

Ss. Peter & Paul Roman Catholic Mission

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August 17, 2013

+Feast of St. Hyacinth

Most. Rev. Charles, J. Chaput, O.F.M., Cap.
Archbishop of Philadelphia
222 North Seventeenth Street
Philadelphia, PA 19103-1299

Dear Bishop Chaput,

Latae sententiae penalties are imposed by virtue of the law itself because the law presupposes malice. Your "decree" aside from its officious pretensions is not a formal judgment following a canonical inquiry. It is a simple proclamation that in your opinion the law has been violated with malice and therefore, the penalty incurred. Since malice was denied on two occasions in both my letters to Msgr. Daniel Sullivan, you have reached your opinion and issued your decree following your "investigation" without an examination of evidence in a formal judicial hearing that you are canonically and morally bound to do. Your "decree" does not address any of the moral, doctrinal, liturgical or canonical claims of Ss. Peter & Paul Roman Catholic Mission that have been offered as the justification for any specific violation of particular canon laws.

Your "decree" is based upon the accusation that the faithful Catholics of Ss. Peter & Paul Roman Catholic Mission, Catholics who have been cruelly abandoned by their local ordinary and deprived of the immemorial rites of the sacraments and the purity of the Catholic faith and worship for years, Catholics to whom I am providing, as is my duty, like the Good Samaritan, the necessary balm of 'oil and wine' for their souls that only a Catholic priest can do, is a "schismatic group." And it is this false judgment that forms the ground for your accusations and judgment against me. That allegation has been repeatedly and publicly denied. In my letter to Msgr. Sullivan in December 2012 I said:

Yes I am affiliated with Ss. Peter and Paul Roman Catholic Mission in York, PA however you err in saying that the Mission is "not in full communion with the Holy See." That is a charge of schism. Since the Mission and I both deny this allegation you must produce the documentary evidence of findings of fact and judicial determination from a canonical criminal trial that proves the charge. Until that is done, the charge of schism, of "not (being) in full communion with the Holy See," constitutes the sin of calumny.

There has been no canonical hearing on the charge and yet you repeat the calumny as if it were established fact because, like your "decree," it was the canonical opinion of the former bishop of Harrisburg who had the temerity to accuse the Mission members of "schism" while he participated in the consecration ceremony of a Lutheran "bishop" conducted in his own cathedral. You have compounded the sin of calumny against the Mission by using it as a justification for your calumny against me. It is evident in your decree that matters of conscience properly formed on questions of doctrine and liturgy that directly pertain to the substance of our Catholic faith are matters for which you could not care less.

It is public knowledge that at Ss. Peter & Paul Roman Catholic Mission Pope Francis and the local ordinary are named in the canon of the immemorial Roman rite of Mass offered each day. They are

specifically named in the intentions of the Rosary of Reparation offered before each public Mass. The papal flag is displayed in our sanctuary. You, like the former bishop of Harrisburg, confuse disobedience with schism. Consequently, the very ground of your "decree" has been in no way "proven." It is false accusation and again is formally denied.

Your obligation is to examine the doctrinal, liturgical, and moral grounds for my actions and if you determine these to be heretical then excommunicate me for heresy. That is what you as the ordinary of Philadelphia are morally bound to do. That is your duty in justice. What you are doing is begging the question and using canon law as a weapon against truth.

Luther was not excommunicated without a canonical hearing and judgment on his doctrinal claims. The notorious Inquisition, that the modern Church only remembers with a pretended horror, condemned no one without a canonical hearing. The murderers of St. Joan of Arc spared no expense to at least give the impression of due process. Even the despicable Annas and Caiaphas did not condemn Jesus Christ without the pretense of a legitimate judicial procedure. To put the injustice of your "decree" in perspective that most Catholics can easily relate to, how many of the homosexual predators disguised in clerical costume that have been abusing countless adolescent boys in the diocese of Philadelphia over the last twenty-five years, as well as those who have feloniously aided and abetted their criminal acts, have incurred the public "decree" of excommunication *latae sententiae* without a canonical hearing? Not one that I am aware of!

Can you produce a single "decree" from yourself or from your recent predecessors in the diocese of Philadelphia that refer to the Orthodox or Protestants, who formally reject the papal office, as "schismatics"? The term is not even applied to the institutionalized liberal disobedience that is endemic in the Church. No, it is only the "disobedience" of the Catholic who is faithful to Catholic dogma and the ecclesiastical traditions of our Church, who the enemies of our faith despise, that the term "schism" is applied. In truth, if I or any of the members of Ss. Peter & Paul Roman Catholic Mission were in fact schismatics, we would be the dear friends of those devotees of the ecumenical brotherhood religion.

