

## John Salza Responds to the Lies, Errors and Hypocrisy of Sedevacantist Peter Dimond

### INTRODUCTION

On July 15, 2010, *The Remnant* published my article *The Errors of Sedevacantism and Ecclesiastical Law*. The article provides a unique look at the problems with sedevacantism in light of the 1917 Code of Canon Law and has assisted many in seeing the errors of the sedevacantist thesis (I have received emails and letters from former sedevacantists telling me so). In the article, I demonstrate that canon law requires a declaration of formal heresy against a pope because it is for the common good of the Church (unless it was definitively proven that the pope's heresy was morally imputable).

Evidently, my article caused quite a stir at the Dimond brothers' compound in Fillmore, New York. They were contacted about the article and Peter (his real name is Robert a.k.a. "Bobby") Dimond mustered up a lengthy rebuttal to the article which can be found somewhere on their website at [www.mostholyfamilymonastery.com](http://www.mostholyfamilymonastery.com). Dimond concludes that my position is not only erroneous, but "evil" and "diabolical" – even though my position is held by some of the Church's most esteemed theologians such as Cajetan, Suarez and Billot (and a position he and his brother Michael used to publicly hold, which we can demonstrate by means of a youtube video that recorded Michael's explanation of their former non-sedevacantist position).

I have never given much attention to the Dimond brothers, as my fellow Catholic apologists have sufficiently refuted their errors. After all, how much attention should we give to men who publicly declared that Pope John Paul II was the anti-Christ and the world was going to end during his reign? (This means the Dimond brothers are also false prophets.) Nevertheless, after I discovered Peter Dimond's rebuttal to my article (he never notified me of his rebuttal; one of my patrons sent it to me), I did a bit of investigation into him and Most Holy Family Monastery (including interviewing people who lived at the monastery and with their founding member, Joe Natale, for many years). As a result, I discovered many surprising facts about what a Benedictine monk recently communicated to me in an email as their "fraudulent racket."

In addition to the many questions surrounding their claim to be recognized Benedictine monks, I also discovered a blatant inconsistency in the Dimond brothers' position that bears directly upon this discussion of divine and ecclesiastical law: Peter and Michael Dimond regularly attend a non-sedevacantist, Eastern Catholic Rite parish in communion with Pope Benedict XVI, whom they claim is an anti-pope. That's right, Peter and Michael do not actually practice sedevacantism in their spiritual lives (true sedevacantists would never attend a Mass with a priest who prays for and is in communion with Pope Benedict XVI), and yet they condemn non-sedevacantists for precisely what they do: worship in communion with the current pope.

Therefore, according to their own standards, Peter and Michael Dimond are self-condemned reprobates because they regularly participate in "blasphemous" worship with "non-Catholics" and the "sacrilegious" reception of Holy Communion with "heretics" and "apostates." Moreover, the Dimond brothers attend these Masses in layman's clothing, even though they claim to be "Benedictine monks." Hence, not only do they condemn the popes and the faithful for activities in which they themselves engage (worship with "heretics" and "apostates"), they go about it *in cognito* by disguising their identity. But don't take my word for it. Ask many in their own sedevacantist circles who have also pointed out the blatant hypocrisy of their position. Many

sedevacantists have even expressed their public embarrassment of the Dimond brothers' conduct (more on this issue and the application of canon law to the Dimond brothers' conduct is provided later in this response).

#### PETER DIMOND AVOIDS MY DEBATE CHALLENGE AND PROVES HE IS DISHONEST

Before I respond to Peter Dimond's errors on canon law, let me first address the claim in his article that I avoided responding to certified letter he sent to my business address in August 2010 requesting a "telephone debate." This is not true. I was not aware of any such letter and, as we will see, am certainly not avoiding Peter Dimond's "debate" challenge." But rather than check his facts, Dimond publicly declared that I was avoiding a debate and lying about the letter. He even declared me a "fraud" and a "coward" in his written and audio rebuttal of my article, for not responding to something I was unaware of, and without attempting to contact me about the matter.

When I found out Dimond was making this ridiculous claim, I emailed him and told him I was not aware of his letter, but was willing to have a public, video-recorded, unedited, face-to-face debate with a moderator at a neutral location – the real way a professional debate should take place. I also offered to travel at my own expense at a mutually agreed upon venue to have the debate, even at a recognized Benedictine monastery of his choosing (thus, giving him an advantage of being on his "home turf" for the debate). Further, since Dimond was making an issue out of the "certified letter" he claims I received, I also told him to re-send me the letter so that I could personally sign for it this time. This way, his letter requesting a debate (which I have already agreed to if done in the professional way) would no longer be an issue for him. How much more reasonable could I be? The only reason Dimond would continue to focus on the letter – now a moot issue – would be to try to harm my reputation while creating a smokescreen for himself (I have all of our email correspondence on this matter and will make it public if necessary).

My only condition for having the debate was that Peter Dimond must establish his standing under canon law as a recognized Benedictine monk. Because Dimond has attempted to publicly malign my character, I now have a right to question his own character and credibility (and would welcome him to publicly question me about my credibility in a live debate). Because he has made defamatory statements about my character (which I have warned him are actionable under state law), his character is now an issue. Moreover, because Dimond in his article has accused me of fraudulently misrepresenting canon law, Dimond's own alleged status under canon law is relevant to his standing to interpret canon law and declare the pope a heretic, as any reasonable person can see.

This is what good lawyers – and good debaters – do; they challenge the standing of their opponents to make their case (Peter Dimond certainly recognizes the importance of credibility, which is why he attempts to harm the credibility of his opponents, without allowing them to publicly question him about his own credibility.) As I explained to Mr. Dimond, if I were arguing a case in court against an opposing counsel who I discovered was not really an attorney (but pretending to be one), I would first attack the counsel's standing, even before addressing the merits of the case. After all, if I could prove before the judge or jury that my opponent was a fraud, he would have no credibility to argue that my client was a fraud.

In fact, I communicated to Dimond that I would be willing to spare him the public scrutiny of a cross-examination on the question of his Benedictine status by having him prove his canonical status *before* the debate. I was willing to dispose of this issue out of the public arena. Moreover,

in order to be completely objective, I told Dimond to submit his proof, not to me, but directly to the recognized Order of St. Benedict, and that I would abide by their judgment (again, I have put all of these requests in writing). This is the simplest condition I could have possibly requested from him: to prove his alleged standing under canon law (which he publicly uses as a basis for soliciting financial support from his patrons to fund his sedevacantist ministry). My reasoning is self-evident: If Peter Dimond is a fraud, then he has no standing or credibility to declare the pope a fraud. Moreover, if Dimond is a fraud (which Dimond evidently fears any recognized Benedictine abbey or monastery would confirm), then his entire enterprise at Holy Family Monastery is deceiving the public, the very people who Dimond solicits to fund his ministry.

