

# Validity of the July 16 1990 Papal Election

This presentation will consider mainly those things pertaining to the actual election and the basis for holding it. Presumptions will be made as to the vacancy, and other things that are proven elsewhere. These were proven in Will the Catholic Church Survive the Twentieth Century? and elsewhere.

Canon 160: *The election of the Roman Pontiff is governed exclusively by the Constitution of Pope Pius X, Vacante Sede Apostolica, December 25, 1904. In other ecclesiastical elections the laws the following Canons are to be observed, and also such special regulations as may have been legitimately enacted for the election to individual offices.* Pope Pius XII issued his own election law Vacantis Apostolicae Sedis, which is substantially the same as Pope Saint Pius X decree.

Canon 2330: *With regard to the penalties enacted against offenses which may be committed in the election of the Supreme Pontiff, the only law to be considered is the Constitution of Pope Pius X Vacante Sede Apostolica, December 25, 1904.*

There are several reasons that the election of a Pope is different than any other election in the Catholic Church. First of all, it is a matter of Faith that the Pope has no superior on earth, whereas every other official has the Pope for his superior, and in some other cases, other superiors. Some the election of a Pope is *exceptional*. Secondly, there has been controversy over these matters in the past, which has been settled by the Church in her Papal Election Law. The reservation of the Papal Election to Cardinals was enacted to provide for a smooth transition from the death of one Pope to the election of his successor. The institution of the conclave became necessary, when the vacancy of the Papacy became an occasion for laxity in the Cardinals. They needed a motivation to proceed in a timely manner to a Papal Election. All Papal Election Law from Pope Nicholas II to the present provides for the election of the Pope by either the Cardinal Bishops or by all of the Cardinals. Pope Nicholas II provided that the election of a Pope would be by the six suburbicarian Cardinal Bishops, that is the Local Ordinaries of the six dioceses surrounding Rome. The other Cardinals campaigned for inclusion in the election, which a later Pope then permitted.

This brings us to our current situation. On October 9, 1958, Pope Pius XII died, and the process of electing his successor went into motion. On October 25, 1958, the Cardinals assembled in conclave with three exceptions, who could not make it due to imprisonment by the Communists. On October 26, 1958, white smoke went up, but eventually turned black. There is speculation of an election that day, but no proof. On October 28, 1958, Angelo Roncalli appeared as *Pope John XXIII*. In Will the Catholic Church Survive the Twentieth Century? it is proven in the chapter The Beginning of Sorrows, that he was a heretic prior to his apparent election. Under Cum Ex Apostolatus Officio, a heretic cannot be validly promoted in any manner, including election, to an office.<sup>1</sup>

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<sup>1</sup>The balance of this shall be left for other places for proof.

So from October 9, 1958 until.... The Papacy was vacant. Thus Vatican II was invalid, as were any of the actions of John XXIII, Paul VI, John Paul I, etc. What is important is the effect of this on the Cardinals. By presenting us with an heretical usurper, the Cardinals committed an act of schism, and under Canon 2314 and 188, paragraph 4, they resigned their offices. Those who did not participate in the conclave, because of imprisonment (or for any other reason) are not effected by this. However, all eventually were freed and rendered obedience to an Antipope, which is schismatic. As Saint Cyprian says: *To adhere to a false Bishop of Rome is to be out of communion with the Church.*

There is not space to cover the devastation of the Church by this lengthy vacancy. It is sufficient to make some simple statements:

1. To celebrate the Novus Ordo Missae publicly is an act of public heresy. Therefore every priest who ever celebrated this Mass became a heretic by that very act. This includes Archbishop Marcel Lefebvre and Bishop Peter Martin Ngo-Dihn Thuc.
2. To accept John XXIII, Paul VI, etc. as the true Pope is an act of schism, and also places one outside of the Catholic Church.
3. Will the Catholic Church Survive the Twentieth Century? demonstrates that the *Traditionalist Church* is also not Catholic. Therefore to regular assist at their services publicly makes one a heretic., and places one outside of the Church. The same applies to clergy and laity.
4. The Church presumes guilt, given the outward appearance, for its own good as stated in Canon 2200.<sup>2</sup>

So the Church was placed in a position of having no clergy and very few laypeople in the *free world*.

## The Church Shall Law to the End of Time

It is a matter of faith that the Catholic Church shall last until the end of time, as Jesus established it. Many, if not all, hold that this means the pope, legitimate clergy and laity, not just the laity. History will verify exactly how this has been accomplished, but we are not without information on the subject. We know that Popes Pius XI and Pius XII sent Bishops into Russia and China with the faculty to appoint their own successors to the *office of bishop*. According to Canon Law, the Pope appoints all Bishops, both diocesan, also called Local Ordinaries, and titular. If anyone had the right to elect their Bishop, the Pope had the right to confirm or reject the choice. These rights, of course, have all disappeared, for no privilege can remain in those who have lost the Catholic Faith. The Pope, though, can permit another method of selecting diocesan Bishops, and has done so in these cases.

