. This became common practice in the fourteenth century, although in reality many times the Pope allowed kings, emperors or cathedral chapters to control the nomination if they would pay clerical salaries. This custom is only one of the many that were introduced in the Roman Church and that indicate its progressive break with the Apostolic Tradition.

The break was consummated in the Constitutions of the First Vatican Council, which declared the universal jurisdiction of the Roman pontiff, and were

subsequently codified in the 1917 and 1983 Codes of Canonical Law as previously mentioned within.

This practice is reprehensible because (1) it contravenes fundamental principles of the Holy Scriptures and Tradition;

- (2) it has been the basic cause of the division and the schisms that have occurred in the Church for more than a thousand years, into our own time; and
- (3) it makes the Roman Catholic Church in practice function as the one and only diocese, a mega-diocese in which de facto the only residential bishop is the Bishop of Rome, for he has universal, absolute power, beyond all appeal, and as result all the other bishops have to perform a merely subordinate role and limit themselves to planning and implementing strictly pastoral and administrative tasks, such that the concept of “communion” is turned into a synonym of “submission” and the concept of “collegiality” effectively means “subordination.” With these innovations the Roman Catholic Church loses its original meaning and puts in question even its legitimacy and its capacity to carry out the mission that it received from the Lord, for it substantially distorts the charge and the mission that Jesus entrusted to the Apostle Peter.

Another error concerning the validity of apostolic succession comes from a legalistic and, to a certain extent, magical way of thinking. Many people have tried to reduce the validity of episcopal ordination to the mere fact that there exists a supposed historical apostolic succession, that is, that a bishop is ordained by the laying on of the hands of bishops who, supposedly, in an

uninterrupted line have been ordained by one of the apostles. In some cases it is even thought that accumulating various apostolic lines strengthens the validity. In these contexts the concept of validity is wielded like a power or a privilege that is received by someone who, in an autonomous and to a certain extent arbitrary way, can use it according to his pleasure and give it to whomever he wants or it suits him to give it to.

This perspective is, however, totally contrary to the Apostolic Tradition for, although the historical succession is an indispensable element, its sacramental validity is subordinate to its being conferred within an ecclesial context that reflects what is witnessed in the New Testament and actualized in the early church.

For the same reason, the historical succession, although it may come from multiple supposed apostolic lines lacks sacramental validity when it is conferred outside the framework of the elements required in the Apostolic Tradition.

26 Cf. 1 Tim. 4:14; Acts 1:12-26; 13:1-2; 14:23. 27 Cf. Didache 15:1.

#### 14. THE LOCAL CHURCH AS THE PEOPLE OF GOD AND SACRAMENT OF THE UNIVERSAL CHURCH

Having explained these mistakes, we now move on to see why the local church is the place where the Church is manifest sacramentally, what the role is that the various forms of ordained ministry have within the local church and what the criteria are by which sacramental validity is judged, both in the local church and also in the ordained ministries, specifically that of the bishop.

For the Apostolic Tradition, the local church is the visible reality wherein the one, holy, catholic, apostolic Church, whose sacramental expression culminates in the Eucharistic celebration, makes itself present.

In accord with the organization of the early church, one ought to recognize the local church as the People of God.<sup>28</sup> This is structured in a synodical and participatory form, <sup>29</sup> with a diversity of gifts and ministries. Among these is to be found the ordained ministry, composed of deacons, priests and the bishop.<sup>30</sup> The local church comprises more or less clearly a communion of communities.<sup>31</sup> The principle characteristic of the local church is the equality of all its members.<sup>32</sup> The parable of the day-workers is a magnificent illustration of this equality.

<sup>33</sup> The basis of the equality is the fact that all the members have received the same worth on being consecrated as a priestly people <sup>34</sup> and all have been made sons and heirs, to live in freedom.<sup>35</sup> Each one has received the unction of the Holy Spirit, and therefore, against those who try to impose doctrines and practices on the community, John proclaims, “So much for those who would mislead you. But as for you, the initiation which you have received from him stays with you; you need no other teacher, but learn all you need to know from his initiation, which is real and no illusion. As he taught you, then dwell in him.”<sup>36</sup>

The ministry ordained by the local church is never to be understood as something that is above the community but as a gift that, bestowed by the Holy Spirit, <sup>37</sup> is recognized by the community <sup>38</sup> and exists to serve and build up the community.<sup>39</sup> For this reason, the ministry has to be exercised with humility and with no intention of imposing its own tastes or criteria or of

trying to create uniformity in place of the unity created by the Spirit, or of trying to supplant the direct action of Christ Himself. John, on having told us of the Last Supper, which is the reference point commonly accepted as the basis for the ordained ministry, ignores the cultic aspect connected with the memorial of bread and wine— on which the synoptic Gospels are centred— and limits himself to presenting to us the washing of feet, which symbolizes the attitude, required in the ordained ministry of peeling away every occasion for pride and exercising extreme humility.

And as the synoptics insist that the memorial be repeated, so John insists that this deed is the model of the attitude with which the ministry is to be exercised.

“You call me ‘Master’ and ‘Lord,’ and rightly so, for that is what I am. Then if I, your Lord, have washed your feet, you ought also to wash one another’s feet. I have set you an example: you are to do as I have done for you.

40 28 Cf. Rom. 1:6-7; 1 Cor. 1:2; Rev. 21:3. 29 Cf. Acts 15:6-22. 30 Cf. Acts 6:1-7; 11:30; 20:28; Phil. 1:1; I Tim. 3:1-8; 5:17. 31 Cf. Gal. 1:2. 32 Cf. 1 Cor. 12:13; Gal. 3:28. 33 Cf. Matt. 19:30– 20:16. 34 Cf. 1 Pet. 2:9ff. 35 Cf. Gal. 4:28– 5:1.

## 15. THE MEANING OF FAITH OF THE CHURCH, MANIFESTED AND WORKING IN THE LOCAL CHURCH

The active presence of the Spirit in the members of the Church enables the community in its wholeness, and not just each believer in isolation, to develop an extraordinary capacity for knowing and discerning the truth. In theology this capability is called “*sensus fidelium*” or “*sensus fidei ecclesiae*,” which can be translated as the “sense of the People of God.” This sense of faith, this

perceptive understanding is not the privilege of a group of leaders or a hierarchy, but is a gift that belongs to all the community. It is the principle of basic discernment. It is what permits the creating of a consensus and it is also the basis for empowering the local church so that it may take on responsibilities, carry out its choices and hold elections. Over the course of church history, the recognition of the “sense of faith” has played a very important role.

For example, when the Arian heresy, which denied the divinity of Jesus Christ, was supported by many, many bishops, it was the People of God who, with their sense of faith, made the witness prevail that the Spirit laid on their hearts and that affirmed the divinity of the Lord. Something similar happened in the Council of Ephesus, when it proclaimed faith in the fact that Jesus Christ is true God and true man.

For that reason Augustine of Hippo placed greater value on the Church’s sense of faith than on the arguments that the theologians could give.

41 In spite of the enormous importance that this dimension has in the Apostolic Tradition, the process of clericalization and then centralization caused the recognition of the importance of “sense of the people of God” to lose its relevance, and become reduced to a mere theological concept that is explained in a more or less artificial form. For the same reason, space for expression and participation in the actual life of the local church became closed to the People of God in the attempt to reduce them to the status of more or less submissive and passive receivers of the arrangements made by the hierarchy on pain of being accused of insubordination and lack of humility



and of undergoing marginalization and persecution and eventually of being expelled from the institution.

