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## Response to Stephen Heiner's article: CMRI Part II Corrections and Answers

By Bishop Mark A. Pivarunas, CMRI

Recently, Stephen Heiner, a layman relatively new to the traditional Catholic movement, has published two articles in his blog in which he criticizes CMRI. Furthermore, Mr. Heiner exhorts Catholics not to associate with CMRI, which, by his own admission, he recognizes to be “ostensibly the largest sedevacantist traditional Catholic organization worldwide.”

This is quite a statement in light of the fact that CMRI represents three traditional Catholic bishops, over 70 traditional Catholic priests, and over 150 religious from several Catholic communities.

How does Mr. Heiner come to such an absurd position? The reason is that he fails to realize there are and will be differences of opinion within the Catholic Church and therefore he has no right to condemn CMRI just because he does not happen to agree with them.

Before I address the two main matters of his criticism—the *una cum* issue and the issue of matrimonial decisions—let us consider the following examples of differences of opinion.

In the history of the Catholic Church, there was a major disagreement between the Franciscan Order and the Dominican Order prior to Pope Pius IX's proclamation of the dogma of the Immaculate Conception of the Blessed Virgin Mary in 1854. In the 1950's, there was a difference of opinion between the Holy Office and the Roman Rota in regard to the diriment impediment of impotency (Canon 1068). There was a difference of opinion between St. Thomas Aquinas, OP, and St. Bonaventure, OFM, on the essential words in the form of consecration of the Holy Eucharist.

Anyone who has made a basic study of moral theology, canon law, or dogmatic theology is well aware that there are differences of opinion among theologians. Nevertheless, there were no exhortations between them to avoid receiving the Sacraments from those with whom they happen to disagree.

While on the topic of differences of opinion, Mr. Heiner surely knows the public rift between Bishop Dolan and Bishop Sanborn in the areas of the morality of the Covid-19 vaccination and the position on the papacy. Bishop Dolan considers it a matter of mortal sin to receive the vaccination; Bishop Sanborn does not. Bishop Dolan holds that the position of Bishop Sanborn on the papacy (Francis I is a material pope, i.e., he was Catholic enough to be validly elected but not Catholic enough to receive the authority of the papacy) savors of heresy.

Another example from a number of years ago was the sad situation which made public news—Terri Schiavo, who was disabled and needed a feeding tube inserted into her stomach for food and hydration. Both the late Fr. Cekada (God rest his dear soul) and Bishop Sanborn held that the feeding tube was an

extraordinary means to preserve life and that there was no obligation to perform this simple procedure on this woman. My opinion is that a feeding tube is not extremely painful nor extremely expensive (as a matter of fact, there are nearly 100,000 people in the US that require them to be fed through a feeding tube in the stomach) and therefore it is not an extraordinary means to preserve life.

In the area of the liturgy, Pope Pius XII established the feast of St. Joseph the Worker (May 1) in order to combat atheistic Communism. Both Bishop Sanborn and Bishop Dolan reject this universal feast of the Catholic Church and I do not believe they have the authority to make such a decision. Vatican Council I (1870) taught: "We declare that the judgment of the Apostolic See, whose authority is unsurpassed, is not subject to review by anyone; nor is anyone allowed to pass judgment on its decision." To me, no appeal to epikeia is reasonable. As Pope Pius XII established this feast with the expressed intention to combat Communism, there can be no reasonable appeal to "a benign interpretation of the mind of the law-giver against the clear letter of the law." Nor is there any reason to appeal to an intrinsic cessation of law based on an attempt to claim that this feast has now become detrimental to the common good of the Church.

Let us now address the two matters of Mr. Heiner's criticism of CMRI. The first matter is the *una cum* issue, that is the faithful's attendance at Latin Masses offered by traditional priests who wrongly insert the name of the false Vatican II pope in the Canon of the Mass. For the sake of brevity, I will summarize my article (My Thoughts on the *Una Cum* Issue):

Excerpts from my article:

"St. Augustine wisely said: 'What those sins are which exclude from the kingdom of God, it is most difficult to determine and most dangerous to assign'; yet he spoke of certain crimes, such as adultery, as obviously mortal. S. Raymond of Penafort speaks in the same sense: 'Be not too prone to judge sins to be mortal when you have not the fullest evidence'; and St. Thomas: 'It is dangerous to decide what sins are mortal, unless we have positive teaching to guide us.'"

Based on that principle, I then quoted the opinion of the following priests on this matter of attending an *Una Cum* Mass.