In short, Peter Dimond has refused to respond to my debate challenge. The one who has always been quick to attack his opponents now remains silent. I can understand why Dimond might be reluctant to address his alleged Benedictine status, for he and his brother currently being sued in a fraud and racketeering case on this very issue in the Western District of New York (more on this later). Dimond should also note that in civil law his silence on this matter is considered an admission of culpability (that is, his silence is evidence that he is not a recognized Benedictine monk as he claims). Of course, Dimond brought this inquiry down upon himself, for he was the one to make misrepresentations about me, similar to what he has been accused of in the fraud case currently pending against him.

Any reasonable person will conclude that if Peter Dimond is a fraud, then he has no right to declare me, or the pope, or anyone else a fraud, lest he be guilty of the mortal sins of hypocrisy and calumny. While Dimond may attempt to argue that my request is a tactic to avoid a debate, who is really going to believe him? If he were really a recognized Benedictine monk, why won't he simply furnish the proof so that we can get on with the debate? How much simpler could my request be? And why would I allow Peter Dimond to attack my character without responding in kind? I welcome the opportunity for Peter to question me about my credibility and standing to argue these issues. Why won't Peter afford me the same opportunity to question him about his credibility and standing?

We thus reach the necessary conclusion: Either Peter Dimond really does not want to debate, or he is not a recognized Benedictine monk, or both. In either case, Peter Dimond has demonstrated that he is a dishonest person. There is simply no other reason for Dimond's refusal to prove his alleged Benedictine status so that we can proceed with the debate. This will be evident even to the patrons of Most Holy Family Monastery who have been deceived by the Dimond brothers. These facts lead us to the conclusion that Peter Dimond has something to hide and is on the run.

Thus, it is fair to conclude that Peter Dimond won't engage in public debates because he doesn't want to be publicly questioned, not only about his canonical status as a Benedictine, but also about such matters as his worship with non-sedevacantists and his false prophecies that Pope John Paul II was the Anti-Christ and the world was going to end during his reign. Dimond would rather hide behind his telephone, use his scatter-gun approach, narrow the scope of questioning, limit his opponents' presentation to two minutes at a time, avoid extensive cross-examination about his extreme positions, and even edit out the content of his opponents' arguments that he personally records before he boldly posts them on his website and claims victory (just ask William Albrecht who can show that Dimond removed almost 35 minutes of William's argumentation against sedevacantism before posting the debate on his site). This is outrageous, and why the more experienced Catholic apologists no longer bother with the Dimond brothers. They have proven to be men of bad will.

In his rebuttal, Dimond also accuses my apologetics work as being motivated by the “human respect” I gain from the “false, traditionalist circles” in which I run, even though Dimond knows nothing about me. Never mind the fact that, since I have fully embraced Traditionalism, I have lost many of the television, radio and speaking opportunities I once had. Notwithstanding those facts, Dimond maintains that I am motivated by human respect! (the very vice that Dimond has been accused of by those who have known and lived with him.) Note also how Peter Dimond is able to judge the internal motivations and dispositions of his opponents with whom he has no personal relationships whatsoever. That should be no surprise, however. If the Dimond brothers can judge the internal dispositions of the conciliar popes and declare them formal heretics, then surely they can judge my motivations as well (and be just as wrong in their conclusions).

In my view, the negative manner in which the Dimond brothers treat their opponents is one of the unfortunate fruits of sedevacantism. I see this mean-spirited attitude among many (but certainly not all) sedevacantists who are frustrated with the state of the Church. Because the crisis in the Church is so grave and the words and actions of the conciliar popes have been so scandalous, sedevacantists obsess with finding a clear answer to the dilemma of whether these popes are formal heretics. But there isn't a dogmatic answer to the question (which is why the question is hotly debated). This is obvious to anyone who has studied the theological opinions of whether a pope can fall into heresy and how that heresy is determined. There are five major opinions on the question of a pope's heresy that have been debated for centuries among the Church's most revered theologians (Bellarmine, Suarez, Cajetan, Billot, Buoix, Torquemada, Cano, Pighi, etc.) They all had different opinions; there is no true consensus among them.

The Dimond brothers are surely aware of these varied theological opinions. But because they are fully invested in their position and cannot live with the uncertainty of such an urgent question, their psyche forces them to conclude that we have no pope, which they obdurately maintain notwithstanding *any* evidence to the contrary. This is a remedy for their intellectual desolation, and it leads not only to a complete fixation on the issue (just take a look at their ministry), but also on those people who don't share their positions.

This problem affects those tempted by intellectual pride, which ultimately taints their approach to discerning the answer to any theological question. This pride often leads to deceptiveness and outright dishonesty accompanied by, in their case, the habit of assailing their opponents with abrasive invective. They call every Catholic “evil heretics” or “blind apostates” who don't agree with their positions. They cast the same dispersions at their fellow sedevacantists as well (for example, they view the sedevacantist priests of the CMRI and SSPV as heretics because they – quite correctly – believe the Church's teaching on baptism of desire and invincible ignorance). Engaging such people becomes a futile and worthless exercise, which is why this will be my final response to them. In fact, this response is really intended for those who have been misled by the Dimond brothers.

#### OUTLINE OF MY POSITION AND DIMOND'S RELATED ERRORS AND MISCHARACTERIZATIONS OF MY POSITION

As we will see, in his rebuttal Peter Dimond mischaracterized and misunderstood many elements of my position, which I will clarify in this response. Dimond also failed to address the key underpinnings of my position, namely, that sedevacantists must (but cannot) prove the conciliar popes are guilty of “notorious” or “pertinacious” heresy, and that canon law requires a declaratory sentence of heresy when it is for the common good of the Church. The “common good” exception would always exist in the case of a claimant to the papal throne whose heresy

is not notorious or pertinacious; and, even if evidence of notoriety or pertinacity existed, the elected pope would be allowed to rebut such evidence as a matter of due process, rather than being declared a formal heretic by people like the Dimond brothers who have absolutely no authority in the Church.