36 1 John 2:26-27. 37 Cf. Acts 20:28. 38 Cf. 1 Tim. 4:14; Acts 1:12-26. 39 Cf. Eph. 4:11-13. 40 John. 13:13-15. 41 Cf. Augustine, Contra Julianum 1, 29 and 31.

## 16. THE ELECTION OF THE BISHOP HAS THE RIGHT AND RESPONSIBILITY OF THE LOCAL CHURCH

The capacity, coming directly from the Holy Spirit, to discern, to create consensus, to experience the unity and to celebrate the faith through prayer and the sacraments is what makes each local church to be a true sacrament in which the totality of the Church is manifest and it is the basis of the rights and responsibilities that the local church has.

Among the rights and responsibilities the election of its own bishop occupies a very great place.

This ministry, given by the Lord as a gift, among the other charismas, ought to be discerned and recognized by the local church. It is for this reason that this practice cannot be regarded only as a procedure that, as we explained above, was practised in the first millennium, but that, given the solid basis that it has in Holy Scripture and in the sacramental constitution of the Church as a priestly people, ought to be rediscovered and re-established as an integral part of the Apostolic Tradition wherever it has been lost.

For this reason, we consider that the first criterion for the legitimacy and apostolic validity of the episcopacy is that it be the local church, comprising the People of God organized as a communion of communities, together with

its ordained ministers and, acting participatorily and synodically in a climate of prayer and discernment, carries out the election.

In such circumstances the task of the local church is that of recognizing, on basis of its sense of faith, which of the ordained ministers is the one to whom the Lord has chosen and given the grace to exercise the episcopacy. If this first criterion is eliminated, it is our sense that all the other steps are like castles in the air, because an original and essential element of the Apostolic Tradition has been violated.

### 17. DIMENSIONS OF THE TRANSMISSION OF THE APOSTOLIC SUCCESSION

After this first step and continuing to reckon with the discernment and consensus of all the People of God, an effort is made to have the election, duly performed by the local church, recognized and ratified by the other local churches that are its neighbours. Through this process, the tie to the historical episcopacy is made real and actual. This process is generally known by the generic term, “apostolic succession.” It means having the elected bishop ordained by a college of bishops that, in turn, have been ordained by other bishops and whose origins claim to go back to the apostles themselves. The Tradition generally recognized that this function was appropriately served by the college of bishops that, consisting of nearby bishops and presided over by the metropolitan (who was also called primate bishop or archbishop) constituted the ecclesiastical province in which the respective local church was found.

43 Through the recognition and ratification of the election and the subsequent ordination, the one elected entered the episcopal college and in this way the

meaning of the Catholic and ecumenical communion of the local church was signified. For the participation of the local church's bishop in the episcopal college became the means by which it entered into communion with other churches and shared the concern for the Church universal.

Over the course of history, the Orthodox Catholic Churches and the Anglican Catholics have preserved the synodical organization and authority of the college.

The Church of Rome, however, introduced innovations that have suppressed the capacity of the episcopal college to act effectively. We believe that, in order to propel the re-establishment of the Apostolic Tradition among the Catholic churches of the West, the Lord has raised up colleges of Catholic bishops, organized in various communions of churches, who have re-established the apostolic practice. Among these the two most relevant are: the Union of Churches of Old Catholics of Utrecht, which is the oldest, and with which, as we explained, we maintain a close relation that, because of the concord that we found with them, we hope to continue deepening, and the Communion of Catholic Apostolic Churches, presided by the Catholic Apostolic Church of Brazil, which is the most numerous and with which, as also mentioned, we have sealed full and perfect communion and from which we receive the historical apostolic succession.

As result, our conviction is that in order to establish the historical chain of apostolic succession it is not enough that one or several bishops with supposed apostolic lineage lay their hands on a candidate.

We believe that it is indispensable that the election be carried out by a local church in accordance with its constitution, and afterwards that this be

recognized and ratified by the appropriate college of bishops, and that the candidate begin the process of incorporation into that episcopal college in order then to proceed to his ordination. If any of these steps is omitted the historical chain of apostolic succession loses its full genuine meaning.

And if any basic element within the process of transmission of the historical apostolic succession be lacking, it is seriously questionable whether the historical chain of apostolic succession is truly established. 43 Cf. Canon IV, 1 Council of Nicea.

#### 18. THE “RECEPTION” ON THE PART OF THE LOCAL CHURCH

We consider the other indispensable element in the process of implementing the full Apostolic Tradition consists of the local church’s “reception” of the elected bishop. In our specific case this element implies two things.

First and above all, the joyful acceptance, on the part of the totality of the People of God that form our church, of the episcopal election carried out by the delegates who participated in the July Synod. Second, it involves awareness and happy acceptance of the fact that, the episcopal election having been recognized and ratified by the full Council of Bishops of the Society and then the episcopal ordination having been celebrated by them, we are entering into communion with other local churches.

Then, on being a fully constituted local church, we receive the capacity to be the sacrament and presence of the totality of the Catholic Church.

This further means that while we maintain our identity and autonomy intact we take on the promise of prayer and of concern for the well being of the whole Church Universal.

## 19. IMPLEMENTING THE APOSTOLIC TRADITION WITH CARE

As is clear to everyone, during the course of our process of discernment we have tried to adhere faithfully and carefully to each of the three criteria that, from the perspective of the Apostolic Tradition, give sacramental validity to the local church and to the ordination of its bishop. For we are fully convinced that what justifies our existence and will assure that we shall continue to grow and to ferment renewal will be our readiness and commitment to serve the goal that all the elements and characteristics that comprise the genuine, complete Apostolic Tradition be rediscovered and re-established.

That means, full of the Holy Spirit and living in free, pluralist and inclusive communities, we may succeed in our mode of organizing and living as the Church to take shape in all ways to which the Scriptures witness and according to which the indivisible Church lived. To that end we believe that we ought to continue on the road along which the Lord has guided us up to now, for he has given us signs and experiences that give us certainty that we are in full catholic and apostolic communion. But it is also required of us that with profound humility we be continuously converted and renewed so that, our old self being peeled away, we may be able to discover and transmit, with ever greater clarity, the inestimable treasures of his Kingdom.

## 20. TIME OF GRACE FOR OUR CHURCH: OUR ECUMENICAL COMMITMENT

We see the moment in which we are living as “God’s Time– a time of special grace for us.” For on being constituted sacramentally as a local church in which is manifest and made real the one, holy, catholic and apostolic church, symbolized by the presence of the bishop and by the link with other local

churches, we can experience, at least spiritually, the ecumenical and catholic communion.

Equally we recognize our commitment to work tirelessly so that, the original meaning of ordained ministry, of the episcopal ministry in general and of the Petrine ministry in particular being rediscovered, it may be possible to obtain the desired historical unity in and through pluralism, diversity, respect and in the knowledge of the worth, identity, special characteristics and functions of each local church.

