

Ss. Peter & Paul Roman Catholic Mission

P.O. Box 7352
York, PA 17408
(717) 792-2789

www.saintspeterandpaulrcm.com

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September 14, 2013
+Exaltation of the Holy Cross

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

Dear Bishop Chaput,

Thank you for taking the time to respond. That is sincerely appreciated however the response is just further evasion and a failure to address the substance of our doctrinal and liturgical claims. Every Catholic possess the right of appeal to the infallible Chair of Peter for definitive answers on questions of faith and morals (Second Council of Lyons, Denz. 466 & First Vatican Council, Denz. 1830) and that intent was made known to Rev. Msgr. Sullivan from my first communication with him. However, in accordance with your request that we reply to you (Canon 1734), I am writing this letter.

The 1983 Code of Canon Law was promulgated by Pope John Paul II by his apostolic constitution, *Sacrae disciplinae leges*, on January 25, 1983, significantly on the anniversary of Pope John XXIII's convocation of Vatican II. In the promulgation of that decree the Pope wanted, according to Rev. Thomas Green to:

Translate the richness of the conciliar doctrine into canonical language....This is especially true for the Council's image of the Church, to which the revised Code should constantly be referred as a primary point of reference.... especially the dogmatic constitution *Lumen gentium* and the pastoral constitution *Gaudium et spes*. The key ecclesiological themes of the Council should be among the fundamental criteria for interpreting and implementing the revised Code in practice. Among the significant elements of the conciliar ecclesiology noted in the apostolic constitution (*Sacrae disciplinae leges*) were the following: the Church as the people of God and hierarchical authority as service; the Church as communion, with its implications for the relationship between the universal Church and the particular churches and between collegiality and the primacy; the participation of all believers in the threefold office of Christ, with its implications for their duties and rights, especially those of the laity; and the Church's commitment to ecumenism. The apostolic constitution concluded with the hope that the revised Code would be an effective instrument in aiding the Church to progress in accord with the spirit of the Council and thereby better fulfill its salvific mission in the world.
Rev. Msgr. Thomas J. Green, S.T.L., J.C.D., canon law professor, Catholic University of America

Rev. Green could have been more detailed but his point is sufficiently made. In brief the new Code is the legal arm to enforce the conciliar mandates with regard to religious liberty, ecumenism, liturgical instability, and the new "conciliar ecclesiology." It was once the purpose of a canonical inquiry to find truth, and the purpose of canonical penalty was to bring back those who had erred to the path of truth. It is a corruption of law to make it a tool to enforce ideological conformity. Therein lies the first problem. Is your intention to find truth or use the law as a cudgel?

You said in your letter, that "Church law clarifies that imputability arises not only from malice but also from culpability. The law actually presupposes imputability when an external violation of the law has occurred." So,

Saints Peter & Paul Chapel, 129 S. Beaver Street, York, PA 17401

what is the point? This really adds nothing more to what we have already said in every communication with the Archdiocese of Philadelphia.

To be specific, the law "presupposes imputability" of fault because it presupposes grave "malice or negligence." Canon 1321: "No one is punished unless the external violation of a law or precept.... is gravely imputable by reason of malice or negligence." "Malice" (*dolus*), the direct intent to violate the law *per se* has been denied. "Negligence" relates to "culpability" (*culpa*) in being ignorant of the law or in failing to use due diligence. The public letters from Ss. Peter & Paul Roman Catholic Mission to the Diocese of Harrisburg and to Rome, and my exchanges with the Archdiocese of Philadelphia demonstrate that ignorance of the law or failure in due diligence are not in question and cannot be the reason for imputability. If the delict is imputable, it is so for reasons of malice and malice has been, and is, denied. The question concerns "malice," that relates to the direct intention to violate the law *per se*. Violation of any law for the purpose of fulfilling a duty to a higher law cannot be attributed to malice.