Because we are dealing with the intricacies of canon law and Magisterial pronouncements, I believe it is beneficial to summarize my position – step by step – in light of the applicable authorities, and then briefly reveal the errors, omissions and unproven assumptions in Peter Dimond’s position in light of said authorities. This will ensure that my position is not misunderstood or my statements taken out of context (a common result when dealing with Peter Dimond). Thereafter, I will address Dimond’s rebuttal in more detail.

Following is the summary:

- Heresy: A baptized person’s denial (or doubt) about a dogma of the Catholic Faith.

*Dimond and I agree with this definition.*

- Formal Heretic: A person whose heresy is notorious (the heretic is acting with widely-known malice) or the heretic is pertinacious (there is proof that the heretic knows his errors and yet he continues to obstinately persist in his erroneous position). This means moral imputability is required for a baptized person to sever himself from the Body of Christ. See canons 2197.3 and 1325.2.

*Dimond and I agree with this definition.*

- Ability to Recognize a Formal Heretic: Catholics are able to recognize a formal heretic without a declaration from the Church. See canon 188.4 and *Cum Ex Apostolatus*.

*While Dimond and I agree with this statement, Dimond (as you will see) repeatedly claims that I don’t believe Catholics can recognize a formal heretic, and that is simply not true (I have never held such an error). This is a deliberate or negligent mischaracterization of my position. Further, Dimond fixates on a Catholic’s ability to recognize a formal heretic without proving that the conciliar popes have acted with malice. This is one of Dimond’s principal errors.*

- Loss of Office for Formal Heresy: If a pope’s heresy is notorious or the pope is pertinacious in his heresy, he automatically loses his office without a declaration of heresy by the Church (canons 188.4 and *Cum Ex Apostolatus*).

*While Dimond and I agree with this statement, Dimond (as you will see) repeatedly claims that I believe a formal heretic does not automatically lose his office for said heresy, but needs a declaration from the Church. This is another deliberate or negligent mischaracterization of my position. Formal heretics automatically lose their office under divine and ecclesiastical law. However, to prove formal heresy, Dimond and all sedevacantists must prove the heresy is “notorious” (meaning, the pope is acting with malice which is widely known by the Church) or the pope is “pertinacious” in his heresy (he persists with malice in his errors after being rebuked). To that end, canon law requires, inter alia, that the accused be formally warned and then disregard said*

warnings before a determination of loss of office can take place (canon 2314.2). This is one of many canons that Dimond fails to address because it disproves his position.

*In short, Dimond has offered no proof that the conciliar popes have acted with malice which is widely known by the Church (or have obstinately persisted in their errors after having been rebuked for them). Even if there were evidence of malice or disregarded warnings, the pope would be entitled to rebut such evidence as a matter of due process. That is why Dimond fixates on a Catholic's ability to recognize heresy without the intervention of the Church (because he wants to personally judge the heresy) and also why he ignores or dismisses the canon law that requires declaratory sentences for heresy (again, because he wants to personally judge the heresy).*

- If Malice is Not Proven, a Declaration is Required if for the Good of the Church: If there is no proof of formal heresy (because widely-known malice or pertinacity has not been proven), then a declaratory sentence of heresy is required if it is for the "common good" of the Church (canon 2223.4). If a claimant to the papal throne is suspected of heresy, the common good of the Church would *always* require a declaration of said heresy.

*While this canon is one of the most critical elements of my position, Peter Dimond (as you will see) never even mentions the canon in his rebuttal of my article! This omission is quite telling. Dimond avoids the canon because he cannot prove the "heresies" of the conciliar popes are morally imputable and, hence, notorious.*

*To prove malice, one must prove there is no defense for culpable human error, such as weakness, a desire for human respect, inadvertence, mental reservation, etc. Guilt for formal heresy (which merits eternal condemnation) cannot be based on anything other than malice aforethought. If such cannot be proven, a declaratory sentence under canon 2223.4 must be given if the common good of the Church requires it (and such a sentence would always be required in the case of a charge against an elected pope).*

*Note also: As I explain in my article, such a declaration is not the cause of the heretic's expulsion from the Church; it simply affirms that the heretic has already expelled himself from the Church. That is, it affirms that the heretic already lost his office under canon 188.4 and Cum Ex Apostolatus (and would retroactively apply the expulsion to the date the heresy occurred). As you will see, this is another distinction that Peter Dimond fails to address or comprehend.*

- Investigation Required for Declaratory Sentences: If there is no proof of formal heresy (e.g., no proof that the heresy is "notorious" or no proof of "pertinacity," canon law requires an investigation of the charge of formal heresy (under canon 1939) which then leads to a declaratory sentence (under canon 2223.4).

*Because Dimond believes the conciliar popes are formal heretics without having proven they have acted with malice, he incorrectly concludes these canons do not apply. As you will see, this is another one of Dimond's principal errors which taints the rest of his position and leads to his erroneous conclusion that we have no valid pope.*

## DIMOND'S CRITIQUE AND MY RESPONSE

### DIMOND PRESUMES THE POPES ARE GUILTY OF "NOTORIOUS" AND "PERTINACIOUS" HERESY WITHOUT THE REQUISITE PROOF

I will begin my response to Peter Dimond and all sedevacantists by addressing the Church's requirements for establishing formal heresy. The Church has always taught that the sin of formal heresy is the worst of all sins. This is because it is a sin against God's truth committed by one who has been enlightened with the truth and then rejects it. In short, it means a baptized person has willfully and publicly defected from the Faith (like Martin Luther). Thus, it is a sin even worse than paganism. Consequently, it results in the worst of all punishments: being severed from the Body of Christ and set on the road to eternal damnation. To be guilty of formal heresy, the Church requires that one's heresy must be "public and notorious" under canon 2197.3 (which means the heretic acts with malice which is widely known by the Church) or "pertinacious" under canon 1325.2 (which means the heretic remains obstinate in his errors after being confronted with them).

Given the severity of the crime of heresy and its consequent punishments, the Church does not presume that an alleged heresy is "notorious" or "pertinacious." In accordance with the principles of justice and due process, the heresy must be proven beyond any reasonable doubt. This is particularly the case when dealing with a potential loss of office, as St. Alphonsus Liguori says, "the condition of the possessor is better" (Confess. Dirett. cap.1, n.11). In other words, when there is a doubt as to who is the rightful possessor of something, the law favors the one who is in fact in possession of the good or right in question. Thus, a pope is to be considered the rightful pope unless and until he is proven to be a formal heretic beyond a reasonable doubt. One cannot imagine a more important principle when dealing with the elected Vicar of Christ.