Fr. Martin Stepanich, OFM STD (a sedevacantist priest who celebrated 70 years of priesthood):

"If we try to use the words of pope and pre-Vatican II theologians, as already quoted above, and make them say that attendance at *una cum Benedicto* Masses is always absolutely forbidden under any and all circumstances, it is we who are really doing that kind of forbidding, not the popes and the pre-Vatican II theologians. **Just try to find anything in the popes and pre-Vatican II theologians that totally and absolutely forbids any and all attendance at *una cum Benedicto* Masses by traditional sedevacantist Catholics. It just isn't there.**"

Fr. Noel Barbara, a well-known old French traditional priest and a close theological associate with Bp. Guerard des Lauriers, treated this matter similarly to the considerations in my letter:

"Is it a sin to assist at such celebrations? **The Church forbids the faithful to participate or assist at the ceremonies of FORMAL heretics and schismatics. Do the 'una cum' priests fall within such a category? As far as I am concerned, I do not**

**think they do.** Whatever be the situation, as long as proof of their formal heresy or schism has not established, one can only consider those who say the Mass in this manner as scandalous ministers, that is to say scandalous because they are giving scandal to the faith.

It is appropriate to apply to them the rules of the Church with regard to such ministers. The faithful who have no other Mass available, are dispensed from assisting at Mass, even on days of obligation, if the available Masses are repugnant to their faith. On the other hand, if for any reason whatsoever they feel the need to communicate, **they can assist and communicate at such Masses because no other Masses are available to them.** In this situation, only the minister is guilty of giving scandal, provided of course that he is not invincibly ignorant of the scandal that he is giving."

At the end of my article, I added the public statement issued in 2002 regarding attendance at Una Cum Masses. Here are some excerpts:

"The Religious Congregation of Mary Immaculate Queen (C.M.R.I.) holds that the Catholic faithful may petition the Sacraments from traditional Catholic priests who unfortunately offer their Masses "una cum" (John Paul II).

"This does not mean that C.M.R.I. in any way endorses the theological contradiction of those traditional priests who maintain that John Paul II is a true pope.

"Lastly, we exhort the faithful to use great discretion when they approach such priests for the Sacraments. This is especially true in regard to their children, who may be confused by their erroneous opinions on the Papacy and on the infallibility of the Church."

To be clear, I do not require people to attend una cum Masses nor do I forbid attendance at such Masses. It is left to the prudent discretion of the laity.

The second matter of Mr. Heiner's criticism of CMRI deals with matrimonial cases. In his "CMRI Part II," he conveniently omits my direct response to his first article, which was sent by me through Dan Davis. This is my response to Mr. Heiner, which he conveniently ignored:

"Your claim that CMRI recognizes Novus Ordo annulments is absolutely false.

"And secondly, the moral decisions the CMRI have made are very rare and were based on objective evidence and concrete facts, which according to the principles set down by Pope Pius XII establishes moral certainty in these cases.

"When Bp McKenna assisted CMRI in such moral decisions, he never claimed to possess ordinary jurisdiction as does a diocesan bishop which would be an annulment in the true sense of the word. Nevertheless, Bp McKenna, following the theological position of Bp Gerard de Laurier, held that the traditional bishops despite their lack of ordinary jurisdiction, carry on the "missio" of the Catholic Church. The "missio" is the mission of the Catholic Church for the salvation of souls.

"Based on that position, Bp McKenna assisted the CMRI in those marriage decisions. This problem with the lack of ordinary jurisdiction is not limited to marriage cases and brings up issues in many other areas such as absolution from excommunications

reserved to the Holy See, dispensation from religious vows and impediments to priestly ordination, etc.

“In conclusion, your claim that CMRI is not serious is totally irresponsible.”

Most marriage cases presented to CMRI cannot be resolved simply because there is a lack of evidence to prove with moral certainty there was no valid marriage. CMRI certainly observes Canon 1014 which protects marriage. It legislates that “marriage enjoys the privilege of law; in doubt, the marriage is to be presumed valid.”

The crux of the matter is that well known traditional bishops and priests have held the same position as CMRI on these matters and that there is no reason for a mere lay person and blogger, Mr. Heiner, to exhort the Catholic faithful to avoid “the largest sedevacantist traditional Catholic organization in the world.”

I would like to conclude this response to Mr. Heiner with the reminder that he is in violation of canon law. The Church has the right to forbid the publication of books by the faithful unless she has officially examined them in advance. The provision of Canons 1384-1405 inclusive, regarding books, are to be applied also to daily publications, periodicals, and other writings of whatever kind (Canon 1384). Mr. Heiner needs to publicly state which diocesan bishop and diocesan censor have approved of his writings or he must admit he is in violation of canon law. Were he to have heeded these canons of the code, he would not have made the serious mistakes contained in his blog!

May Mary, the Mother of God, intercede for us her poor banished children of Eve, and may she pray for us now and at the hour of our death.