Lacking malice, there can be no "gravely" formal imputability. Your letter implies that you agree that "malice," being denied, has not been proven, yet you pretend that since "culpability" has not been denied it is therefore assumed and therefore punishable by law. There are no grounds for this assumption. Malice is the "evil quality of an act by which it is opposed to the dictates of right reason" (Attwater). It is the presupposition of malice that permits *latae sententiae* penalties. When "malice" is denied, it is denied with regard to the act itself, to its motive (ends), and to the circumstances in which the act is done. It should be manifest that without malice, "imputability" worthy of excommunication is impossible. But just for the record, I deny "culpability" as well as I deny "malice." In either case, you have no right to publicly declare that a *latae sententiae* censure has been imposed without proving the presence of malice when it has been formally and repeatedly denied. In the older Code of Canon Law, Canon 2218, 2, not only the circumstances which excuse from all imputability, but also those that excuse for grave imputability, likewise excuse for all penalty.

The primary and essential morality of any act is derived from the object of the act considered in its moral aspect. The "act" that I am doing is administering the sacraments according to the "received and approved" rites of the Catholic Church and preaching the Catholic faith and morals without any admixture of compromise to modern errors or human respect, which does not exclude teaching the hard truths of our Faith. You must be considering these "acts" as sinful in themselves? That unfortunately is the only possible conclusion. Since any consideration of end (or motive), and circumstances is entirely removed from your personal judgment, you can only hold that the act itself is criminal *per se*. Have you considered the moral implications in what you are doing? Your action itself is objectively unjust. Especially compared to the fact that over the last thirty years homosexual priests who have preyed upon Catholic boys in the Archdiocese of Philadelphia, and those who have helped in covering up these crimes, acts that are manifestly malicious, have never had a penalty of *latae sententiae* imposed at all, much less in the absence of due process.

The ground for your action is the claim that Ss. Peter & Paul Roman Catholic Mission is "a schismatic group" and that my association with them to provide for their spiritual rights that have been denied by the Diocese of Harrisburg is therefore an act of schism. The calumny of schism has been denied repeatedly for more than ten years and it is a charge that constitutes calumny because it has never been proven. Mr. Michael Davies writing in his book, *Apologia Pro Marcel Lefebvre*, with the help of canonical and theological expert opinions, wrote regarding schism:

St. Thomas Aquinas explains that schism pertains to the moral order and that "the essential is that which is intended..." This brings us to the subject of schism. Schism is defined in Canon 751 as the obstinate post-baptismal refusal of submission to the Roman Pontiff and of communion with the members of the Church subject to him. A Catholic who breaks the strict letter of Canon Law in order to uphold the Faith cannot be accused of Schism. It is explained in the article on schism in the *Dictionnaire de Théologie Catholique*, the greatest Catholic reference work ever published, that schism and disobedience are often confused. Every act

of schism involves disobedience, but not every act of disobedience is schismatic. The true meaning of schism, as expounded within the context of Catholic theology by such theologians as Aquinas and Cajetan, is that the act of schism is found primarily in the intention of the accused person. The guilt of schism, properly so-called, is incurred only when a baptized Catholic intends to sever himself from the unity of the Church by rejecting the existence of the papal office itself, that is by denying that the Pope has the right to Command, or by refusing communion with those Catholics subject to him, that is, by refusing to recognize them as fellow Catholics. The refusal, even the pertinacious refusal, to obey the Pope in a particular instance does not constitute schism. St. Thomas Aquinas explains that the sin of schism pertains to the moral order, and that in the moral order "the essential is that which is intended. ...Accordingly, schismatics properly so-called are those who willfully and intentionally separate themselves from the unity of the church. [.....] Canon 1323 states that if one violates a law in the code because a state of necessity or emergency exists that person does not incur a penalty. If, therefore, a state of emergency does exist in the Church Archbishop Lefebvre was not even excommunicated. But let us argue that there is not a state of emergency in the Church. [....] Canon 1323.... also states that a penalty has not been incurred if the person accused believes that a state of emergency exists."