Dimond and other sedevacantists simply assume the conciliar popes are formal heretics. That is, they assume the popes are acting with malice, or are obstinate in their errors after having been shown they are erroneous. They disregard the possibility that mental reservations or other canonical defenses to culpability exist. To justify their presumption of malice, sedevacantists will refer to canon 2200.1 of the 1917 Code which says: "When an external violation of the law occurs, in the external forum the existence of malice (*dolus*) is presumed until the contrary is proved." In addition to presupposing that a pope has engaged in "an external violation of the law" (something Dimond simply assumes is true), there are two other fundamental problems with this argument.

First, the pope is above positive law. The Pope legislated canon 2200.1 and is above it and the rest of canon law, particularly when it works against him. This is another principle that Dimond and his sedevacantist colleagues simply ignore. Second, even if the pope were subject to canon 2200 and thus his formal heresy were presumed (which is not true), the pope would *still be entitled to rebut the presumption in a canonical trial* (surely, the Dimonds want the same due process in the federal fraud case currently pending against them). That goes without saying, which is why it is provided for by canon law itself (declaratory sentences must be given when the common good of the Church so requires under canon 2223.4, another principle sedevacantists are not willing to grant). Of course, if such consideration was afforded to Martin Luther – who declared that he was willfully departing from the dogmas of the Church – it should also be afforded to the conciliar popes who have never said they are willfully departing from Catholic dogmas.

The Church's theologians throughout the years have underscored the high evidentiary standard that is required to prove "notorious" heresy. For example, Woywod Smith says, "both the fact of the offense and the imputability or criminal liability must be publicly known" (A Practical Commentary on the Code of Canon Law, 1943). In other words, not only must the heresy be known throughout the Church, but the heretic's malice and pertinacity must also be widely known. Recall that St. Thomas says it "is licit to resist a Sovereign Pontiff who is trying to destroy the Church. I say that it is licit to resist him in not following his orders and in preventing the execution of his will" (*De Romano Pontifice*, Lib. II. C.29). St. Thomas reveals how high the "notorious" standard is; even in the case where a Pope is "trying to destroy the Church," notoriety is not presumed, but the Pope is recognized as validly holding his office.

St. Robert Bellarmine, whom sedevacantists often quote to support their false thesis, also says, "Just as it is licit to resist the [Roman] Pontiff who attacks the body, so also it is licit to resist him who attacks souls, or who disturbs civil order, or, above all, him who tries to destroy the Church. I say that it is licit to resist him by not doing what he orders and by impeding the execution of his will; it is not licit, however, to judge, punish or depose him, since these are acts proper to a superior." Like St. Thomas, St. Robert acknowledges that a true pope can willfully attack the Body, harm souls and even try to destroy the Church – without being presumed a public heretic who has lost his office (like all sedevacantists, Dimond fails to harmonize these and other quotes which refute his position with those quotes he thinks support his position).

Rev. Dominique Boulet of the SSPX further elaborates, "Even if the crime could not be covered up and there were no legally admissible defense or excuse for the act, nevertheless the greater part of the Church would still have to know of his moral guilt and that the act was legally inexcusable" (Is That Chair Vacant? *Communicantes*, October – December, 2004, No. 21). Boulet further asks Peter Dimond and all sedevacantists: "How is it possible for subjects to prove with moral certainty that the Pope, in his heart of hearts (i.e., within himself), actually hopes and wishes to cause and bring evil upon his subjects and that it is on account of this evil will that he promulgates evil laws? It is not possible."

Thus, for "notorious" heresy to exist, there can be absolutely no defense to the pope's criminal liability. To that end, canon law (2199ff) provides seven defenses to culpability, which includes "habitual inculpable ignorance" and "actual inculpable inadvertence or error." Given their apparent desire to please the world, it is possible that the conciliar popes have an habitual inculpable ignorance or actual inadvertence or error concerning the harm they have caused the Church by actions they thought would benefit the Church. It is certainly possible if not probable.

Such defenses to moral imputability are matters of justice. After all, when our earthly fathers make mistakes and even do evil, they still remain our fathers. It is only when they act with malice against their children that the State can publicly intervene and take their jurisdiction of fatherhood away. This is why canon 188.4 uses the term "public heretic." If the pope's heresy is not "notorious" or he is not acting with "pertinacity" (those cases where the Church does not know or cannot prove whether he is acting with malice against his children), canon 188.4 is not triggered and hence does not apply.

Note well that Peter Dimond admits of the theological concept of a "material heretic," that is, one who holds a heretical position but is not culpable for it due to his ignorance of the Church's true teaching. He will admit that one can be a "material heretic" and still be in the Church because a "material heretic" is not really a heretic at all (not a culpable one). By doing so, he admits that invincible ignorance is an exception to being in formal heresy (even though, as we will see, he rejects invincible ignorance in the context of salvation – another one of his many double

standards). But if ignorance can be an exception to formal heresy, then why can't peer pressure, a weak will, a desire for human respect, confusion, a mental reservation, or other factors of "inculpable inadvertence or error" be an exception, especially when we are talking about elected Vicars of Christ?

By admitting the ignorance exception for material heresy, Dimond has no basis to deny that there may be other defenses to malice which canon law itself provides. Many factors remove malice from the equation, which means that malice cannot be presumed unless definitive proof exists (in which case the pope would be entitled to rebut the evidence). Even a pope who fell under the devil's control (which Malachi Martin indicated was part of the Third Secret of Fatima) would have a defense against heresy, for he would not be acting according to his will but would be under the influence of a diabolical disorientation (similar to a possessed person). Assuming the Dimond brothers are not being controlled by the devil, they clearly are not ignorant of the Church's condemnations of worshiping with non-Catholics, and yet they worship with "non-Catholics" every weekend, which would make them formal, not material, heretics by their own standards.

Dimond likes to make the argument that the popes cannot be ignorant of Church teaching. First, whether or not they are ignorant of Church teaching is not relevant to other canonical defenses against heresy, such as inculpable inadvertence or error from a mental reservation. Second, this inquiry goes to the state of mind of the pope (which Dimond is not capable of judging), and canon law provides for the possibility of habitual inculpable ignorance as a defense to heresy, even though it may not be the strongest defense. Note that Dimond often accuses his opponents of being "ignorant of Church teaching" which then leads him to accuse them of heresy, even though inculpable ignorance is a defense to heresy (which shows how Dimond does not understand canon law).

