

Most Reverend William E. Lori
Bishop of Bridgeport

CNS photo

BISHOP LORI & SUPPLIED JURISDICTION

12 Nichols Avenue
Shelton, CT 06484
February 11, 2002

The Most Reverend William E. Lori, S.T.D.,
Bishop of Bridgeport
Catholic Center
238 Jewett Avenue
Bridgeport, CT 06606

Dear Bishop Lori:

I am faced with a worrisome predicament. It has come to my attention and indeed troubled my soul that one of your diocesan priests, Father Gregory Markey of Saint Peter's Parish in Bridgeport, CT, has been advising people that the confessions administered by the Society of Saint Pius X are invalid. I am unsure on what grounds Fr. Markey bases this sentence, for it seems to be entirely inconsistent with the 1983 Code of Canon Law.

This occurrence is particularly disconcerting to me, because I have been going to confession at an SSPX chapel for the past several years, and have been under the belief that the sacrament conferred by their priests to be perfectly valid. I go to them because I know that I can receive from them sound moral and theological advice that, unfortunately, I am not certain I can receive from diocesan priests in Bridgeport, especially in terms of the concepts of life, family, abortion etc. For example, I have an acquaintance who recently went on an "Engaged Encounter" retreat within the Diocese of Bridgeport and was advised by the priest to "follow his conscience" regarding the use of artificial birth control. What advice might this priest give to one in the confessional who confesses to using birth control? Will he even absolve it if he teaches that it is not a sin? Who knows? Furthermore, the large majority of priests within the diocese with whom I have come into contact appear to be at least tinged with the heresy of Modernism as condemned by the pre-conciliar popes of the 19th and 20th centuries. It is for these reasons I seek out the priests of the SSPX for the Sacrament of Penance, upon whom I can rely to give advice consistent with the never-changing tradition of the Church.

Admittedly, as a layman without even a college degree, I can hardly be considered a scholar when it comes to Church law. Yet even my humble intellect is capable of grasping how Mother Church, in all her wisdom, supplies SSPX priests with the jurisdiction necessary to validly absolve the sins of the faithful.

RI
ON

The following correspondence is between a Society parishioner, Bishop Lori of Bridgeport, CT, Fr. Fitzpatrick of the diocese of Bridgeport, and Fr. Peter Scott, District Superior of the Society of Saint Pius X. It concerns the validity of the sacrament of confession administered by the priests of the Society of Saint Pius X.

Given Your Excellency's vast background in Church law, I am sure that the following step is unnecessary. Nevertheless, if Your Excellency will allow me to indulge myself, the 1983 Canon law explicitly disagrees with Fr. Markey's position. Canon 966 § 2 states that "A priest can be given [the jurisdiction to absolve sins] by the law itself." This law is expressed in Canon 144 § 1 which states that "In common error about fact or about law, and also in positive and probable doubt about law or about fact, the Church supplies executive power of governance both for the external and for the internal forum." In this way, if there is error or doubt upon the part of the believer regarding the juridical status of the priest to absolve sins, the Church automatically supplies jurisdiction.

In my case, as in the cases of many others, I believe that it is morally perilous to approach the diocesan priests that have ordinary jurisdiction because of the danger their advice might have upon my soul. Consequently, I believe that I have the moral obligation for the salvation of my soul to receive this sacrament from the priests of the SSPX, who absolve and advise me according to the Tradition of the Catholic Church as instituted by Christ to the apostles. According to Canon 144, whether or not I am right or wrong in this belief is irrelevant; in either case, as the above stated law proves, the Church gives the priest in question the right to confer the sacrament upon me. In effect I am giving them the jurisdiction over my soul with which to absolve me each and every time they hear my confession, because of the extraordinary crisis that exists within the Church.

I hope my tone is in no way disrespectful; I merely want to correct an egregious error that is being perpetrated by Fr. Markey when he states that SSPX confessions are invalid. Is not such a belief wholly inconsistent with the law of the Church? Is not Fr. Markey fully wrong in his condemnation of the SSPX? Please give me an answer to this troubling circumstance.

Rest assured that you are continually in my prayers.