This implies that the Bishop of Rome, as successor of the Apostle Peter, re-establish fully the characteristics and talents of the ministry that Christ gave him in order to preside in love <sup>44</sup> and that he resume that style of ministerial practice, which the indivisible church recognized in him during the first millennium, of being first among equals, without diminishing the autonomy that Christ conferred upon <sup>45</sup> and the Apostolic Tradition recognized for each local church. It also entails that each of the local churches and the collegial bodies to which they are joined be open to recognize that Christ is the only Lord and true Shepherd of his Church and that by the Holy Spirit he continues being the master who teaches and effectively guides the whole church,<sup>46</sup> according to which what behoves us who are ordained ministers, independently of the rank that our ministry has, is to embody radically the attitude of Christ who, “though the divine nature was his from the start, did not think to snatch at equality with God, but made himself nothing, assuming the nature of a slave.”<sup>47</sup> And who taught us clearly that he who receives a ministry within the Church, in contrast to what happens in the world, “... must serve others, and whoever among you wants to be first must be the

willing slave of all— like the Son of Man; he did not come to be served, but to serve, and to give up his life as a ransom for many.”<sup>48</sup>

## 21. IMPLICATIONS OF OUR ECUMENICAL COMMITMENT

From the vantage point of our poverty and small size, we see ourselves in communion with the whole Church and feel ourselves called to pray, to be concerned for and to love every human being and all of creation. Therefore we say with St. Augustine,

“Those who tell us, ‘You are not our brethren,’ call us pagans. ... And they ask us, ‘Why are you looking for us, what do you want with us?’ Let us reply, ‘Ye are our brethren.’ They may say, ‘Go away, we have no connection with you,’ but we have an undoubted connection with you: we make confession of one and the same Christ, we ought to be in one Body. ... Therefore we pray ... for those who are carnal-minded, who are yet our brethren, who celebrate the same holy mysteries ... who make answer with the same Amen, identical though not in our company; pour forth to God the quintessence of your charity on their behalf.”

49 As concrete manifestation of this love and communion, in the culminating moment of our life, that is, the moment when, on celebrating the Eucharist, our church is actualized as sacrament of the whole Church, we have chosen to sustain our explicit prayer for the Bishop of Rome, the Pope, for all other bishops, for ordained ministers and for those who, from their convictions, care for the People of God, which, in a more or less explicit form, comprises the entire humanity redeemed by the precious blood of Christ.

This prayer, spoken in such a sublime moment, is to be a sign of the importance we see in our commitment to work with boldness and resoluteness toward the goal that the communion of all churches and all humanity, which, by the witness of the Spirit, is for us a spiritual reality, move progressively toward and finally reach its historical fullness in which, within the knowledge of the autonomy of each local church, a visible unity is manifest as we are chaired in love by the Bishop of Rome, successor of the Apostle Peter, as the first among equals.

44 Cf. John 21:15-19; Ignatius of Antioch, Prologue of the Letter to the Romans. 45 Cf. Matt. 18:18. 46 Cf. Matt. 23:9, John 14:16; 14:26; 15:26 and 16:7. 47 Phil. 2:6-7. 48 Matt. 20:26-28.

#### WHY Secular Courts of England & Wales continuously rule upon credibility & validity of Archbishop James Atkinson-Wake.

In regards to the validity of catholic bishops. Secular Courts of England & Wales have for many years refused to enter in to such questions in defining such answers. In a court case in reference number 02/TLQJ/1760. 31st July 2003 the Right Reverend Jonathan Blake issued legal proceedings against Associate Newspapers Limited in regards matters of a statement that the said newspaper published. The secular Courts of England & Wales was asked by the Right Reverend Jonathan Blake's barrister to seek clarity on his validity for which the Judge being His Honour Mr Justice Gray in the Queen Bench High Court stated " the validity of a bishop is ruled as an area of non- justiciability".

(This does not mean that a Court of law can not and or will not rule if the need arises)



His Honour went on to say that the claimant Bishop J Blake “*claim to validity could not be adjudicated upon by the court as it would involve a detailed and painstaking examination of questions of doctrine, theology and ecclesiology, combining an assessment of history and a full understanding of contemporary and emergent theology and ecumenism*”.

There is past legal authority that established that any secular Court would ‘*not venture into doctrinal disputes or differences and would not regulate issues as to the procedures, customs and practices adopted by religious bodies*’.

This does not mean that a Court will not examine if need be questions of doctrine, theology and ecclesiology combining an assessment of history and ecumenism if that need arises.

In the case of Archbishop James Atkinson-Wake who was consecrated within an ESTABLISHED Church, this itself makes a difference for English & Welsh secular Courts who are willing to examine the much needed questions of doctrine, theology and ecclesiology combining an assessment of history and ecumenism as to the Catholic Bishops credibility & validity as this is what is stated by His Honour, Mr Justice Gray Queen Bench High Court in his conclusion of the case of Bishop J Blake v’s Associated Newspapers.

The judge stated with the absence at that time of any denomination or established Church was the consecration of Bishop J Blake in conformity with the customs and practices of an established Christian denomination.

As already stated the secular Courts will make rulings on Archbishop James Atkinson-Wake credibility & validity because he can satisfy the secular courts that he was:

1, Consecrated by the Patriarch of the Brazilian Catholic Apostolic Church re-founded in 1945 (An Established Church).

2, His Holiness, the 2nd Patriarch of Brazil was consecrated by a former Roman Catholic Bishop who became a Brazilian Catholic Archbishop & his co-consecrator who was a Brazilian Catholic Bishop who returned to Rome in the late 1956 and became a Roman Catholic Bishop.

3, Archbishop James Atkinson-Wake's consecration was in conformity of the Catholic Apostolic Canon laws.

4, Archbishop Atkinson-Wake received a Mandatum: the Patriarchal Mandate granting permission for the consecration of him to become a catholic bishop who will serve as a bishop in any capacity, including as an auxiliary or titular bishop by the Patriarch of the Brazilian Catholic Church.

5, Archbishop James Atkinson-Wake was consecrated according to the Canons of the Holy Fathers, Apostolic Canon One. A Bishop must be ordained by two or three bishops, there was no doubt that three Catholic Bishops was present and acted within his consecration.

5, The liturgy used Pontificale Romanum, is the Latin Catholic liturgical book that contains the rites performed by bishops

6, The proper matter (e.g., bread and wine in the Eucharist);

7, The proper form (i.e., the words pronounced over the matter, for example: "This is my Body", etc., in the Eucharist);

8, And in the minister (i.e., in him who confects the sacrament), the proper intention.

If Archbishop Atkinson-Wake had not been consecrated within an ESTABLISHED CATHOLIC CHURCH and the norms of the Catholic Apostolic Canons. English & Welsh Courts would not rule clearly upon his validity as they so do.

Archbishop James Atkinson-Wake has documentation signed and witnessed of various signatures of his principal consecrator and co-consecrator's who signatures and seals can not be challenged as these bear foreign government office signature and seals who witness each others signatures and seals. The documents of consecration and Mandate issued to Archbishop Atkinson-Wake was signed in the presence of a Notary in Brasilia DF.

A clear path of the validity of the signatures, office holders and that the documents are genuine exist.

By this method it can not be attested that of the intent as these was signed soon after the consecration mass performed. It is impossible for all signatures of the:

1. Brazilian Notary's.
2. Bureau of Vital Static's Federal District Brasilia DF.
3. Secretary of State of Foreign Relations Consular Assistance Division of the Brazilian Government, Brasilia DF.
4. British Embassy Brasilia DF.
5. Home Office Official of the Foreign & Commonwealth Office United Kingdom on behalf of Her Majesty's Principal Secretary of State for Foreign and Commonwealth affairs with a further seal attached

known as 6. Apostille as in line with the Hague Convention of 5  
October 1961

Validity of a Catholic Bishop does not rest with the Holy See of the Roman Catholic Church despite popular belief, but with the Catholic Church the bishop was consecrated for and with his Principal consecrator and the recipient as stated above and in this case that was the late Cardinal Cintra and the late Archbishop Costa who both remained friends until the sudden death of Cardinal Cintra as Cardinal Cintra gave full episcopal protection to Archbishop Duarte Costa and there was nothing that the Pope of Rome during that time could do about it, hence that the Roman Church acted against the former Roman Catholic Bishop Carlos Duarte Costa months after the death of his friend and consecrator His Eminence Cardinal Cintra. His Eminence Cardinal Cintra mandated full authority to Archbishop Duarte Costa.