Of course, to arrogate to oneself the authority to determine a pope's level of malice or lack of ignorance is ridiculous. That's precisely what the Church teaches. While affirming the objective truth of the Catholic Faith and acknowledging those who misunderstand or reject it in ignorance, Blessed Pius IX declared, "Now, in truth, who would arrogate so much to himself as to mark the limits of such an ignorance, because of the nature and variety of peoples, regions, innate dispositions, and of so many other things?...it is unlawful to proceed further in inquiry" (*Singulari quadem*, December 9, 1854; Denz. 1647). If the Church tells us we cannot even inquire, much less judge, the ignorance of non-Catholics, how much less should we formally judge the state of mind of the reigning pope (and strip him of his office in the process)?

The case of Pope Honorius proves that we cannot use our private judgment to declare the moral imputability of a pope's heretical statements or writings. Pope Honorius wrote a letter to Sergius stating that Christ had one will. Using Protestant and sedevacantist private judgment, one can argue that Honorius should have known Christ had two wills, for the proof is right in the Gospels (e.g., Lk 12:42). Jesus reveals in the Garden of Gethsemane that He united His human will to His divine will to accept the Cross, even though He feared the suffering in His human nature. The Church was able to dogmatize the two wills of Christ precisely because it was part of her common teaching. Hence, using Dimond's standard, when Honorius penned the heresy, he should have lost the papal office. But he didn't (even the council of Constantinople's condemnation of Honorius refers to him as the pope).

I don't bring up the Honorius case to prove that Honorius was a heretic (in fact, I have argued the contrary, which is why Dimond's rebuttal that the two wills of Christ was not dogma at that time is irrelevant). Rather, this case demonstrates that the Church is the judge of papal heresy

and culpable versus invincible ignorance, not the faithful. This is why, in the absence of malice, Honorius could not be held a heretic until the Church adjudicated the matter (which is more historical evidence against the sedevacantist thesis).

No matter what charges Dimond brings against the conciliar popes, he cannot definitively prove they are acting with malice (which is required for formal heresy). They cannot judge the internal dispositions of the pope. Even if the popes were not ignorant of Church teaching (a fact that would have to be established in a canonical trial), the popes may be operating under an “inculpable inadvertence or error” with respect to their ecumenism and dialogue with the world, such that they think they are actually serving the common good of the Church (after all, Pope John Paul II knew of the many conversions that occurred during his reign, and thought he really was serving the Church).

A person can also make heretical statements while maintaining orthodox internal dispositions, that is, he may not necessarily believe what he says, based on many factors (peer pressure, misplaced zeal, emotional imbalance, etc). In fact, after retracting a statement he made about Islam, Pope Benedict XVI admitted that his speeches (which form an indispensable foundation for the Dimond brothers’ sedevacantist position) don’t necessarily reflect his personal beliefs. In other words, *Pope Benedict confessed that what he says and what he believes may be two different things* (evidence that he may be laboring under an inculpable inadvertence or error of mental reservations). Further, the pope, above all men, would have the right to rebut any evidence that he is intentionally departing from the Catholic Faith as a matter of justice and due process. Again, that goes without saying.

In the United States criminal justice system, a defendant is presumed innocent until proven guilty beyond a reasonable doubt. However, in Peter Dimond’s world, the pope is presumed guilty until proven innocent (actually, Dimond would not even give the pope a chance to prove himself innocent in a canonical trial! Yet, Dimond filed a counterclaim in his fraud case which shows he has different standards of due process for himself). Hence, for Peter Dimond, the elected Vicar of Christ (being presumed guilty) should get less consideration than a defendant in a criminal trial in America (being presumed innocent). For Peter Dimond, the greater one’s office, the easier it should be to remove the person from said office. Dimond probably thinks it should be easier to impeach the President of the United States than the local head of the city council in Fillmore, New York. Mr. Dimond, please note the obvious: *important offices of governance are not lost based on rebuttable presumptions*. If they were, entire societies, including the Church, would collapse.

#### DIMOND DISMISSES THE DECLARATORY SENTENCE REQUIREMENT OF CANON 2223.4

If notorious or pertinacious heresy has not been definitively proven (and it has not been in the case of the conciliar popes), the Church requires the claim of heresy to be investigated, and a declaratory sentence to be issued, if it is for the “common good” of the Church (even if the pope is suspected of heresy, he is entitled to rebut the presumption as a matter of justice and due process). To recap what I presented in my original article: While Catholics can know if someone is a heretic, when it comes to the claimant of the papal throne whose heresy has not proven to be morally imputable, that knowledge is certain only if there is a formal declaration by the Church. This is because knowing whether we have a pope is for the common good of the Church. This is precisely what canon 2223.4 says:

In general, to declare a penalty *latae sententiae* is left to the prudence of the superior; but whether at the instance/request of a party who is involved, or because the common good requires it so, a declaratory sentence must be given (emphasis added).

St. Augustine affirmed the principles of canon 2223.4: “However, this sentence must be issued...if the public welfare demands it, for instance, in the case of a corruptor, or briber, or dangerous heretic (Augustine, Vol. 8, p. 91.).

As I have previously mentioned, canon 2223.4 is foundational for my entire position, namely, that a declaration of heresy is required for the good of the Church when a pope’s moral imputability has not been proven. But guess what. Peter Dimond *never even mentions this canon in his rebuttal of my article!* Not once. Just search through his rebuttal and see. He simply pretends that canon 2223.4 doesn’t exist or doesn’t apply. Hence, Dimond removes the foundation from my position, and then attacks my position by saying it has no foundation.

While Dimond accuses my article of being “diabolical,” “obfuscation,” “distortion,” “black magic” and other emotionally charged words, he is the one guilty of such tactics, as his glaring omission demonstrates. Consequently, Dimond’s presumption of formal heresy without the requisite proof of malice or pertinacity (by his own private judgment and without the aid of the Church) taints his entire analysis. This leads him to ignore certain laws that are adverse to his position, and incorrectly apply other laws that he thinks supports his position.

#### DIMOND FAILS TO UNDERSTAND THE APPLICATION OF CANON 188

For example, one of his favorite authorities is canon 188.4. This law, which I cited in the beginning of my article, says, “all offices whatsoever fall vacant and without any declaration if the cleric...publicly defects from the Catholic Faith.” Dimond replies: “It’s important to notice that Salza admits, right off the bat, the key principle that sedevacantists employ; namely, that a public heretic is expelled from the Church and removed from office *without declaration*. By admitting this principle, but not granting their argument, Salza tries to disarm the sedevacantists of their main weapon and give the impression that the real issue lies elsewhere. He then draws what he considers to be his key distinction; it will also be the key distinction on which we must focus to see Salza’s primary error exposed.”