Montini, later Antipope Paul VI, was involved in part of this and was instrumental in the martyrdom of some of these Bishops, when they arrived in Russia, which is why he was transferred to Milan. This is known as the Tondi affair.<sup>3</sup> However, other Bishops

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<sup>2</sup> This is covered in more detail in Will the Catholic Church Survive the Twentieth Century?

<sup>3</sup> See Will the Catholic Church Survive the Twentieth Century? for more details.

were successfully sent into Russia and most likely China as well. In any case, there is circumstantial evidence of their existence at least into the 1990's.<sup>4</sup>

So in making the statements made here and in Will the Catholic Church Survive the Twentieth Century? we are not committing heresy, as this was known to the authors at the time. What were made in the book and elsewhere were *general comments* on the accessibility of legitimate bishops, etc. What we did say is that to our knowledge each and every office in the Church in the *free world* had become vacant by heresy and/or death of the office holder long before 1990. Also to our knowledge, all of the clergy in the free world had defected from the Faith and become *irregular*. Irregularity is an impediment to the reception and exercise of Holy Orders and admits of no exception, unless dispensed by the Pope.

Note the Church is in one of two modes. It either has a Pope, or is in the process of electing one. The short interval for burying the previous Pope, is merely a part of the process of electing a Pope.

## The Catholic Church In 1990

On May 2, 1989, Giuseppe *Cardinal Siri* died. He was the second to last of the Cardinals appointed by Pope Pius XII to die. Emile *Cardinal Leger* was a notorious Modernist in addition to participating in Vatican II and all four of the invalid conclaves, namely 1958, 1963 and both in 1978.<sup>5</sup> Since heresy and schism as a form of *spiritual death*, which removes one from the Catholic Church.

Pope Pius XII in Mystici Corporis Christi, paragraph 22 stated: *Actually only those are to be included as members of the Church who have been baptized and profess the true faith, and who have not been so unfortunate as to separate themselves from the unity of the Body, or been excluded by legitimate authority for grave faults committed. In the next paragraph he stated: For not every sin, however grave it may be, is such as of its own nature to sever a man from the Body of the Church, as does schism or heresy or apostasy.*

So all of the Cardinals had either died or resigned from their position, therefore there were no Cardinals to elect a Pope. Now how can a Pope be elected?

## Canon Law Interpretation

Canon 18: *The ecclesiastical laws are to be interpreted according to the proper meaning of the terms of the law considered in their context. If the meaning of the terms remains doubtful or obscure, one must have recourse to parallel passages of the Code, or to the purpose of the law and its circumstances, and the intention of the legislature.*

Canon 19: *Laws which decree a penalty, or restrict the free exercise of one's rights, or establish an exception from the law, must be interpreted in a strict sense.*

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<sup>4</sup> Several news paper reports have been seen. Several Bishops were released by China, who admitted they had never heard of Vatican II. There were several articles in the early 1990's after the wall came down. The Vatican was sending in priests and bishops to find those who believed in 1950's *theology*, that is the true Catholic Faith.

<sup>5</sup> Leer died November 13, 1991

Canon 20: *If there is no explicit provision concerning some affair either in the general or particular law, a norm of action is to be taken from the laws given in similar cases, from the general principles of law applied with the equity proper to Canon Law, from the manner and practice of the Roman Curia, and from the common and constant teaching of doctors.*

## Canon 20

Canon 20 applies here. There are no Cardinals, nor any provision for how to proceed contained either in Papal Election Law or the Code of Canon Law. The reason is simple, there was no reason to expect all of the Cardinals to cease to exist at once. This had never occurred in the history of the Catholic Church. Legislators make laws for what ordinarily happens or can reasonably be expected to happen, but not for every event. The possibility of a disaster wiping out the entire College of Cardinals at once was not considered. With the advent of nuclear weapons, such could possibly have been foreseen, but given the remoteness of their use no provision was made. The College of Cardinals had been burnt out of the place of election once in history and it took two years to get them reconvened in another place to complete the election of a Pope. However, they remained alive, if not in fear for their lives.