Yours in Christ the King,

William Connelly



OFFICE OF THE BISHOP

DIocese OF BRIDGEPORT

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March 1, 2002

Mr. William Connelly
12 Nichols Avenue
Shelton, Connecticut 06484

Dear Mr. Connelly,

I write in response to your letter regarding the confessions administered by priests of the Society of Saint Pius X. Father Markey's counsel, namely, that these confessions are invalid, is correct.

Here are the pertinent Canons:

Canon 966 - §1. For the valid absolution of sins it is required that, besides the power received through sacred ordination, the minister possess the faculty to exercise that power over the faithful to whom he imparts absolution.

§2. A priest can be given this faculty either by the law itself or by a concession granted by competent authority in accord with the norm of canon 969.

Canon 967 - §2. Those who enjoy the faculty of hearing confessions habitually whether in virtue of office or by grant from the ordinary of the place of incardination or the place in which they have a domicile can exercise the same faculty everywhere unless (nisi) the local ordinary denies it in a particular case, with due regard for the prescription of canon 974, §§2 and 3.

Canon 969 - §1. The local ordinary alone is competent to confer upon any presbyters whatsoever the faculty to hear the confession of any of the faithful; however, presbyters who are members of religious institutes should not use such a faculty without at least the presumed permission of their superior.

§2. The superior of a religious institute or of a society of apostolic life of pontifical right mentioned in canon 968, §2, is competent to confer on any presbyter whatsoever the faculty to hear the confessions of his subjects and others staying day and night in the house.

ONSE TO MR. CONNELLY

Mr. William Connelly

page 2

March 1, 2002

Clearly, the priests of the Society of Saint Pius X do not have an office in the Church by which they receive the faculty for confessions, nor would they have it from myself as local ordinary, nor from anyone else in the Diocese capable of granting those faculties. Any supposed grant of faculties by one of their own bishops would itself be invalid.

The priests of the Society of Saint Pius X have publicly separated themselves from the communion and governance of the Church. They are very clear about this. They have also been declared as schismatic and excommunicated. This means there is no doubt of fact or law concerning their status. The only circumstance of *ecclesia supplet* would be canon 796 – danger of death.

Please know that there are many good and holy priests in the Diocese of Bridgeport, fully in communion with the Holy Father and the Church, to whom you can go to for confession. I heartily urge you to do so.

In particular, I would recommend that you seek out Father Kevin Fitzpatrick at Saint Theresa Parish in Trumbull. You will find him entirely sound and ready to be of assistance to you.

With prayerful best wishes, I remain

Faithfully in Christ,



Most Reverend William E. Lori
Bishop of Bridgeport



ST. THERESA CHURCH

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5 March, 2002

Mr. William Connelly
12 Nichols Avenue
Shelton, Conn. 06484

Dear Mr. Connelly:

His Excellency, Bishop Lori, has asked me to contact you regarding your questions about the validity of confessions heard by priests of the Society of St. Pius X. He sent me a copy of his letter to you of 1 March.

First, let me give you my bona fides. I am very sympathetic toward many of the ideas and goals of the Society, particularly as they concern the preservation of the traditional Mass and sacraments, and their concerns about religious indifferentism and the watering down of faith and morals since the Second Vatican Council. I knew Bishop Williamson when he was rector of the seminary in Ridgefield, I subscribe to the *Angelus*, and I offer the old Mass publicly and privately as often as I can. I have been a priest for 19 years, and I have a doctorate in moral theology. In other words, I am competent, and I am no enemy of the traditionalist cause in the Church.

Let me start by saying that the literature of the Society on “supplied jurisdiction,” simply will not wash. I am not a canon lawyer, but my good friend, Fr. Murray of New York City, is, and his canon law doctorate was on the canonical status of the Society. His doctorate, plus all the literature from the Society I have read, gives me the confidence to make my statement about supplied jurisdiction.

This idea was normally—especially in the 1917 Code of Canon Law—for those situations where confessions needed to be heard and the priest lacked jurisdiction and there was common, i.e., communal error. An example would be a priest on vacation outside his diocese who would be asked to hear confessions of a large crowd of pilgrims. He knew he did not have jurisdiction, but the people who needed confession and who saw him in the confessional at the appointed time would *commonly* think, however erroneously, that he did have jurisdiction, so the Church would supply it. Also, as the Bishop pointed out, all validly ordained priests, whether Catholic, schismatic, or even laicized, have the jurisdiction to absolve sins when the penitent is *in extremis*.