No, Peter, it is a distinction that is drawn by canon law itself: the act and consequences of public defection from the Faith (canon 188.4) and the knowledge of the defection through a declaratory sentence if for the good of the Church (canon 2223.4). Dimond simply assumes that the conciliar popes have “publicly defected” from the Faith without proving the requisite malice, which he thinks then gives him an excuse to ignore the declaratory sentence requirement of canon 2223.4. However, if malice has not been proven, then neither has the application of canon 188.4 been proven. In such case, canon 2223.4 *requires* a declaratory sentence of the heresy because it is for the common good of the Church.

Dimond should also be aware of the fact that canon 188 is part of the section of canon law dealing with the resignation of offices (canons 184-191). These canons (canon 188.4 included) deal with public acts that leave no question as to whether an office has been resigned or abandoned. In the case of the putative heresy of a pope, only evidence of widely-known malice or a declaratory/condemnatory sentence would provide the required certainty of a “tacit resignation.”

Dimond continues by saying, “I would like readers to consider the logic behind Salza’s claim. He admits that canon law, doctors of the Church, popes, etc. do in fact teach that divine law automatically expels a heretical cleric from office without declaration. That begs the question: what’s the point of such a teaching if we are unable to recognize that a heretical cleric has lost his office until “the Church tells us”?”

It is quite simple, but Peter Dimond is too fixated on his conclusion to see it. The first principle means that the declaration does not produce the expulsion; the heresy does. A declaration is not required for the expulsion to have taken place, as a matter of divine law. In the case of formal (notorious) heresy, a declaration is not required (although the Church may issue one if it benefits the Church or the excommunicate). But with respect to a claimant to the papal throne whose heresy is not notorious, an investigation of the claim of notorious or pertinacious heresy is required as a matter of due process.

Further, a declaration of heresy is required when it is for the good of the Church, which also reveals when the self-expulsion has occurred (this declaration also serves to void any official actions of the heretical pope). In the absence of such a provision, there would be absolutely no certainty in papal elections or papal governance. Ironically, canon law provides the certainty that the Dimond brothers so desperately desire, but as with all who commit the sin of intellectual pride, the Dimond brothers put their trust in themselves, not the Church.

While Peter Dimond claims that no declaration is required for a heretical pope, he actually *does* require a declaration: *from himself*. Ultimately, Dimond’s position is that the determination of whether a pope’s self-expulsion for heresy has occurred *is a matter of private judgment*. The Church and her ecclesiastical laws which govern and protect the accused have nothing to do with it. That is a sufficient reason alone to reject sedevacantism, for Christ did not give the faithful such a responsibility. Even though Dimond would admit that we must submit our private interpretation of Scripture to the judgment of the Church, he doesn’t hold the same view when it comes to judging the Church’s hierarchy. Rather, he maintains that we can use our private interpretation to declare them formal and public heretics.

Dimond continues, “If Salza were correct, the teaching would be pointless. The teaching that it occurs without declaration would effectively turn into: THERE MUST BE A DECLARATION. For, in such a scenario, Catholics would always have to submit to the individual as the legitimate office holder *until the declaration* is pronounced.”

Again, Dimond doesn’t understand the distinction which canon law itself makes. The declaration is not required to effect the self-expulsion; the heresy does that. Rather, the declaration is required for the universal Church to *know* that the self-expulsion has occurred. It is the distinction between ontology (the heresy as being) and epistemology (the heresy as known). In cases where the heresy has been proven to be notorious and pertinacious, the Church does not *have* to issue a decree of excommunication in order to make known the excommunication (e.g., a person severs himself from the Body for a sin against the Faith and thus excommunicates himself without Magisterial declaration).

But if moral imputability has not been definitively proven, a declaratory sentence is required if it serves the best interests of the Church. These decrees of excommunication are necessary to make the Church aware of the offense and the vacated office as well as drive the sinner to repentance. This ecclesiastical protocol happens for the good of the Church, and one cannot imagine a more necessary protocol when talking about the occupant of the papal throne.

## DIMOND IGNORES CANON 2314 IN LIGHT OF CANON 188

There is another critical omission in Dimond's analysis which proves he does not understand canon 188 (and would also receive a failing grade on a course in ecclesiastical law and contextual exegesis). Canon 18 specifies this most important principle in interpreting the laws of the Church: "Ecclesiastical laws are to be understood according to the meaning of their own words considered in their text and context; as for those things that remain unclear or in doubt, reference should be made to parallel provisions in the Code, if there are any, to the purposes and circumstances of the law and to the mind of the legislator." As applied here, this means Dimond's favorite canon 188 must be harmonized with other parallel provisions of the code. To that end, we note that canon 2314 (and 2379 and 2388) is referenced in Canon 188. That means canon 2314 sheds further light on the meaning and reach of canon 188. Let's see what that canon provides:

Canon 2314.1-2 says: "All apostates from the Christian faith and each and every heretic or schismatic: Unless they respect warnings, they are deprived of benefice, dignity, pension, office, or other duty that they have in the Church, they are declared infamous, and [if] clerics, with the warning being repeated, [they are] deposed."

While canon 188.4 says the office becomes vacant when one publicly defects from the Faith, canon 2314.2 requires formal warnings followed by the obstinate refusal to heed the warnings before the public defection can be established. These warnings serve to demonstrate whether the heresy is notorious or pertinacious and, if not, whether an investigation/declaratory sentence is required. Sedevacantists simply "jump the gun" by declaring (without any authority to do so) "public defection" acknowledged by canon 188.4 without any consideration for the "repeated warnings" requirements of canon 2314.2. However, canon law itself requires us to interpret canon 188.4 in light of canon 2314.2

Because they know they cannot avoid the application of canon 2314.2, sedevacantists will argue that the popes have been warned (for example, by traditionalist resistance letters or the mere existence of the dogmas of the Church). Such argumentation simply begs the question. Who warned the pope? When? About which doctrines? What was the pope's response? Did the pope intend to depart from Church teaching? As I explained in my original article, St. Paul warned St. Peter in public about his behavior which appeared to contradict a dogma of the Faith (that Gentiles were equal members of the New Covenant). This means that such warnings for heresy must be firmly established as a matter of divine law. To that end, ecclesiastical law requires ecclesiastical warnings before ecclesiastical offices are lost for heresy. Not only can Dimond not prove that the conciliar popes are obstinate in their alleged rejection of the Faith, he cannot even prove that they have been warned of the same.