Lord Colonsay stated in *Forbes V Eden*, “...*A court of law will not interfere with the rules of a voluntary association unless to protect some civil right or interest which is said to be infringed by their operation*”

Therefore, Archbishop James Atkinson-Wake claim to validity is a far easier argument to reach than other fellow bishops who have failed in courts.

Notwithstanding in newspapers in Italy such as ‘La Stampa’ the Vatican curia has issued many statements in 2012 /13 stating that “Archbishop Atkinson-Wake is a Schismatic” for which is a most un-welcomed term as Schism is referred to denote splits within a church or religious body. In this context, "schismatic", as a noun, denotes a person who creates or incites schism in a church or is a member of a splinter Church, it does not invalidate ones Holy

Orders but more so clarifies that one's Holy Orders are valid by accepting that once they was at one with the previous church.

Reverend Andrew Cole. STL, JCL Private Secretary to the Bishop of Nottingham in England confirmed in a letter dated the 9 January 2013 that "Mr Atkinson-Wake belongs to a Schismatic Community".

A further document has been issued by CCBB which is the Catholic Conference of Brazilian Bishop of the Roman Catholic Church by the Apostolic Nuncio Most Reverend Giovanni D' Aniello without a signature and or seal from His Eminence Cardinal Raymundo Assis that Archbishop Carlos Duarte Costa, Patriarch Luis Fernando Castillo Mendez and Archbishop Atkinson-Wake are not Catholic Bishop's in fact not bishops in any sense by referring to them as "Mr" throughout the documents see within of the document. This is contrary to the teachings of the Sacred Council of Trent Session 23, ON THE SACRAMENT OF ORDER. By H.H. Pope Pius IV on the 15<sup>th</sup> July 1563.

*Canon 4, If any one saith, that, by sacred ordination, the Holy Ghost is not given; and that vainly therefore do the bishops say, Receive ye the Holy Ghost; or, that a character is not imprinted by that ordination; or, that he who has once been a priest, can again become a layman; let him be anathema..*

*Canon 6, If any one saith, that, in the Catholic Church there is not a hierarchy by divine ordination instituted, consisting of bishops, priests, and ministers; let him be anathema.*

*Canon 7, If any one saith, that bishops are not superior to priests; or, that they have not the power of confirming and ordaining; or, that the power which they*

*possess is common to them and to priests; or, that orders, conferred by them, without the consent, or vocation of the people, or of the secular power, are invalid; or, that those who have neither been rightly ordained, nor sent, by ecclesiastical and canonical power, but come from elsewhere, are lawful ministers of the word and of the sacraments; let him be anathema.*

Canon 8, *If any one saith, that the bishops, who are assumed by authority of the Roman Pontiff, are not legitimate and true bishops, but are a human figment; let him be anathema.*

CANON XIII.-If any one saith, that the received and approved rites of the Catholic Church, wont to be used in the solemn administration of the sacraments, may be contemned, or without sin be omitted at pleasure by the ministers, or be changed, by every pastor of the churches, into other new ones; let him be anathema. Sacred Council of Trent the fifth day after the coming Sunday in Albis (Low Sunday), which will be the twenty-first of the month of April of the present year, MDXLVII. His Holiness Pope Paul III.

This in turn is against the teachings of the Sacred Council of Trent Session 23 canons 4, 7, and 8, to deny a Roman Catholic Bishop being a legitimate priest / bishop the person is to be stated that they are Anathema. Even this act can be used against the Roman Catholic Bishop's and or Cardinal's as the Sacred Council of Trent made it clear that all sessions and decree incorporated all clergy including the Popes of Rome. This was echoed by many canonist and theologians such as Canon Gregory Hesse. STD. JCD and or H.E. Bishop Mario Cornejo Radavero, Doctor in Canon Law from the Pontificale University of Lateran, Licence in Theology from the Catholic University in Peru former Auxiliary Bishop to His Eminence Cardinal Ricketts have issued a

written signed and sealed attestation as to the validity to Patriarch Luis Fernando Castillo Mendez, Bishop Josivaldo Periera de Oliveria and anyone by his hands dated the March 2010. He also confirms the Apostolic Lineage is intact.

Also the former Apostolic Nuncio to Great Britain the late Archbishop Faustino Sainz Munoz has also in 2010 confirmed that Patriarch Luis Fernando Castillo Mendez is a true Bishop in a private letter dated November 2010 along with various Cardinals and fellow Roman Catholic Bishops.

Within this book you will see various photographs taken at St Peter's Basilica, Vatican City.

These photographs have been taken over a few years as Archbishop Atkinson-Wake and some fellow bishops from his episcopal household has held secret liaison with the Vatican and its curia. Archbishop Atkinson-Wake and some of his household that is fellow bishops have and were invited and participated in the Beatification Ceremony of Blessed Pope John Paul II at St Peters Basilica.

Co-celebrated Mass with various Cardinals at St Peters Basilica. Attended the Palace of the Holy Father and curia within the walls of the Vatican City at invitation of the Holy See after all the security to attend such events is strictly tight with checks made by Vatican Secret Service etc. ....

There is even a photograph of Archbishop Atkinson-Wake & Archbishop John Carroll with their chauffeur inside the Vatican Palace forecourt after clearing several layers of intense tight security. I.e. Vatican Police, Vatican Swiss Guards and Secret Service.

Let's not forget that all the photographs was not taken on one day, but over a period of many separate days / dates over the years !

The Holy See obtained secret talks with Archbishop Atkinson-Wake and his fellow bishops for several years until Archbishop Atkinson-Wake decided that he and his fellow bishops wish not to join full communion with Rome over one or two doctrinal issues. After talks broke down and Archbishop Atkinson-Wake released the private photographs to the world. The Holy See press office decided to act quickly by stating that Archbishop Atkinson-Wake had met the pope with the people in St Peters Square that is untrue as you can see other Roman Bishops queued up and being introduced to the Pope then the Vatican Curia stated to the Catholic Herald that Archbishop Atkinson-Wake was valid but illicit. This then led to further statements from various Roman Catholic Bishops to La Stampa i.e. Vatican Insider newspaper in Italy that Archbishop Atkinson-Wake was a schismatic belonging to a schismatic group ICAB founded by Catholic Archbishop Carlos Duarte Costa and therefore the Holy See curia refuses to recognise him officially as a Catholic Bishop. You see the word officially sneaked in by them.

This has then been extended by the Roman Catholic Bishop Conference in Brazil stating that Archbishop Carlos Duarte Costa, Patriarch Castillo Mendez and Archbishop Atkinson-Wake are not bishops and referred to them as MR in their published decree.

The Vatican Curia after being pushed by reporters on the photographs of Archbishop Atkinson-Wake meeting the Holy Father then Pope Benedict XVI at St Peters Basilica, Vatican City released a statement playing down the meeting by suggesting that Archbishop James Atkinson-Wake & Archbishop



John Carroll was merely present at a General Audience as mentioned, But what about all the other photographs over the years ?