Ironically, if the Society declared itself separate from the Church then there would be no question that *for their subjects only* their priests would have the jurisdiction to absolve sins validly. No one would claim, for instance, that an Eastern Orthodox priest needs explicit jurisdiction from the local Catholic bishop to hear the confessions of his parishioners, since they very loudly declare that they do not recognize the primacy of Peter’s Successor. The Society, however, claims that it still recognizes the supremacy of this Pope. They attack and expel from their ranks any *sede vacantists*. They pray for the

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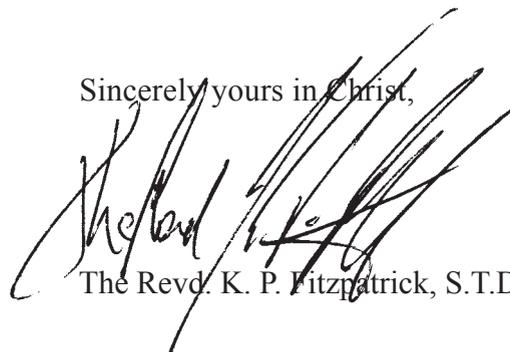
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Pope in the Canon of the Mass, and his picture is always to be seen gracing their houses. Well, simply put, they cannot have it both ways: either they recognize the supremacy of the Pope, and by implication the authority of the bishops in communion with him, or they do not. If they do, they are bound to the canons of the Code of Canon Law that the Bishop cited in his letter to you, and must have jurisdiction to hear confessions or to witness and bless marriages validly.

Lastly, Mr. Connely, we are talking about the forgiveness of mortal sin (I mention mortal sin, not because venial sin should not be confessed, but because one is obliged to confess only mortal sin sacramentally). To die in a state of mortal sin unrepentant is to risk the fires of Hell. I know good and hard-working priests in the Society and in other traditionalist organizations, so I am not judging their motives or consciences. But given the gravity of the situation—eternal salvation or damnation—is it not better to take in this case the most cautious route possible? The Society recognizes the validity of our confessions under the usual conditions (proper matter, form, intention, and minister), while we question theirs. Why not seek out a good, orthodox, even traditionalist priest in union with Rome for your confession and leave the abstract theological arguments to others? Peace of mind, and eternal peace, are what, I think, you can have if you do. I can always be reached at the above number if I can be of any more service to you. May God bless you.

Sincerely yours in Christ,



The Revd. K. P. Fitzpatrick, S.T.D.

Society of Saint Pius X

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The Most Reverend William E. Lori
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J.M.J.
March 21, 2002

Your Excellency,

Your letter to Mr. William Connelly of March 1 has been forwarded to me, along with the March 5 letter of Father Kevin Fitzpatrick of St. Theresa's in Trumbull. Since Mr. Connelly, along with all the faithful of your diocese, has a right to know the truth, it is my duty to correct the serious errors contained in both of these letters.

The priests of the Society of Saint Pius X have never claimed to have faculties to hear confessions. In fact, we have repeatedly stated the contrary, namely that our bishops do not have jurisdiction to grant faculties and that our priests consequently do not have ordinary jurisdiction, given the refusal of bishops like yourself to grant us the faculties that we deserve.

You go on to state that the only circumstance in which our priests could receive supplied jurisdiction from the Church would be in the case of danger of death. Unfortunately, you do not seem to be familiar with the extent of the Church's supply of jurisdiction. Father Fitzpatrick mentions in his letter an additional circumstance, namely that of common error. As Canon 144 of the 1983 Code indicates, whenever a priest without faculties hears confessions in a Catholic church, the Church supplies the jurisdiction for those confessions to be valid. The Canon Lawyers are very explicit that the persons who go to Confessions do not have to be in error. They can know full well that the priest does not have Ordinary Jurisdiction. For Jurisdiction to be supplied, it is not necessary for people to be actually deceived. It suffices that it be an interpretative error, that is a fact that would induce Catholics to think that a priest has faculties, and this applies even when the faithful are fully aware that the priest does not have Ordinary Jurisdiction. (Cf. Bucceroni, Vidal, Cappello, Regatillo & Zalba, Coronata, Vermeersch & Creusen, Aertnys & Damen, Pugliese, Van Kol, Lombardia). This certainly applies to the churches of the Society of Saint Pius X, since they are Catholic churches.