These canonical requirements for warnings and declaratory sentences often force sedevacantists to try and divorce ecclesiastical law from divine law. This is a very common approach among them. They focus solely on the divine law which says a public heretic loses his office, as if that truth somehow dismisses the relevance of ecclesiastical law on the question. But the Church requires the divine law to be understood in light of ecclesiastical law. As Pope Leo XIII explained in *Libertas*, ecclesiastical law *applies* the divine law to the facts and circumstances of a particular case. As applied here, ecclesiastical law (dealing with investigations, warnings, and declaratory sentences if for the good of the Church) applies the Divine Law to a case of alleged heresy (it confirms or denies the existence of notorious or pertinacious heresy).

If the heresy is notorious, then Divine Law says the pope loses his office. But this determination is made through the application of ecclesiastical law, which requires certainty in the case of public heresy. Canon 15 (another canon Dimond doesn't refer to) says the law does not bind if there is doubt. In other words, canon 188.4 is not triggered if there is doubt a person's public defection from the Faith. Positive doubt exists if there is conflict in the objective evidence. As applied to the conciliar popes, there are most certainly conflicts in the objective evidence supporting a claim for public heresy. That is because for every "heretical" statement one may pluck from a papal speech or sermon, one can find many more orthodox statements from the same popes on the same subject matter.

For example, the Arians didn't say Christ was God one day, and Christ wasn't God another day. Their position was unequivocal. Not so in the case of the conciliar popes. In fact, the very nature of a modernist statement means that it is subject to multiple interpretations. But if a statement can be interpreted in different ways, it cannot be considered notorious *in se*. This necessarily means there is a conflict in objective evidence, which means the application of canon 188.4 is not automatically triggered. Rather, one must go through the ecclesiastical procedures to determine whether public heresy exists.

Even though Sedevacantists attempt to dismiss the relevance of ecclesiastical law and focus solely on the Divine Law, the approach still does nothing for their case. While canonical imputability is in the external forum (dealing with the loss of office), moral imputability is in the internal forum (dealing with the pope's heart and mind). If the sedevacantist wishes to disregard the ecclesiastical laws addressing canonical imputability, he is stuck with having to prove the moral imputability of the pope by judging his internal dispositions. But this is impossible. For example, a pope may have a mental reservation when he makes a heretical statement (which means stating a heresy in public does not always equate to "public heresy"). This fact forces him back to ecclesiastical law, which requires investigations, warnings and declaratory sentences to affirm public heresy. In short, because all of the "heretical" statements of the conciliar popes are equivocal (that is, they are "offset" by orthodox statements), and may be further accompanied by mental reservations, ecclesiastical protocol is required.

#### DIMOND FAILS TO UNDERSTAND *CUM EX APOSTOLATUS*

Next, and not surprisingly, Dimond turns to *Cum Ex Apostolatus Officio*, which I also addressed at length in my article. As my article pointed out, Pope Paul IV in *Cum Ex* declared that a heretic loses his office without the need for ecclesiastical censure. I granted this principle up front, and even argued that the principle is part of the divine law (although this principle has never been dogmatized by the Church). As I have repeatedly stated, the formal heresy causes the self-expulsion (affirmed by *Cum Ex*, Dimond and Salza), and thus a declaration of the self-expulsion is not required (affirmed by *Cum Ex*, Dimond and Salza), unless notoriety/pertinacity is not definitively proven (affirmed by canons 2197.3 and 1325.2; Salza; harmonized with *Cum Ex*; denied by Dimond); in which case a declaratory sentence is required if the "common good requires it so" (affirmed by canon 2223.4, Salza, Cajetan, Suarez; harmonized with *Cum Ex*; denied by Dimond).

As an aside, note that Dimond assumes the loss of office would automatically prevent the heretical pope from governing the Church. While many theologians have held that position (I believe it is the more probable position based, in part, on Pope Leo XIII's *Satis Cognitum*), the position is far from dogmatic as other theologians have held different opinions on the matter. In fact, as we will see, canon law allows heretics to perform acts of jurisdiction, which may even

admit of certain acts of governance. This is another example of Dimond making assumptions to support his thesis without acknowledging that other opinions exist.

We should admit that it could be possible for Christ to maintain the jurisdiction of a heretical pope until the issue of his heresy formally resolved. In this way, God could still speak through the pope like He spoke through the mouth of Balaam's ass (Num 22:28-30). This is why theologians call the incompatibility between heresy and jurisdiction *in radice* (in the root), for an uprooted plant can still stay green for a while. Father Billuart further affirms that "According to the more common opinion, Christ by a particular providence, for the common good and the tranquility of the Church, continues to give jurisdiction to an even manifestly heretical pontiff until such time as he should be declared a manifest heretic by the Church" (De Fide, Diss. V, A. III No. 3, Obj. 2).

The great theologian Garrigou-LaGrange holds a similar opinion, by making a distinction between the "physical" head of a heretical pope (who may no longer be able to exercise jurisdiction by commanding the Church) and the "moral" head of a heretical pope (who can exercise jurisdiction through preaching and confecting the sacraments, even if he is no longer a member of the Church; as St. Thomas teaches, heretics can still confect the sacraments) (*De Verbo Incarnato*, p. 232). Peter Dimond completely ignores these and other important authorities and distinctions; he simply concludes that the conciliar popes lost their jurisdiction and hence Catholics are heretics for being in communion with them, even though he holds a different standard for himself when it comes to his regular attendance at a non-sedevacantist parish. It is quite the double standard.

Let me once again re-emphasize Peter Dimond's mischaracterization of my position. I am not saying Catholics can never know if someone is a heretic without a declaration from the Church. Dimond is incorrectly accusing me of that position. If someone says, "I was baptized, and I deny the Immaculate Conception," and such person obstinately perseveres in that error after being rebuked and corrected or shown evidence of his error, Catholics should rightfully conclude that such a person is a heretic (pertinacity would be proven) without an accompanying ecclesiastical censure. But if pertinacity or notoriety is not proven, then canon 2223.4 requires a declaration of heresy if it is for the "common good" of the Church. If it is for the good of the Church to know if we have a pope (it most certainly is, for nothing more important for the Church could be imagined), a declaration is required, unless the pope's heresy is morally imputable, which sedevacantists cannot prove.

