

Ss. Peter & Paul Roman Catholic Mission

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February 24, 2014

+ St. Matthias, The Thirteenth Apostle

Archbishop J. Augustine Di Noia, O.P.
Adjunct Secretary
Congregation for the Doctrine of the Faith
Piazza del S. Uffiziosi, 11, 00193
Roma, Italy

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Re: Protocol N. 625/2013 - 45650

Enclosures:

- 1) Ss. Peter & Paul Roman Catholic Mission Letter to CDF Feb 2004
- 2) Ss. Peter & Paul Roman Catholic Mission Letter to CDF Mar 2004
- 3) *Lumen Gentium*, the 1989 Profession of Faith, and the "Authentic Magisterium"

Dear Archbishop DiNoia,

Two matters will be addressed in this communication in reply to your Letter of February 6, 2014.

Firstly, if I were interested in a simple canonical judgment based upon the human law of the Church regarding the Decree of Excommunication by Archbishop Charles Chaput of Philadelphia, I would have sent my complaint to the Roman Rota or the Apostolic Signatura. Perhaps from a purely legalistic perspective, they would have recognized that canon law is hierarchical, at the service of the Faith and the discovery of truth, and that the "salvation of souls.... must always be the supreme law in the Church." I did not because the question is not a simple matter of law but concerns matters that directly pertain to what I and Ss. Peter & Paul Roman Catholic Mission (Mission) hold as **necessary attributes** of the Catholic Faith, and thus are directly within the competency of the Congregation of the Doctrine of the Faith (CDF) whose head is the Roman Pontiff. It is pure Phariseism to deny any Catholic, but particularly a Catholic priest, his right for a just judgment regarding matters of the Catholic Faith and the worship of God from the Roman Pontiff¹ on the grounds of a canonical procedural technicality. But, even in this you have erred.

The Decree of Excommunication by Archbishop Chaput is entirely based upon the false presupposition, given to him by the Diocese of Harrisburg without evidence, that the Mission is a "schismatic organization." On this presupposition his Decree stands or falls. The Diocese of Harrisburg has also publically accused the Mission of "heresy," again without offering any supporting evidence. This calumny was appealed by the Mission to CDF in a letter of February 7, 2004. The CDF inappropriately referred the case to the Ecclesia Dei Commission which did not possess the competency to render any judgment on accusations of "schism" or "heresy." Consequently, a second letter was sent by the Mission to CDF on March 24, 2004 again requesting a judgment on the calumny of "heresy" and "schism" made by the ordinary of Harrisburg, Bishop Nicholas Dattilo, and subsequently repeated by his successors, Bishops Kevin Rhoades and Joseph McFadden. No reply was made to this letter. Both of these letters are posted on the Mission web page and were referenced in my letter of November 18, 2013. They are now enclosed in this communication to insure that they are read.

Specifically, in my letter to the CDF, I said:

I petition that this decree be nullified on the grounds that he (Archbishop Chaput) **fails to prove his accusation of schism against me or against Ss. Peter & Paul Roman Catholic Mission.** [.....] On February 7, 2004 Ss. Peter & Paul Roman Catholic Mission submitted in a letter to Cardinal Joseph

Ratzinger as Prefect for the CDF for a judgment regarding the public charge of heresy and schism made by the late Bishop Nicholas Dattilo of Harrisburg. A second letter was sent on March 24, 2004 for the same purpose. These letters are posted on the Mission "Open Letters" web page. **I now bring my case with theirs before the CDF to obtain a definitive judgment from the Holy Father on the arguments presented by the Mission and myself to the Letters to Dioceses of Harrisburg and Philadelphia and specifically addressed in my general petition to nullify the Decree of Excommunication.**
Fr. Samuel Waters, Letter to the CDF, November 18, 2013

What should be clear as the summer sun is that it is not a question of my appeal to the CDF being a few days too late in violation of technical rules of canonical procedure. It is rather a question of the CDF being ten years too late in a egregious dereliction of duty by failing to reply to a matter placed before them by the Mission in 2004. My case is nothing more than a continuation of the case of Ss. Peter and Paul Roman Catholic Mission, to which I am a member, that has been sitting in the files of the CDF for more than ten years. You need to simply address this matter definitively and fulfill the duties of your office by rendering a judgment as to the charge made by the last three ordinaries of the Diocese of Harrisburg that the Mission is guilty of "schism" and "heresy." Once a just judgment with supporting evidence is rendered on this matter, I will then take my case up with Archbishop Charles Chaput of Philadelphia, and you need not concern yourself about canonical rules of procedure or the Decree of Excommunication.