Michael Davies, *Apologia Pro Marcel Lefebvre*

The proof of schism must establish malice to willfully separate from the unity of the Church. I affirm that Ss. Peter & Paul Roman Catholic Mission prays daily for the Pope, the local ordinary and now, for yourself, in the Rosary of Reparation offered before each Mass and are remembered in the canon of the "received and approved" immemorial Roman rite of Mass offered at our chapel. The papal flag is displayed in the sanctuary of our Mission chapel which is open for public worship for any Faithful Catholic. Our appeal to the infallible judgment of the Pope both through the Diocese of Harrisburg and the Archdiocese of Philadelphia is evidence that we recognize the Chair of Peter in the proper and just exercise of that authority.

As for the proof that there exists a state of emergency, I could cite several quotations from Church authorities including past popes but those would be just authoritative opinions. But as the great Dom Prosper Gueranger said, "Nothing is more insolent than a fact." The book, *Index of Leading Catholic Indicators*, by Kenneth Jones was sent to Fr. Sullivan and to the last three bishops of Harrisburg. It is a compendium of hard facts, the fruit of Vatican II, and it does not take any special competency in statistics to see that the Church is in the greatest apostasy in its entire history and, if current trends continue, will cease to exist in another generation. **"By their fruits you shall know them"** (Matt.7,16). The greater majority of Catholics deny defined dogmas of divine and Catholic faith and repudiate moral teachings of the Church that are necessary to believe and to do, as a necessity of means, for salvation. I say again, "the salvation of souls is the supreme law of the Church."

Your problem with us is one of disobedience and not one of schism. We have admitted to a material violation of law only and have provided the moral justification in the formation of a true and certain conscience, in accordance with sound Catholic moral principles, that are grounded in matters of doctrine and liturgy, that I, and the members of Ss. Peter & Paul Roman Catholic Mission, affirm are essential attributes of the Catholic faith. This is denied by the modern hierarchy. St. Pius X said:

They (the modernists) exercise all their ingenuity in an effort to weaken the force and falsify the character of Tradition, so as to rob it of all its weight and authority. But for Catholics nothing will remove the authority of the Second Council of Nicea, where it condemns those 'who dare, after the impious fashion of heretics, to deride the ecclesiastical traditions, to invent novelties of some kind.... or endeavor by malice or craft to overthrow any one of the legitimate traditions of the Catholic Church'; nor that of the declaration of the Fourth Council of Constantinople: 'We therefore profess to preserve and guard the rules bequeathed to the Holy Catholic and Apostolic Church, by the Holy and most illustrious Apostles, by the orthodox Councils, both general and local, and by every one of those divine interpreters, the Fathers and Doctors of the Church. Wherefore the Roman Pontiffs, Pius IV and Pius IX, ordered the insertion in the profession of faith of the following declaration: "I most firmly admit and embrace the apostolic and ecclesiastical traditions and other observances and constitutions of the Church."

St. Pius X, *Pascendi Dominici Gregis*

If I and the members of Ss. Peter & Paul Roman Catholic Mission are right and you wrong then you will have a very high price to pay for your error and I will be richly rewarded by God for my fidelity to His Holy Faith. If I am wrong, then I can in all clear conscience say to God that I have done my best to form a true and certain conscience and faithfully conform my actions to that conscience no matter what the cost may be in the fulfillment of my duty. I as a Catholic, and especially as a Catholic priest, have a right to an authoritative infallible judgment from the Pope on matters that I believe to be necessary attributes of the Catholic faith.