Furthermore, Canon 1335 of the 1983 Code is entirely explicit about the supplying of jurisdiction for a priest who has incurred a censure, provided that it has not been declared, as is the case with the Society's priests. Any of the faithful can request a sacrament, even when its administration requires the exercise of an act of jurisdiction, and the priest can validly and licitly administer the sacrament. The same Canon indicates that it is permissible for the faithful to request such a priest to hear their confession "*for any just reason at all*". The moral theologians explain a just reason in the broad sense, as you know, as anything reasonable that would be of help to their souls, for example because they have confidence in traditional priests and in the spiritual direction that they give them in the confessional. Consequently, there is no doubt that the faithful have the right to request the sacrament of Penance from the priests of the Society, that the Church supplies jurisdiction, and that our priests validly and licitly hear these confessions. This is a canonical conclusion that must be accepted even by those who maintain that we have incurred a censure, and who refuse to accept the crisis in the Church, which is the reason for our resistance to the *Novus Ordo*.

However, if there ever were any doubt in the mind of a Catholic (or a priest or bishop), the Church is very willing to give the full certitude as to the validity of the sacraments. It is once more Canon 144 (1983 Code) that removes any possible doubt from this question, in order to guarantee the validity of the sacraments. It assures us that the Church supplies jurisdiction for confessions "*in positive and probably doubt about law or about fact*". Such a doubt exists, as every Canon Lawyer knows, whenever there is an objective foundation for assenting to a doubtful proposition, either concerning the existence or the extent of the law, or whether it applies to a particular circumstance. A person might doubt about the arguments given above concerning Common Error and priests who are censured. However, no reasonable person can dispute that there are objective arguments that traditional priests have supplied jurisdiction. Consequently, if ever there is a doubt in somebody's mind, he can be sure that the Church supplies the jurisdiction, and thereby entirely removes the doubt. The Church refuses to allow such a doubt to exist with respect to the validity of the sacraments, since they are so necessary for salvation.

Here lies the response to Father Fitzpatrick's argument that a person should take the safest course (*pars tutior*) when it comes to the administration and reception of the sacraments. He is perfectly correct in his principle. However, he forgets that the supplying of jurisdiction in the case of positive and probable doubt eliminates completely and entirely any lack of certitude concerning the validity of the absolution granted by traditional Catholic priests. Consequently, there is no greater certitude at all in receiving the sacrament from a *Novus Ordo* priest who has jurisdiction.

Much to the contrary, we recommend to our faithful that they have every right to use the supplied jurisdiction provided by the Church. They all know perfectly well that very numerous are the priests in the *Novus Ordo* who no longer believe in hell, judgement, purgatory, in the gravity of mortal sin, in the importance of doing penance, of confessing venial sins, and of frequent, regular confessions.

They have all been scandalized by the lack of respect in the administration of this sacrament, and the lack of concern of the minister for the profound and perfect contrition of the penitent. They know full well that they will only be assured of receiving a valid and fruitful sacrament, administered with the correct form and intention, with appropriate spiritual direction, with a patient but firm rebuking of their faults, with care to obtain a firm purpose of amendment, from those priests who administer the sacrament as it was always administered before Vatican II came along to distort the whole traditional teaching on sin and penance.

With all due respect, Your Excellency, there is an inherent contradiction in your letter. You falsely maintain that we have been declared schismatic. If it were true, as Father Fitzpatrick correctly points out in his letter, there would be no doubt as to the validity of our confessions. If this were the case, we would not need jurisdiction from the Roman Catholic Church.

This is but the logical consequence of Canon 844, §2 (1983 Code), which declares that Catholics can ask non-Catholic ministers (whose sacraments are valid) to hear their confessions whenever "*genuine spiritual advantage suggests it*". Consequently, if the Society's priests are schismatic and non-Catholics, as you say we are, then any Catholics (and not just members of a sect, as Father Fitzpatrick falsely affirms) can licitly and validly request the sacrament of Penance from us if they find a spiritual advantage in doing so.