An appeal was made through your office directly to the Pope for a doctrinal and liturgical judgment from him based upon the OPEN LETTERS published by Ss. Peter & Paul Roman Catholic Mission web page. This was made before any canonical criminal charges or canonical judicial trial was initiated. It is my right as a Catholic to appeal directly to the judgment of the Pope on questions of Catholic doctrine and worship that pertain to the very substance of the Catholic faith, and that right is all the more grave because of my priestly state. Therefore, the only action you can canonically proceed with is a referral of your charges to Rome on the doctrinal and liturgical principles that form our consciences and determine our actions. Besides being canonically null your judgment is morally repugnant wholly absent of justice, equity or charity. Should this surprise anyone?

But there is a more serious problem for you personally. Msgr. Sullivan specifically cited in his July 18 letter to me that one of the findings of fact that supported his charge of "schism" for which a *Latae sententiae* penalty was to be declared was that "the Mission has in fact refused to celebrate the Holy Mass according to the extraordinary form approved by Benedict XVI." That "fact," as was explained in our letter, is true. We offer the immemorial Roman rite of Mass and not the Extra-ordinary form of the Novus Ordo. For we hold, **as a matter of divine and Catholic faith**, that it is impossible that the immemorial Roman rite of Mass could ever be the subject of an Indult or reduced to a grant of legal privilege. The decree, *Quo Primum*, states, regarding the immemorial Roman rite of Mass that:

“...this missal is hereafter to be followed absolutely, **without any scruple of conscience or fear of incurring any penalty, judgment or censure**, and may freely and lawfully be used... Nor are superiors, administrators, canons, chaplains, and other secular priests, or religious, of whatever title designated, obliged to celebrate the Mass otherwise than as enjoined by Us. ... **Accordingly, no one whatsoever is permitted to infringe or rashly contravene this notice of Our**

permission, statute, ordinance, command, precept, grant, direction, will, decree and prohibition. Should any person venture to do so, let him understand he will incur the wrath of Almighty God and of the Blessed Apostles Peter and Paul."

Pope St. Pius V, Papal Bull, *QUO PRIMUM*,

Tridentine Codification of the immemorial Roman Rite of the Mass.

This decree of St. Pius V appeals not only to his personal authority as the holy Pontiff, but more so, to the **"decrees of the sacred Council of Trent."** That is, the document bases its authority on the infallible dogmas of our Church. Unlike legal canons which presume malice until denied, it is impossible to oppose the truth of Catholic dogma without malice because the pertinacious denial of dogma is a manifest sin. It is nothing more than the blasphemous act of calling God a liar. It is **Truth** itself that declares against you that what you are doing incurs the **"wrath of Almighty God and of the Blessed Apostles Peter and Paul."** **It is my prayer that you personally experience this "wrath" now, in a manner that will lead to repentance, rather than later, when its imposition will see no end.** Should I be in error, my prayer, as is the prayer of all the Mission members, is that through the intercession of Ss. Peter and Paul this Mission, established in their honor, be brought to an end, but from my perspective, I have experienced nothing but the kind providential care of these blessed saints.

As for myself, I act **"without any scruple of conscience or fear of incurring any penalty, judgment or censure"** for what I have done. And I intend to continue to do what I am doing until the Holy Father, to whom I appeal, employing the infallible Magisterial power that Jesus Christ has endowed His Holy Catholic Church, makes a formal judgment on the doctrinal and liturgical questions I and Ss. Peter & Paul Roman Catholic Mission have laid both before you and the past bishops of Harrisburg. It is the faith that must come first for the salvation of souls to which every canon law must bend the knee. This is, in fact, the **"grave cause (that) precludes"(canon 1331)** my failing to perform my priestly duties for the faithful Catholics of Ss. Peter & Paul Roman Catholic Mission. As was said to Msgr. Sullivan last December:

Any canonical censor or penalty imposed upon me must address these grounds that justify violations of specific canon laws. Canon law is hierarchical. The proper worship of God according the "received and approved" rites of the Catholic Church and the preaching of undiluted unadulterated Catholic doctrine is the right of every Catholic and the obligation of every priest for the "salvation of souls is the highest law" (St. Pius X). This first principle of canon law was repeated again in the new code of canon law, "[...]the salvation of souls, which must always be the supreme law in the Church, is to be kept before one's eyes" (Can. 1752).

Nothing of the sort has been done from your "decree." It is just a cowardly trivializing of what should be a matter of most grave concern. I am too intent on trying to please God to have time for playing games. I was hoping the same would apply to you.

Sincerely in Christ,



Rev. Samuel M. Waters
Ss. Peter & Paul Roman Catholic Mission

cc.: Rev. Msgr. Daniel J. Sullivan, Office for Clergy, Diocese of Philadelphia
Rev. Msgr. Gerard C. Mesure, Chancellor, Diocese of Philadelphia
Very Rev. Robert M. Gillelan, Vicar General, Diocese of Harrisburg

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