The only ones to consider this possibility are canonists. Cardinal Billot summarizes their position: *For the natural law itself prescribes that in such cases the attribute of a superior power descends, by way of devolution, to the power immediately below insofar as it is indispensably necessary for the survival of the society and for the avoidance of the tribulations of extreme lack. In case of doubt, however (e.g. when it is unknown if someone be a true cardinal or when the pope is dead or uncertain, as seems to have happened at the time of the Great Schism which began under Urban VI), it is to be affirmed that the power to apply the papacy to a person (the due requirements having been complied with) resides in the Church of God. And then by way of devolution it is seen that this power descends to the universal Church, since the electors determined by the pope do not exist' (Cajetan, *ibidem*).*

Let us consider a few other quotes from canonists:

Francisco de Vitoria (1480-1546): *If by any calamity, war or plague, all Cardinals would be lacking, we cannot doubt that the Church could provide for herself a Holy Father. Hence such an election should be carried by all the Church and not by any particular Church. And this is because that power is common and it concerns the whole Church. So it must be the duty of the whole Church. (De Potestate Ecclesiae)*

Charles Journet in The Church of the Word Incarnate refers to Cardinal Cajetan, who appears to be the common source of all canonists opinions: *In whom does the power to elect the Pope reside? The Pope can settle who the electors shall be, and change and limit in this way the mode of election. In a case where the settled conditions of validity have become inapplicable, the task of determining new ones falls to the Church by devolution, this last word being taken, not in the strict sense, but in the wide sense, signifying all transmission, even to an inferior.' (Charles Journet, from Cardinal Cajetan, in his 'Apologia', Chap. 13, no. 745 fl.)*

Canonists do dispute on exactly how the Universal Church would proceed, but we cannot proceed with this question, until we determine the exact condition of the Church at the time of the election.

## What Is a Catholic?

The Catholic Church consists of Catholics and only Catholics. We saw above the apostates, heretics and schismatics depart from the Catholic Church. It is important to know exactly what is required to be a *Catholic*.

Canon 87: *By baptism, a person becomes a subject of the Church of Christ with all the rights and duties of a Christian, unless, in so far as rights are concerned, there is some obstacle impeding the bond of communion with the Church, or a censure inflicted by the Church.* The first requirement to be a Catholic is to be baptized. Therefore anyone who is not baptized, even a catechumen, is not a Catholic.<sup>6</sup>

There are two ways to leave the Church. Since one requires a special excommunication which only the Pope can inflict, we need not consider it here.<sup>7</sup> The other way is by apostasy, heresy or schism. The external violation of the law is sufficient in this latter case, because the Church must judge based upon what is seen in the *external forum*, for no one can judge the heart.

Baptized non-Catholics, that is those validly baptized in a non-Catholic sect, become members of the Church. If they are infants, their membership is full and if their parents bring them into the Church prior to the age of reason, then nothing more is required. There are considered to become heretics at least materially, by adhering to their non-Catholic sect after age 14. This is why they make the Profession of Faith, abjure their heresies and are juridically absolved by their own Bishop, when being received into the Church. In countries like the United States, the Pope has granted special faculties to pastors to also receive such people into the Catholic Church. The *Rituale Romanum* provides the insertion of the word *perhaps* in the formula of absolution, for such a person most likely did not incur the excommunication, because he was not willful. However, the Church takes no chances and requires them to go through this method of entrance, similar to what a returning heretic must do.

Basically a Catholic must profess all of the doctrines of the Divine and Catholic whole and entire and without any question, at least implicitly. In other words, he need not know each doctrine explicitly, but be ready to believe the Catholic Church, who defines doctrines with the authority of Almighty God. If one finds that he has held a wrong opinion, he must be ready to retract that opinion the moment he finds out the truth.

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<sup>6</sup> Catechumens have certain rights in common with Catholics, such as burial in consecrated ground should they die before their baptism. However, they are not yet visible members of the Church, but are prepared to do all God requires of them, including patience in pursuing the catechumenate.

<sup>7</sup> This is excommunicating a person as *vitandus*, which is done rarely and only by the Pope. Canon 2343, paragraph 1 gives the only *ipso facto* excommunication as a *vitandus*: *Persons who lay violent hands on the person of the Roman Pontiff: 1. Automatically incur excommunication reserved in a most special manner to the Apostolic See, and ipso facto become excommunicati vitandi; (2) are ipso jure branded with infamy; (2) if they are clerics, they must be degraded.*

## Condition of the Church

Nicolas of Fluh (118 in Culleton, died 1487) *The Church will be punished because the majority of her members, high and low, will become so perverted. The Church will sink deeper and deeper until she will at last seem to be extinguished, and the succession of Peter and the other Apostles to have expired. But, after this, she will be victoriously exalted in the sight of all doubters.*

This book was duly imprimatured in 1941. We know that the Catholic Church cannot fail, nor can the Apostolic Succession. That is there will be successors to the mission, authority, jurisdiction and orders of the Apostles. However, the crisis can become this bad.