The second matter is much more serious. I and the Mission have demanded from the Holy Father, which is the right of every faithful Catholic, an "infallible judgment" on questions that pertain directly to necessary attributes of the Catholic faith and you have replied with nothing more than begging of the question by an appeal to the "Ordinary Magisterium of the Church" (sic). The document you sent from the ordinary magisterium of the Church addresses the 1989 Profession of Faith and the CDF documents defending that Profession's novel addendum to the Nicene-Constantinopolitan Creed. On the Mission web page, "Announcements," under "Current Controversies," there is a link to an article submitted for public discussion in October 2011 entitled, "*Lumen Gentium, the 1989 Profession of Faith and the Authentic Magisterium*" written by "Br. Joseph," a member of the Mission. That article is enclosed for your examination. You will see that the "recommendation" of the CDF for the "study" of this question has been on our minds for some time.

The 1989 Profession of Faith, unlike any other Profession of Faith in the entire history of the Catholic Church, all of which are products of the "**Ordinary and Universal Magisterium,**" or the "**Extra-ordinary Magisterium,**" contains an article that is not a dogma of Catholic Faith. **That is, it is a Profession of Faith that contains an article that is not a formal object of "divine and Catholic Faith."** It is not even an object of divine Faith. I am referring to the last article, a novelty, that demands an unqualified "religious submission of the will and intellect to the... authentic magisterium."

Moreover, I adhere with religious submission of will and intellect to the teachings which either the Roman pontiff or the college of bishops enunciate when they exercise the authentic Magisterium (sic) even if they do not intend to proclaim these teachings by a definitive act.
Profession of Faith, 1989, third of the three added paragraphs

The authority for this "article of faith" is taken from the decree, *Lumen Gentium*, a "dogmatic constitution" from a "pastoral council," of which Cardinal Ratzinger said in July of 1988 in Santiago, Chile, that, "The truth is that this particular council (Vatican II) defined no dogma at all, and deliberately chose to remain on a modest level, as a merely pastoral council...." And thus, despite all its pretensions to something greater, Vatican II is at most an extra-ordinary act of the most ordinary magisterium. *Lumen Gentium* said:

In matters of faith and morals the bishops speak in the name of Christ, and the faithful are to accept their teaching and adhere to it with a religious assent of soul. This religious submission of will and of mind must be shown in a special way to the authentic teaching authority of the Roman Pontiff, even when he is not speaking ex cathedra.

Lumen Gentium, ch. 3, n. 25

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When an appeal is made to the infallible judgment of the Holy Father on doctrinal teachings of the ordinary magisterium of Vatican II, you cannot simply dismiss the question by an appeal to the "Ordinary Magisterium of the Church" (sic). It is an evident logical fallacy of circular reasoning. It is the stated opinion of the Mission that the 1989 Profession of Faith is a knavish attempt to bind the Catholic conscience under the appearance of dogma and thus to give the Council an authority it does not of itself possess. We regard the 1989 Profession of Faith as a serious violation of the First Commandment. If this opinion is considered to be a part of the "hermeneutic of rupture" then we appeal to the Extra-ordinary infallible Magisterium of the Church to say so.

The fact of the matter is that the mind and the will are, as *Lumen Gentium* recognizes, the spiritual faculties of the "soul." Vatican I defined Faith infallibly as the submission of the mind and will, that is, the soul, to what God has revealed on the authority of God who can neither deceive or be deceived. The 1989 Profession of Faith demands, as an article of Faith in a creedal profession, the unqualified submission of the mind and will, that is, the soul, to man on the authority of man who can both deceive and be deceived.