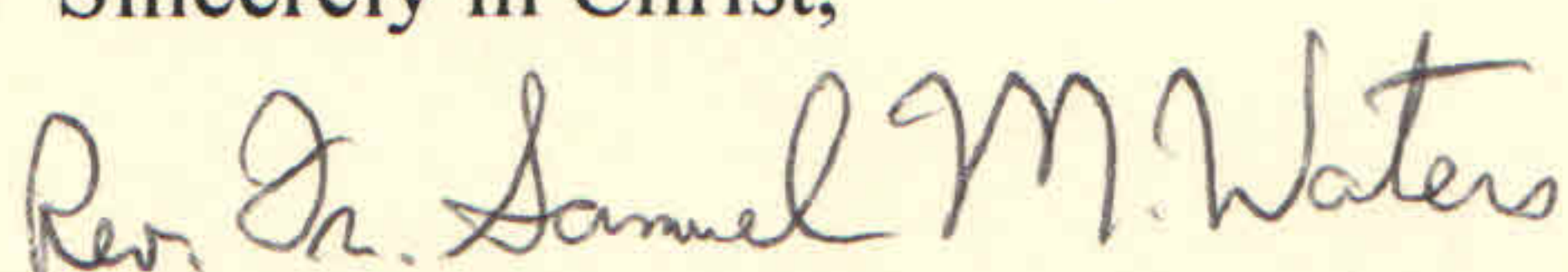
If you want to excommunicate me then you must do it for the specific doctrinal and liturgy claims that I and Ss. Peter & Paul Roman Catholic Mission have publically professed and that we affirm are necessary attributes of our faith. The masses offered at Ss. Peter & Paul Roman Catholic Mission are according to the immemorial traditions of our Church. We use the "received and approved rites of the Catholic Church customarily used in the solemn administration of the sacraments" (Council of Trent, Sess. VII, can. XIII) that are prescribed in the Tridentine Profession of Faith of Pope Pius IV, *Iniunctum Nobis*. We affirm to you again that by virtue of our baptismal character, which obligates us to offer public worship to God, we necessarily possess the right from God to the immemorial traditions of our Church, in particular, the right to the "received and approved rites of the Catholic Church used in the solemn administration of the sacraments" (Tridentine Profession of Faith), which are the perfect outward manifestation of that Faith that we hold in the internal forum, without which "it is impossible to please God" (Heb. 11, 6). And, while acknowledging that these rights can be duly regulated by competent authority, they can never be conditionally exercised at the price of compromise of any Catholic doctrinal or moral truth. We affirm that these matters in question are of "extreme necessity" for the salvation of souls. And, as Gratian said, "Necessity knows no law."

We further affirm that no Catholic, regardless of ecclesiastical dignity, possess the authority to harm the faith. The new "doctrinal" teachings of the "pastoral Council" which form the justification for the mutation of our immemorial ecclesiastical traditions do not bind the conscience of any of the Faithful. It is not just us, but every Catholic who would benefit from the authoritative infallible judgment on these matters of faith and worship. You would be doing a great service to the Church to demand with us from Rome a dogmatic declaration on the authority of Vatican II, defining infallibly its doctrinal teachings and explicitly condemning what constitutes the "hermeneutic of rupture," and lastly, definitively declaring whether or not "the received and approved rites customarily used in the Catholic Church for the solemn administration of the Sacraments" (Trent, Canon 13, On the Sacraments) are matters of simple discipline open to the free and arbitrary will of the legislator or, as we hold, necessary attributes of the faith that make it known and communicable, the rightful patrimony of every Catholic, that no ecclesiastical "pastor whatsoever" possesses the authority to suppress or alter so that they are "changed into other new rites."

We are currently witnessing a resurrection of "Liberation Theology" that was justly censored by Pope John Paul II and Cardinal Ratzinger as head of the Congregation for the Doctrine of the Faith. Obviously, the censor was not enough to end the error. If truth is to be declared with clarity it must be done using the attribute of Infallibility that Jesus Christ has endowed His Church. No lesser authority will stand.

I thank you for your kind offer of prayers, your careful consideration of my letter, and respectfully request a timely reply.

Sincerely in Christ,



Rev. Samuel M. Waters

Pastor

Ss. Peter & Paul Roman Catholic Mission