This being so, your letter does not make any sense. You attack us for not having jurisdiction in the same letter that you maintain that we are schismatic and have no need of jurisdiction for valid confessions. Either we do need jurisdiction or we do not, please make up your mind. But in any case, as I am sure you will agree by now, our priests validly hear confessions.

However, I must register a strong protest against this Canon 844, which permits sacramental sharing with non-Catholics, along ecumenical principles. This damages greatly the unity of the Catholic Church, and causes the grave scandal of indifferentism.

I further register a strong objection to your accusation that we “have been declared as schismatic and excommunicated”. If you read the decree *Ecclesia Dei afflictata* you will see that it is only the Society’s bishops who were declared to have incurred an *ipso facto* excommunication. They were not declared to be schismatic, which is the reason why Bishop Licinio Rangel and the priests and faithful of Campos were not absolved from any censure for “schism” when they were received into “full communion” on January 18, 2002.

Furthermore, the declaration of “excommunication” for episcopal consecration without papal mandate was manifestly null and void in virtue of Canon 1324, § 5 & 8 (1983 Code), which states that even if a bishop errs in thinking that he is in a state of necessity for consecrating bishops, and in fact there is not really a state of necessity, he does not incur the censure of excommunication. Archbishop Lefebvre was most assuredly in a state of necessity on account of Rome’s refusal to approval the traditional Mass, and to guarantee the future of the traditional priesthood. Nevertheless, even those of you who think that he was not in a state of necessity must admit that he did not incur the excommunication.

However, the question of the priests of the Society of Saint Pius X is entirely different. We have never incurred the censure of excommunication, nor has it ever been declared with respect to us. We are manifestly not schismatic, since we are in union with the Roman Pontiff (regardless of the fact that we are in profound disagreement with him concerning Vatican II and its terrible fruits of destruction within the Church) and with all Catholics subject to him who adhere to the integral Catholic Faith (Canon 751, 1983 code).

Please consider this as a formal request that you grant faculties to the priests of St. Ignatius Retreat House in Ridgefield, CT for them to hear confessions in the retreat house and throughout the diocese. They are Fathers Gerardo Zendejas, Christopher Darby and Eric Simonot. Since they are thoroughly Catholic, in union with Rome, and doing the work of the Church, you have no other reason to refuse this request than your opposition to the work of Catholic Tradition.

If you refuse to rise to the challenge, you can be sure that they will continue to hear Confessions through supplied jurisdiction, aware that once again justice will have been denied to those Catholic faithful who are the most zealous defenders of the Church. Thus the Society priests will guarantee the right of the faithful to the ready access to this sacrament from traditional priests, as provided for in Canon 213 of the 1983 Code of Canon Law, even when refused by the juridical pastor, Yourself.

The faithful will say that their bishop is willing to welcome Muslims, Jews and false Christian denominations into his church (e.g., at St. Philip's on January 27, 2002), all avowed enemies of the Catholic Faith, but refuses to allow true Catholics their right to the true Mass and sacraments. They will wonder how such a hypocritical double standard could be possible, if it were not for a modernist infiltration of the hierarchy.

Your Excellency, this letter is not motivated by a desire for conflict, but rather by a love of the truth. I invite Your Excellency to respond and comment and I challenge You to point out any errors in my statements.

With the assurance of my prayers, I remain yours faithfully in Christ Our Crucified Lord,

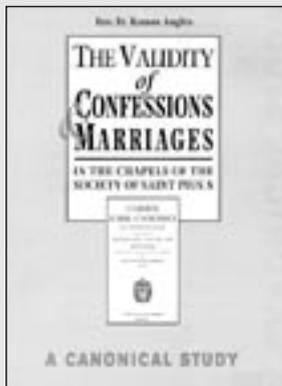
Peter R. Scott

Father Peter R. Scott

CC: Fr. Kevin P. Fitzpatrick
Fr. Gerardo Zendejas

**NO RESPONSE
AS OF JUNE 15,
2002**

Article Reprints on Supplied Jurisdiction from Angelus Press



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