However the truth behind this was that both Archbishops as descendants from Archbishop Carlos Duarte Costa was invited to be introduced to the Pontiff of Rome as Catholic Bishops. Both were sat with fellow Roman Catholic Bishops and Cardinals away from the general public.

Both Archbishops was introduced in a line with the fellow Roman Catholic Bishops and Cardinals, after all photographs don't lie !

Even if various Roman Catholic priests, bishops and or Cardinals may tell untruths. They will answer for such to a much higher authority in heaven than on earth.

Even Archbishop Atkinson-Wake and a fellow Bishop consecrated by him was invited and co-celebrated Mass at St Peters Basilica at Vatican City as shown in the photograph as he was given full episcopal vestments and was permitted to celebrate Mass with Cardinal Bertone, Cardinal Stanisław Dziwisz and fellow bishops.

Once again the Holy See by their actions have shown that Archbishop Carlos Duarte Costa, Patriarch Luis Fernando Castillo Mendez and Archbishop Atkinson-Wake and his fellow Archbishops and bishops are true Catholic Bishop's. They are not in full communion with the Pope of Rome by their choosing.

However by the aforementioned actions they have noted and stated de Jure & de Facto the validity of the apostolic line and that there is no question that they are Catholic Bishops.

**APOSTOLIC SUCCESSION** does not depend on obedience to the See of Peter that is to the Patriarch of the Roman Catholic Church, but rather on the objective line of succession from Apostolic sources, the proper matter and form, and the proper intention ... likewise ICAB, Old Catholic & Traditionalist bishops such as RCSPLXIII are bishops in Apostolic Succession ... The Old Catholics like the Orthodox, possess a valid priesthood." Separated Brethren, William J. Whalen, pp. 204, 248.

There is also the example of Archbishop Marcel Lefebvre he was a French Roman Catholic Archbishop. Following a career as an Apostolic Delegate for West Africa and Superior General of the Holy Ghost Fathers, he took the lead in opposing the changes within the Roman Catholic Church associated with the Second Vatican Council. In 1970, Archbishop Lefebvre founded the Society of St. Pius X (SSPX). In 1988, against the express prohibition of Pope John Paul II, he consecrated four bishops to continue his work with the SSPX. The Holy See immediately declared that he and the other bishops who had participated in the ceremony had incurred automatic excommunication under Roman Catholic canon law as Archbishop Lefebvre did not have permission / Mandate from the Pope of Rome to perform such consecrations.

On 2 July, Pope John Paul II condemned the consecration in his apostolic letter *Ecclesia Dei*, in which he stated that the consecration constituted a schismatic act and that by virtue of canon 1382 of the Code of Canon Law, the bishops and priests involved were automatically excommunicated.

Archbishop Lefebvre declared that he and the other clerics involved had not "separated themselves from Rome" and were therefore not schismatic and that they "found themselves in a case of necessity", not having succeeded, as they

said, in making "Rome" understand that "this change which has occurred in the Church" since the Second Vatican Council was "not Catholic". In a letter addressed to the four priests he was about to consecrate as bishops, Archbishop Lefebvre wrote: "I do not think one can say that Rome has not lost the Faith."

*Remember and be aware that the Roman Catholic Church Vatican II denied that the Lefebvre bishops were also once valid catholic bishops, but in time the Roman Catholic Church were forced to admit their errors and lies told and admit to their validity as bishops.*

Cardinal Silvio Oddi, who had been Prefect of the Congregation for the Clergy from 1979 to 1986, visited Lefebvre's tomb, knelt down at it, prayed, afterwards saying aloud: "Merci, Monseigneur". Thereafter Cardinal Oddi said he held Archbishop Lefebvre to have been "a holy man" and suggested that the Society of St Pius X could be granted a personal prelature by the Holy See like that of Opus Dei. In January 1992, the then-superior general of the Society, Fr. Franz Schmidberger, rejected this hypothetical offer by an unpublished private letter to the Holy See. The letter's content was described by Bishop Richard Williamson as basically saying that, "as long as Rome remains Conciliar, a fruitful and open collaboration between the two [the SSPX and the Holy See] does not seem possible.

In 2009, at the request of the four surviving Catholic bishops, Pope Benedict XVI lifted their excommunications. Therefore confirming that even excommunicated bishops and bishops without a papal mandate are still true Catholic bishops.

FSSPX could be described as a third order. But the Roman Catholic Church Vatican states that the sacraments by them are invalid and urge faithful not to attend their Mass. This is a lot of nonsense.

When the Brazilian Catholic Apostolic Church was first established in 1912 by Roman Catholic Priest Canon Manuel Carlos de Amorim Correia and more so since episcopal Apostolic Succession was brought to it in July 1945.

The Brazilian Catholic Church has operated and adheres to its own canon laws in the same way as the Catholic Orthodox Churches including the Old Catholic Church of Utrecht and many other established churches as the Church of England is governed by Ecclesiastical law / Measures.

Since the beginning, the ordained ministry has been conferred and exercised in three degrees: that of bishops, that of presbyters, and that of deacons.

The ministries conferred by consecration / ordination are irreplaceable for the organic structure of the Church: without the bishop, presbyters, and deacons, one cannot speak of the Church (cf. St. Ignatius of Antioch, Ad Trall. 3,1).

Consecration & Ordination confers an incredible character whose authenticity doesn't depend upon any canons.

When the Roman Catholic Church talk's about Schism it should remind itself that the Roman Catholic Church Western Rites entered Schism in the 11<sup>th</sup> Century.

They should be carefully reminded about their own position as being a church in schism church.

Not forgetting that many if not all Theologians and Canonist state that the Sacred Council of Trent Fathers made it clear that no Pope can change a rite, it is papal teaching, St Pius V, Popes have to respect their predecessors as they always have done as 1500 years of theology.

Tradition itself binds a Pope especially in liturgy as has been done for 400 years in previous Papal decrees. Therefore, the Novus Ordo Rite of the Roman Catholic Church Vatican II is a Schismatic Rite without any doubt.

However, as long as a Catholic Bishop is a Catholic Bishop and he uses the Catholic Book / Rite, he will validly consecrate, whether the rite is a old rite and or a new rite, it simply makes no difference.

The questions that one asks itself is and or was:

1. Archbishop Carlos Duarte Costa was consecrated a Catholic Bishop by His Eminence Cardinal Silveria Cintra and assistant bishops of the Roman Catholic Church Vatican One within a Mass using a Catholic Rite. Yes.
2. Did Archbishop Carlos Duarte Costa and assisting bishops such as Bishop Salameo Ferraz consecrate Archbishop Luis Fernando Castillo Mendez in 1948 within a Mass using a Catholic Rite. Yes.
3. Did Patriarch Luis Fernando Castillo Mendez and assisting bishops in lawful apostolic succession with lines from Archbishop Carlos Duarte Costa and or Bishop Salameo Ferraz consecrate Archbishop James Atkinson-Wake using a Catholic Rite within a Mass. Yes.

4. Was the Matter, Form and Intent present in all three consecrations in that was a catholic rite used and or

(1) The imposition of hands by the consecrating bishop (technically called the matter of the sacrament).

(2) The essential 16-word formula recited by the consecrating bishop (technically called the form of the sacrament).