In *Donum Veritatis*, on religious vocation of theologians, which references *Lumen Gentium*, Cardinal Ratzinger explains that the "religious submission of will and intellect... cannot be simply exterior or disciplinary but must be understood within the logic of faith and under the impulse of obedience to the faith." He drew a direct connection from the "indissoluble bond between the 'sensus fidei'" and the "religious submission of the will and intellect... to the (authentic ordinary) magisterium." That is, the "religious submission of the will and intellect" is not grounded in the intrinsic intelligibility of the propositions but upon the compulsion of the will in "obedience to the faith."

When the Magisterium, not intending to act "definitively", teaches a doctrine the response called for is that of the religious submission of will and intellect. (23) This kind of response cannot be simply exterior or disciplinary but must be understood within the logic of faith and under the impulse of obedience to the faith..... Not without reason did the Second Vatican Council emphasize the indissoluble bond between the "sensus fidei" and the guidance of God's People by the (ordinary authentic) magisterium of the Pastors. These two realities cannot be separated. (Cf. Dogmatic Constitution *Lumen Gentium*, n. 12.)

(23) Cf. Dogmatic Constitution *Lumen Gentium*, n. 25; Code of Canon Law, can. 752.

Joseph Cardinal Ratzinger, CDF, *Donum Veritatis*, May 1990

The soul being spiritual is one and undivided and belongs to God with its faculties of will and intellect. Thou shalt love the Lord thy God with thy whole heart, and with thy whole soul...(Matt:22:37). The criteria for "love" is submission of the intellect and will to his divinely revealed truths and obedience to His commandments. "Let every soul be subject to higher powers: for there is no power but from God: and those that are, are ordained of God" (Romans 13:1). Submission to those "ordained of God," whether religious or secular, is always and necessarily conditional, for as St. Peter said, "We ought to obey God, rather than men" (Acts 5:29). Without the most serious qualifications, the intellect and the will, that is, the soul, can only submit to God and not to any man or any group of men based upon their personal authority alone, regardless of their grace of state.

Some of those serious qualifications are that the ordinary authentic magisterium of the pope or bishops can never contravene defined dogma, injure the faith in any direct or indirect manner, be used to corrupt the immemorial ecclesiastical traditions of the Catholic Church, and overturn or call into doubt the Ordinary and Universal Magisterium or the Extra-ordinary Magisterium of the Church. Yet, it is in obedience to the ordinary authentic magisterium since the Second Vatican Council, in total disregard or in open opposition to the virtue of Religion which directly governs and determines the moral quality of any act of obedience, that nearly every immemorial ecclesiastical tradition of the Church, those outward manifestations that make our interior Faith known and communicable, including those immemorial traditions that are formal objects of divine and Catholic faith,ⁱⁱ has been dismantled to effect the greatest collapse of Faith over the shortest period of time in history of the Catholic Church both in its depth and extension.

If the Holy Father wants to bind the "will and the intellect," that is, the "soul," of any Catholic, he only has to put himself in the Chair of Peter and engage the attribute of the *Infallibility* that Jesus Christ has endowed His Church so that the words of Jesus Christ, "He that heareth you, heareth Me," can be, without qualification, said of him. That is what we are precisely asking the Holy Father to do by effectively addressing for all time the questions of

doctrine and liturgy that we hold to be necessary attributes of the Catholic Faith. The 1989 Profession of Faith is demanding, as an article in a Catholic Profession of Faith, that submission be given to men what can only be given to God. And all the canonical norms and penalties contrived cannot with any valid legal force nullify Divine Law. Among the definitive declarations from the Holy Father, employing the attribute of *Infallibility* which Jesus Christ has endowed His Church, this perhaps should be the first question the Magisterium addresses.

I and Ss. Peter & Paul Roman Catholic Mission again submit to the CDF that they render a definitive judgment on the public charges of "heresy" and "schism" against the Mission that have been made by the ordinaries of the Diocese of Harrisburg and the Archdiocese of Philadelphia. Despite our right to, and our historical demand of, an infallible judgment from the Holy Father, we have neither found the Faith nor the necessary will and courage to defend it from the authorities at the CDF. But, we shall see. We expect you to address with specific evidence whether or not Ss. Peter and Paul Roman Catholic Mission is guilty of heresy and/or schism.