Saint Alphonsus says: *Hence the devil has always sought to deprive the world of the Mass by means of heretics, constituting them precursors of Antichrist, whose first efforts shall be to abolish the holy sacrifice of the altar, and, according to the prophet Daniel, in punishment of the sins of men, his efforts shall be successful: "And strength was given him against the continual sacrifice because of sins." (Daniel 8:12)*<sup>8</sup>

There is not space here to go into great detail. However, if a legitimate priest or bishops remains free to celebrate Mass, he does so fruitfully, if he proceeds. According to Cardinal Manning, the Fathers of the Church unanimously agree that the Mass will completely fail at the time of Antichrist. In other words, there will be no Mass celebrated on earth for a time that is valid and legitimate and therefore pleasing to God!

From the Mass for the election of a Pope: *They shall not partake of holy things, until a high priest shall arise for evidence and truth.*<sup>9</sup>

The Mass cannot be restored until a Pope is restored to the throne of Saint Peter. So let us analyze the condition of the Church in 1990, when the Papal Election was called. Catholics had been reduced to a handful, a number so small a little child could name them.<sup>10</sup> No legitimate clergy remained that could be found.<sup>11</sup> All of the *offices of bishop* were vacated by their bishops through the act of heresy by participation at Vatican II. *My people have been silent, because they had no knowledge: because thou hast rejected knowledge, I will reject thee, that thou shalt not do the office of priesthood to me: and thou hast forgotten the law of thy God, I also will forget thy children.*<sup>12</sup> Great efforts were made to find an exception, but none could be found.

The Church can be said to have been *divided* into two parts. One part remain under continuing persecution in Russia and possibly China. These brave bishops, priests,

<sup>8</sup> (Died 1787) Dignity and Duties of the Priest, Saint Alphonsus, pages 211-2:

<sup>9</sup> Offertory from the Mass for the election of a Pope

<sup>10</sup> Isaias 19:10

<sup>11</sup> We are not denying the existed, but we are denying that we had any ability to have access to them, and history proves this to be true.

<sup>12</sup> Osee 4:6

men and women are under constant threat, and yet remain faithful. How small their numbers have been reduced to is unknown. What is known that there is no way currently to make contact with them, although we should pray for the persecuted church! The other part of the Church were a few remaining Catholics, who fit the definition of *Catholic* as outlined by the Church. True, we had all been deceived, but upon detecting the deception we removed ourselves from the wolves in sheep's clothing.

In the *free world*, this freedom had provided for a universal deception of the elect, as prophesied by Jesus Christ.<sup>13</sup> Although a person must be willful to truly commit the sin of heresy and therefore become excommunicated, the Church for her own safety declares that the external act is sufficient to give the presumption of heresy. IN 1990, the few remaining faithful Catholics found that at one time or another they had been deceived by one or more heretical sects, such as the Novus Ordo, the Society of Saint Pius X, other Traditionalists, etc. We will discuss how they could return to the Church, given the current conditions.

## Doctrine of the Papacy

Divine Providence provided in 1869 and 1870 for the Vatican Council to define the essential doctrines of the Papacy. Further, throughout history, the papacy has been attacked by all manner of heresies and the Church has defended this most important doctrine most zealously. We are concerned with two aspects of this doctrine, since they are essential to the election of a Pope.

*If anyone then says that it is not from the institution of Christ the Lord Himself, or by divine right that the blessed Peter has perpetual successors in the primacy over the universal Church, or that the Roman Pontiff is not the successor of the blessed Peter in the same primacy, let him be anathema.*<sup>14</sup>

Pope Saint Pius X provided an Oath Against the Errors of Modernism to be taken by all men prior to the reception of major Orders and Episcopal Consecration: *Thirdly, I also firmly believe that the Church, guardian and teacher of the revealed word, was immediately and directly instituted by the real and historical Christ himself, while dwelling with us; and that it was built upon Peter, prince of the apostolic hierarchy, and his successors till the end of time.*

It has been previously established elsewhere that the Papacy became vacant on October 9, 1958 by the death of Pope Pius XII. Therefore the Church must have some way of ending that vacancy.

*Where there is no governor, the people shall fall: but there is safety where there is much counsel.*<sup>15</sup> Saint Thomas Aquinas used this quote to demonstrate the necessity of the priesthood for the Church.

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<sup>13</sup> Matthew 24:24

<sup>14</sup> The Vatican Council as quoted in DZ 1825, being from Henry Denzinger's compilation of doctrinal decisions of the Catholic Church.

<sup>15</sup> Proverbs 11:14