(3) A minimal intention on the consecrating bishop's part "to do what the Catholic Church does" (called ministerial intention) all present.

The answer is simple Yes to everything, Therefore there is no question that all three were and or are Catholic Bishops.

Pope Pius XII 1958 SACRAMENTUM ORDINIS stating the words of episcopal orders must be exact per his decree is infallible but only applicable to the Roman Latin Rite. Only such as the Dominicans etc. but not others such as the liturgy of the, Greek United, Byzantine, Coptic etc.

It also does not apply to the Novus Ordo published by Paul VI as this is a Schismatic Rite as mentioned earlier.

For a further point, Popes have in the past clearly defined bishops not in full communion with Rome and descendants from the Catholic Bishops in an unbroken Catholic Apostolic Succession lawful and or otherwise are valid bishops. This itself binds each and every Pope especially in Liturgy. This was also accepted by Pope John XXIII now Saint John XIII. Pope Leo XIII and so on for 400 years Popes have each felt bound by previous Papal decrees.

On a final interesting note; the Russian and or Greek Orthodox churches do not pass the Chalice and Patten in an ordination and or consecration of a priest and or bishop as the Catholic's do, They also do not receive a Papal Mandate from the Pope of Rome. However, despite this the Roman Catholic Church has always seen their ordinations and consecrations of priests and or bishops as valid even though the Orthodox Churches do not accept the seven sacraments.

Validity of Baptism, Mass and or Holy Orders etc does not depend on licitness. As the catholic bishop is deemed to have permission as he is the bishop to do what the church does even without the consent of the Pope of Rome. As it is the Church that provides Jurisdiction within itself and ones office.

The Roman Curia of Vatican II with its attacks upon Archbishop Atkinson-Wake has been unwarranted and with out cause.

No one within the Vatican Curia has declared what the issue of Form, Intent or Matter was claimed to have been judged by them to have been missing and how they reached that decision from what evidence if any. However one can state that they reached their decision purely out of malice and not fact.

They can not declare the consecration rite performed invalid as they lack the right to do so, their was nothing missing. Nothing whatsoever.

On various page's there is a document by His Excellency, Bishop Mario Cornejo Radavero.who was consecrated bishop by H.E. Cardinal Juan Landázuri Ricketts, O.F.M A on the 20<sup>th</sup> February 1961 who then became Titular Bishop of Sanavus after resigning to the Roman Catholic Church. He is

a Canon Lawyer and Theologian and was the Auxiliary Bishop to His Eminence Cardinal Juan Landázuri Ricketts, Archbishop of Lima, Peru who was elevated as a Cardinal on the 19<sup>th</sup> March 1962 by His Holiness Pope John XXIII.

Below on the following pages is the Rite & Rubrics of Episcopal Consecration performed according to the pre Vatican II Roman Pontificate used on the 13 June 2006 at the Cathedral Church of Our Lady & Miraculous Medal, Brasilia DF. Brazil for the consecration of the Most Reverend Dom. James Atkinson-Wake by the Most Illustrious & Most Reverend Dom. Luis Fernando Castillo Mendez.

Rite & Rubrics of Episcopal Consecration according to the pre Vatican II Roman Pontificate used at the Cathedral Church of Our Lady & Miraculous Medal Brasilia. Brazil for the consecration of the Most Reverend Dom. James Atkinson-Wake by the Most Reverend Illustrious & Most Reverend Dom. Luis Fernando Castillo Mendez all three catholic bishops which says '*Celebrating pontifically the Holy Mass of Saint Anthony of Padua, we confer Episcopal Consecration of His Excellency, the Most Reverend, Msgr. Dom. James Atkinson-Wake on ordaining him Bishop of the Holy Church of Jesus Christ*'.

There is further evidence in another later modern case of de jure & de facto of validity of sacraments from the Episcopal Successors of Archbishop Carlos Duarte Costa such as

Bishop Eduardo Aguirre Oestmann.

It has been announced that Bishop Eduardo Aguirre Oestmann of the "Renewed Ecumenical Catholic Church of Guatemala", an Autocephalous



Catholic Church currently present in Guatemala and Southern Mexico, was received into the Syriac Orthodox Church of Antioch as Archbishop Mor Yaqub of Central America.

Mor Yaqub had been consecrated a catholic bishop by Bishop Josivaldo Pereira de Oliveira of the Brazilian Catholic Apostolic Church who in turn was consecrated a bishop from the Archbishop Carlos Duarte Costa line.

From what I understand, Bishop Eduardo has been received by the Syriac Orthodox Church by vesting, without being re-ordained (the Roman Catholic Church's stance towards the Duarte Costa line bishops varies from full recognition of the orders to full denial of them). These actions affirm once again the validity of Archbishop Carlos Duarte Costas lineage de jure and de facto.

The Syriac Orthodox Church of Antioch is in full communion with the Roman Catholic Church Vatican II as on Saturday, June 23, 1984 a Syriac delegation paid a visit to the Secretariat for Promoting Christian Unity.

This was later followed by the second and final session of the summit between the Patriarch of Rome. HH. Pope John Paul II and the Patriarch of Antioch at which the following Joint Communion agreement was signed by each of the Holy Fathers.

By further actions from this example, it is clear that all Sacramental Orders from the descendants of Archbishop Carlos Duarte Costa are valid.

See the various photographs within of Bishop Eduardo Aguirre Oestman being consecrated Bishop By Bishop Josivaldo Pereira de Oliveria and also the investiture of Bishop Oestmann being incardinated as a valid bishop in to the

Syriac Orthodox Church of Antioch which is in full communion with the Roman Catholic Church Vatican II.

Bishop Josivaldo Pereira de Oliveria was consecrated sacred bishop by Principal consecrator Bishop Luigi Mascuolo assisted by co-consecrator's Bishop Luis Fernando Castillo Mendez (consecrated by Archbishop Carlos Duarte Costa and co-consecrated by Bishop Salameo Feraz) and Bishop Sanchez Pupo who in turn was consecrated by Bishop Santa Silva who was consecrated by Archbishop Carlos Duarte Costa. Bishop Luigi Mascuolo was consecrated by Principal Consecrator Bishop Antidio Vargas and co consecrated by Bishop Salameo Ferraz who in turn was consecrated by Archbishop Carlos Duarte Costa.

Upon the information provided with not only the documentary evidence as well as the photographic evidence that has been take over the many years including that of the evidence of the vast separate Masses and or co-celebrations that have taken place at St Peters Basilica with various Roman Catholic Cardinals and or Bishops not forgetting the celebrations with the then former Pontiff of Rome.

One can only reach one conclusion that the events took place and that there has been secret talks as described within this book between the Roman Catholic Curia and Archbishop Atkinson-Wake and these talks broke down due to their demand that Archbishop Atkinson-Wake would be incardinated as a Titular Bishop within the Roman Catholic Church if he denied the consecrations of his fellow bishops which led to further errors in Archbishop Atkinson-Wake ceasing all talks and requirement for full communion with the Roman Catholic Church Vatican II.

For all those in the ecclesiastical world Archbishop James Atkinson-Wake and his fellow bishops are and still to this day have secret talks with many Roman Catholic Bishops / Cardinals and or Orthodox bishops and celebrate Mass together as one as this is the requirement of the Lord.

Some Roman Catholic Vatican II Bishops and or Orthodox bishops have entered in secret communion with the bishops of the CCEW and continue to do so to this day.