Every letter sent or received by the Mission is published on the Mission's web page: (<http://saintspeterandpaulrcm.com/index.htm>). If there is formal "heresy," then we expect the CDF to explicitly identify it. If there is "schism," we expect the CDF to explain how the Mission can be called a "schismatic organization" for the violation of particular canon law for the purpose of fulfilling a higher duty to God. We would also expect a definition of the term that can be universally applied to all Catholics and non-Catholics that will explain clearly why Catholic individuals and institutions who flaunt the dogmatic and moral teachings of the Church with impunity, or the Orthodox who deny the Petrine office and its jurisdiction entirely, are not formally accused of "schism."

The Mission believes all dogmas declared by the Catholic Church in their literal sense in which they were first declared, and all the actions taken by the Mission have been both doctrinally and morally justified to our local ordinary on the basis of Catholic first principles. We have done all in our power to insure that we have acted with a properly formed Catholic conscience that is both true and certain. We have repeatedly, over many years through the local ordinary, submitted our appeal to Rome to obtain definitive infallible judgments regarding our belief and our actions from the infallible Chair of Peter. And lastly, the papal flag is displayed in our sanctuary, the Holy Father and our local ordinary are remembered in the Canon of the immemorial "received and approved" rite of Mass offered each day in our chapel, and they are remembered by name in the Rosary of Reparation to the Blessed Virgin offered before each Mass.

We await the judgment of the Holy Father, not from the "authentic magisterium" grounded in his personal opinions published in secular news articles or from unthinking remarks from interviews or ecumenical gatherings, but rather from the "authentic magisterium" that engages the "Ordinary and Universal Magisterium" or the "Extraordinary Magisterium" of the Church where the attribute of *Infallibility*, which God has endowed His Church, will insure that the integrity of the Faith is protected so that all the Faithful will know what must be believed and what must be done to save their souls.

Until we obtain the definitive answers for which we petition, we will continue to fulfill our duties to God as known by right reason in the profession, practice and defense of the Roman Catholic Faith including the worship of God according to the "received and approved" immemorial rites of our Church which are not, or could ever be, a matter of mere discipline.ⁱⁱⁱ

Sincerely in Christ,


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

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ⁱ The holy Roman Church holds the highest and complete primacy and spiritual power over the universal Catholic Church which she truly and humbly recognizes herself to have received with fullness of power from the Lord Himself in Blessed Peter, the chief or head of the Apostles whose successor is the Roman

Pontiff. And just as to defend the truth of Faith she is held before all other things, so if any questions shall arise regarding faith they ought to be defined by her judgment. And to her anyone burdened with affairs pertaining to the ecclesiastical world can appeal; and in all cases looking forward to an ecclesiastical examination, recourse can be had to her judgment.

Second Council of Lyons, Denz. 466

And since the Roman Pontiff is at the head of the universal Church by the divine right of apostolic primacy, We teach and declare also that he is the supreme judge of the faithful, and that in all cases pertaining to ecclesiastical examination recourse can be had to his judgment.

First Vatican Council, Denz. 1830

Can. 1417

§1. By reason of the primacy of the Roman Pontiff, any member of the faithful is free to bring or introduce his or her own contentious or penal case to the Holy See for adjudication in any grade of a trial and at any stage of the litigation.

ⁱⁱ 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*

ⁱⁱⁱ The Tridentine Profession of Faith of Pope Pius IV, *Iniunctum Nobis*, prescribes adherence to the "received and approved rites of the Catholic Church used in the solemn administration of the sacraments." The "received and approved rites" are the rites established by custom, and hence the Council of Trent refers to them as the "received and approved rites of the Catholic Church customarily used in the solemn administration of the sacraments" (Sess. VII, can XIII). Adherence to the customary rites received and approved by the Church is an infallible defined doctrine: The Council of Florence defined that "priests... must confect the body of the Lord, each one according to the custom of his Church" (*Decretum pro Graecis*), and therefore the Council of Trent solemnly condemned as heresy the proposition that "the received and approved rites of the Catholic Church customarily used in the solemn administration of the sacraments may be changed into other new rites by any ecclesiastical pastor whosoever."

Fr. Paul Kramer, *The Suicide of Altering the Faith in the Liturgy*

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