On the 25.04.2015. Archbishop Atkinson-Wake received communication from a Exarch. Milan Kucera, LL.M. PH.D. & registered Barrister who has studied both Mundane law and Catholic Canon Law (both Roman Catholic Canon Law and the Code of Canons of Oriental Churches) at Charles University in Prague (established in 1348 by the Holy Roman Emperor Charles IV) He confirms that he graduated with a Master's degree in 2007. He later achieved a Ph.D. in European Studies. A former Roman Catholic Church Vatican two Novitiate of the Dominican Friary in Prague.

He confirms in writing and by email that he has carefully studied Archbishop James Atkinson-Wakes apostolic succession. As a lawyer trained in canon law, dogmatic theology, moral theology and ecclesiastical history he confirms that he came to an absolutely clear conclusion that Archbishop Atkinson-Wake is;

(a) *a validly (though probably illicitly --but even that is a matter of discussion) consecrated bishop.*

(b) *not just any Christian bishop, but a Catholic bishop,*

(c) *a bishop consecrated in the pre-Vatican II form,*

*(d) a bishop consecrated by a Catholic bishop who himself was consecrated in the pre-Vatican II form by a pre-Vatican II bishop.*

Exarch. Milan Kucera confirms that he has “*zero doubt that when His Excellency Bishop Carlos Duarte Costa consecrated His Excellency Bishop Luis Fernando Castillo Mendez, Given the material and formal conditions being duly met, it was an absolutely a valid consecration, and the lack of written (or silent) approval from the Vatican has no impact on that, as was very often the practice in Europe in the first millennium and in the New World even until development of regular means of communication (it is difficult to get an approval for consecrations where there is no mail, no way to travel half around the world, telephone and email were not yet invented)*”.

In turn, Exarch, Milan Kucera LL.M. PH.D. states that he has zero doubt when His Excellency, Archbishop Luis Fernando Castillo Mendez consecrated Archbishop Atkinson-Wake, in that he received absolutely a valid episcopal consecration of the Catholic, pre-Vatican II type. That is no small thing.

*However, nothing is more neat and clear than Archbishop Duarte Costa consecrating Archbishop Luis Fernando Castillo Mendez who in turn consecrated Archbishop Atkinson-Wake.*

Of all those claiming apostolic succession, I have yet to find a case with stronger claims to apostolic succession than Archbishop Atkinson-Wake. I have spent the last eight months researching this matter in much depth.

Most bishops from other churches are several times removed from a verified, non-disputable source of Roman Catholic Apostolic Succession, or the question of Vatican-II arises (either the form of consecration or the person of

the consecrator. Either the material, the form or the intent are to some extent questionable).

Whoever tries to degrade, denounce or ridicule Archbishop Atkinson-Wakes Apostolic Succession, has little or no knowledge of canon law and ecclesiastical history.

Thus, Archbishop Atkinson-Wake, has the power, and as the Archbishop also the jurisdiction, to lay his hands on men who are the proper material and have the proper intent. and cite the proper rite.

Exarch, Milan Kucera merely re-affirms of what Archbishop Atkinson-Wake has stated for many years.

There are many canon lawyers trained in dogmatic theology, moral theology and ecclesiastical history who support and attest to the validity of the sacraments and or consecration of Archbishop Atkinson-Wake Episcopal Orders.

Letter from Exarch. Milan Kucera. LL.M. PHD who states the above facts.

There are certain 'bishops' in small groups such as the dissident group called the 'Old Roman Catholic Church' who fall in to the category raised by Dr M Kucera above., who have made statements against the validity of Archbishop Atkinson-Wakes orders who quote a self proclaimed document of a convicted paedophile stating that Rome attests to their former Bishops line and that he is linked truly to the See of St Peter.

A document that does not exist and has never been affirmed by anyone but their own group.

This is because they themselves doubt their own Episcopal Orders and their is question of their own validity of Holy Orders. and the validity of any sacraments they claim to posses. They themselves presume by attesting against Archbishop Atkinson-Wake's validity, it in some way validates their orders. This is far from the truth !.

Archbishop Neville Anderson was also consecrated sacred bishop by His Holiness, Patriarch Luis Fernando Castillo Mendez also carries for him also in his conclusion .and carries for any bishop consecrated by either of them under Apostolic Mandate.

We are now going to look closely at Vatican II Bishops who are ordained bishops under and in the Pope Paul VI Rite & Rubrics.

Thank goodness when it comes to the bishops of CCEW they were all consecrated in the Vatican One Rite & Rubrics by a Vatican One bishop.

Fr Pierre-Marie's tables upon close examination turned out to be comparisons of apples and oranges texts. His footnotes cited no works on sacramental moral theology – the discipline that deals with the validity of sacraments. Despite his supposed “Thomistic” style, Fr Pierre-Marie never managed to focus on the two central questions:

(1) What principles does Catholic theology employ to determine whether a sacramental form (the essential formula in a sacramental rite) is valid or invalid?

(2) How does those principles apply to the new rite of episcopal consecration?

## 1. General Principles.

Each sacrament has a form (essential formula) that produces its sacramental effect. When a substantial change of meaning is introduced to the sacramental form through the corruption and or omission of essential words, the sacrament becomes invalid (does not work and or produce the sacramental effect).

Sacramental forms approved for use in the Eastern Rites of the Catholic Church are sometimes different in wording from the Latin Rite forms. Nevertheless, they are the same in substance, and are valid.

Pius XII declared that form for Holy Orders i.e. for diaconate, priesthood and episcopacy must univocally signify the sacramental effects – the power of Order and the grace of the Holy Ghost. For conferring the episcopacy, Pius XII designated as the sacramental form a sentence in the traditional Rite of Episcopal Consecration that univocally express (a) a power of the Order that a bishop receives and (b) the grace of the Holy Ghost.

The key problem in the new form revolves around the term governing Spirit in Latin “*Spiritus principalis*”. Before and after the promulgation of the 1968 Rite of Episcopal Consecration, the meaning of this expression provoked concerns about whether it sufficiently signified the sacrament. Even a bishop on the Vatican commission that created the new rite raised certain issues including this one.

Context renders the form valid. Language elsewhere in the rite cannot cure this defect, because an essential element of the form (the power of Order) is not just ambiguous, but missing entirely. The form was approved by the pope. According to the Sacred Council of Trent and Pope Pius XII, the Church does not have the power to change the substance of a sacrament.

There can be no question as to what constitutes a true catholic bishop and it certainly is not Vatican II priests and or bishops.

Archbishop James Atkinson-Wake has been in talks with the various departments and heads of those departments at the Vatican with insight and reviewing if their was a way forward in moving forward on the issues mentioned above and within. But it is clear that until the errors are rectified no true Traditional bishop or priest could ever reconcile with Vatican II. One can not ignore the facts that Pope Pius XII made it clear in matters of the Matter, Form and intent in that the words must not be changed echoing the words of the Sacred Council of Trent and that of Pope Leo XIII. The fact that Pope Paul VI took it upon himself to go against the ancient teachings of our forefathers we can not ignore this fact. We can not ignore the fact that a new Mass was also created being the Novus Ordo for which without any doubt is a schismatic Mass but a valid traditional bishop can celebrate this Mass by changing and or using the refined words used in the Tridentine Mass when the need arises. This was the case when Archbishop Atkinson-Wake and his fellow bishops attended St Peters Basilica and co celebrated with the Roman Catholic's Vatican II. But there has been no denial of his pure Vatican One Holy Orders and or levy upon those that he has ordained and or consecrated.



We simply can not ignore the Paul VI ordination rite as it is simply authorising men to be clothed and vested as bishops but then gives the authority for such men to be defrocked by their superior laying them to a non clerical status.

This is impossible and a impossible teaching as one can not be returned to an earlier state once one has been received in a state of grace before the Altar of God and received the sublime Major Orders which includes sub-deacon, deacon, priesthood and of course bishop. Receiving of Holy Orders places an indelible character upon the recipient for the remainder of their lives as taught by our forefathers and written by the Sacred Council of Trent in their canons as earlier mentioned.

It has been reported that various Roman Catholic Bishops of Vatican II has publically stated that Archbishop James Atkinson-Wake is excommunicated by them and a few of their friends within the all boys club of the Vatican. The first time ever Archbishop Atkinson-Wake replies with the following statement:

*“If I am excommunicated and decreed Schismatic by any Bishop or any Vatican II prelate it is the happiest days of my life”. In the words of the former Roman Catholic Bishop Carlos Duarte Costa "No Vatican II prelates have any authority to excommunicate me and in accord with what I have made public, I am a more authentic Archbishop of Birmingham & Dudley, as I was elected by popular acclamation of the Brazilian Catholic Church Patriarch and Successor to Archbishop Carlos Duarte Costa and the Brazilian and United Kingdom people Nor does the present century accept excommunication, a political tool of the Middle Ages when the Bishop of Rome and those by him, seemingly*

*oblivious to the evangelical Magna Carta contained in the Sermon on the Mount, spewed forth his hatred against emperors and kings, who did not submit to the will of him who made of the Cross a weapon to bathe humanity in blood, May the Lord forgive their souls”.*

Most Reverend Dom. James Atkinson-Wake.

His Eminence, Archbishop of Birmingham & Dudley.

Superior General.

Former Secretary of Doctrine & Faith, Brazilian Patriarchate ICAB from July 2005 – 29<sup>th</sup> Oct 2009.

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*\*\*Apostolic Succession unbroken follows with a clear list of bishops acting as Principal consecrating bishops assisted by Co-consecrators (Assistant Bishops) Because of this each bishop newly consecrated inherits not just the Principals lineage but also the co-consecrators aswell and so on, This is to make invalidity Impossible unless all of the bishops were invalid to begin with and in Archbishop Atkinson-Wakes case this is impossible as a co-consecrator to his principal Consecrator was a bishop who returned to the Roman Catholic Church Vatican II being Bishop Ferraz and the assistant bishop who co-consecrated him being Bishop Olinto was consecrated also by a bishop conserated by Archbishop Carlos Duarte Costa and also his Principal Bishop was directly consecrated by Roman Catholic Bishop Carlos Duarte Costa.*

[W] B. Leeming, *Principles of Sacramental Theology* (Westminster md: Newman 1956), 482. “This principle is affirmed as certain theological doctrine, taught by the Church, to deny which would be theologically rash... the minister is presumed to intend what the rite means..” His emphasis.

[X] Bull *Apostolicae Curae*, 13 September 1896. “Iamvero quum quis ad sacramentum conficiendum et conferendum materiam formamque debitam serio ac rite adhibuit, eo ipso censetur id nimirum facere intendisse quod facit Ecclesia.”

[Y] *Tractatus de Sacra Ordinatione*, 1:970. “*Proinde numquam praesumitur ministrum talem intentionem non ordinandi habuisse in ordinatione peragenda, donec contrarium non probetur; tum quia nemo praesumitur malus, nisi probetur...*” His emphasis. The foregoing principles likewise defeat the arguments of those who believe that Lefebvre’s consecrator, Lienart, was a Mason (a phony charge) and thus that Lefebvre’s ordinations are “doubtful.”

[Z] M. Conte a Coronata, *De Sacramentis: Tractatus Canonicus* (Turin: Marietti 1943) 1:56. “*Virtualis enim intentio, ut iam vidimus, est intentio ipsa actualis quae cum distractione operatur. Talis intentio certe habetur in eo qui de more ponit actiones sacramentales.*”

[AA] The recipient of the sacrament, his diocesan ordinary, and the ordinary of the diocese where the sacrament was conferred. See Canon 1994.1. “Validitatem sacrae ordinationis accusare valet clericus peraeque ac Ordinarius cui clericus subsit vel in cuius diocesi ordinatus sit.”

Email from His Holiness Patriarch Luis Castillo Mendez confirming to Archbishop Atkinson-Wake his consecration to him was in purest of Catholic intent dated 23/08/2006.

APOSTOLIC LINEAGE of Archbishop James Atkinson-Wake. One can see, it is impossible for his holy orders to be invalid as his lineage bears the former Roman Catholic Bishop Carlos Duarte Costa line and that of the late Roman Catholic Bishop Salameo Ferraz consecrated by Archbishop Duarte Costa who served on all 4 Councils of Vatican II as a valid bishop.

Always remember the Canons of the Sacred Council of Trent Session 23:

ON THE SACRAMENT OF ORDER. H.H. Pope Pius IV., celebrated on the fifteenth day of July, MDLXIII.

THE TRUE AND CATHOLIC DOCTRINE, TOUCHING THE SACRAMENT OF ORDER, DECREED AND PUBLISHED BY THE HOLY SYNOD OF TRENT, IN THE SEVENTH SESSION, IN CONDEMNATION OF THE ERRORS OF THEIR TIME.

*CANON I.--If any one saith, that there is not in the New Testament a visible and external priesthood; or that there is not any power of consecrating and offering the true body and blood of the Lord, and of forgiving and retaining sins; but only an office and bare ministry of preaching the Gospel, or, that those who do not preach are not priests at all; let him be anathema.*

*CANON II.--If any one saith, that, besides the priesthood, there are not in the Catholic Church other orders, both greater and minor, by which, as by certain steps, advance is made unto the priesthood; let him be anathema.*

CANON III.--*If any one saith, that order, or sacred ordination, is not truly and properly a sacrament instituted by Christ the Lord; or, that it is a kind of human figment devised by men unskilled in ecclesiastical matters; or, that it is only a kind of rite for choosing ministers of the word of God and of the sacraments; let him be anathema.*

CANON IV.--*If any one saith, that, by sacred ordination, the Holy Ghost is not given; and that vainly therefore do the bishops say, Receive ye the Holy Ghost; or, that a character is not imprinted by that ordination; or, that he who has once been a priest, can again become a layman; let him be anathema.*

CANON V.--*If any one saith, that the sacred unction which the Church uses in holy ordination, is not only not required, but is to be despised and is pernicious, as likewise are the other ceremonies of Order; let him be anathema.*

CANON VI.--*If any one saith, that, in the Catholic Church there is not a hierarchy by divine ordination instituted, consisting of bishops, priests, and ministers; let him be anathema.*

CANON VII.--*If any one saith, that bishops are not superior to priests; or, that they have not the power of confirming and ordaining; or, that the power which they possess is common to them and to priests; or, that orders, conferred by them, without the consent, or vocation of the people, or of the secular power, are invalid; or, that those who have neither been rightly ordained, nor sent, by ecclesiastical and canonical power, but come from elsewhere, are lawful ministers of the word and of the sacraments; let him be anathema.*

CANON VIII.--*If any one saith, that the bishops, who are assumed by authority of the Roman Pontiff, are not legitimate and true bishops, but are a human figment; let him be anathema.*