The Dimond brothers can compile all the heterodox quotes of the conciliar popes that they wish and "adjudicate" them on their website as if they are the Magisterium. But non-sedevacantists can do the same thing. We can compile thousands upon thousands of orthodox statements from these popes which would far surpass the volume of their quasi-heretical statements. I don't say this to downplay the gravity of the unorthodox papal statements or say that proof of heresy is a mathematical formula or balancing act. No, I make this point to highlight that the sedevacantism debate comes down to a *factual question of proof*. Because it comes down to a question of proof between two opposing sides demonstrates that a higher authority (the Church) *must resolve the issue*. When it is a question of evidence which can deprive one of an ecclesiastical office, an ecclesiastical authority must resolve the question.

While a Catholic may claim that some of the conduct of the conciliar popes raises questions about their fidelity to Church dogmas (e.g., "No Salvation Outside the Church"), these Popes have never declared that they deny the dogmas in question. If, for example, Pope John Paul II made known to the Church that he kissed the Koran because he denies the divinity of Christ,

and he persisted in his error after being rebuked, the Church would know at that point that he is a formal heretic. A declaration of heresy for “the common good” of the Church in such case would be unnecessary (although it would most likely still be given), and canon 188.4 and *Cum Ex* would apply.

But because John Paul II has also publicly declared Christ’s divinity (and much more than he can be accused of denying it), we cannot conclude he is a formal heretic for denying Christ’s divinity on the grounds that he kissed the Koran. In other words, we cannot say John Paul II acted with malice when he kissed the Koran, even though it was an incredibly scandalous act to do. Wouldn’t Dimond use the same argument to defend his parish worship with “heretics” and “apostates?” The same can be said for the rest of the “heresies” of the conciliar Popes – they will affirm a dogma one day, and then raise doubts about their affirmations another day (yes, I am aware of Pope Pius VI’s *Auctorem fidei* concerning the errors of using ambiguous language, but that decree does not say that the one communicating the ambiguity is automatically a formal heretic; it says only that we must expose and condemn the error that the ambiguity can give rise to).

Here is where canon 2223.4 – which Dimond never even addresses – comes into play. A declaration of heresy would be necessary in such a case to prove formal heresy exists. And this would follow only after the Pope were warned (under canon 2314.2) of his putative heresy and disregarded those warnings. We simply don’t know whether John Paul’s kissing of the Koran was an act of apostasy, a desire to gain the praise of men, or a manifestation of his worsening dementia and senility, much less whether he was given any warning for his behavior. Of course, the conciliar popes have never said they *know* they are departing from Catholic teaching. Expulsion from the Church must be based on malice, not speculation. Note also that Padre Pio, the great mystic who communicated with God throughout his life (and whom the Dimond brothers greatly admire), revealed to Karol Wojtyla when he met him: “some day *you will be pope*.” Obviously, Padre Pio’s prophecy came true. I would rather wager my conclusions (and salvation) on the divine prophecies of St. Pio than on the private judgment and false prophecies of the Dimond brothers.

Dimond would say that my analysis makes it a question of how obvious the heresy is. That is true, for that is precisely how canon law frames the question. Again, to be a formal heretic, the heresy must be “public and notorious.” To be public, the heresy does not have to be widely known among the faithful as Dimond correctly points out, but it does have to be practically impossible to stop it from becoming widely known. In my article, I argued that Cardinal Roncalli’s pre-election “heresies” were not public under canon 2197 of the Code because they were not widely known by the Church, or at least there was some doubt as to whether they would become widely known.

There is no definitive evidence, for example, that Cardinal Roncalli’s “heresies” were commonly known as evidenced in part by the fact that Pope Pius XII never rendered any negative judgments against Roncalli. Dimond recharacterized my position to mean that the conciliar popes’ “heresies” are not public, but I was addressing *only* the putative heresies of Cardinal Roncalli, *not* the “heresies” of the conciliar popes (*Cum Ex* applies to Cardinals being elevated to the papacy, and not to reigning popes). I agree that the words and actions of the conciliar popes would be considered “public” in accordance with canon 2197.

But even if Roncalli’s “heresies” were public (and this goes for the conciliar popes as well), they would still have to be notorious or pertinacious, as I state in my article. Like most sedevacantists, Dimond does not address the “notorious” prong of canon law, and that is

because he cannot prove notorious heresy exists (which means he cannot prove formal heresy at all). For a heresy to be notorious, it would not only have to be widely known, but the moral imputability (in other words, the criminal liability) would also have to be widely known. The pope's words and actions could not be excused by any self-defense, such as the pope's desire (as is the case with liberals) to please the world, or the pope's weakness, or old age, or imprudence. To put it simply, there is no proof that the conciliar popes have acted with criminal intent or malice, much less is such "proof" widely known by the Church. In fact, most people believe that Pope John Paul II was deeply convinced that he was serving the Church – albeit, at times, in a very damaging way.

Further, as I have pointed out, Dimond attempts to apply *Cum Ex* to the "heresies" of the conciliar popes *as popes*, even though *Cum Ex* applies only to heresies committed by these men *prior* to their election to the office in question. Pope Paul IV makes this clear: "If...the Roman Pontiff...*prior* to his promotion or his elevation as Cardinal or Roman Pontiff has deviated from the faith or fallen into some heresy..." Moreover, Dimond cannot prove that the alleged heresies of Roncalli or Wojtyla or Ratzinger – prior to their elevation as Cardinal or Pope – were "notorious" as required by canon 2197 or "pertinacious" as required by canon 1325.2. If Dimond cannot prove that they acted with malice against the Faith before their elevations, the provisions of *Cum Ex* do not even apply.

Dimond further uses (abuses) *Cum Ex* to prove that Catholics can know a heretic without a declaration, which he then uses to justify his separation from the conciliar popes because Pope Paul IV says Catholics "shall be permitted at any time to withdraw with impunity from obedience and devotion to those thus promoted or elevated." But as I have said, the issue is not whether we can ever know whether formal heresy exists (we can). The issue is whether a declaration of such heresy of an elected pope is necessary to serve the "common good" of the Church (it is), and whether Dimond can prove the pre-election heresies of the conciliar popes were notorious (he cannot).

#### DIMOND FAILS TO APPLY CANONS 1557-1558

Because he ignores the application of canon 2223.4 requiring declaratory sentences in certain cases, Dimond also errs in his interpretation of related canons. For example, in my article, I explain that under canons 1557 and 1558, the pope is the sole judge of his Cardinals. This means that the pope alone decides whether a Cardinal is a heretic (which means Pope Pius XII would have had to judge Cardinal Roncalli a heretic but did not). However, because Dimond doesn't believe that declaratory sentences are required for claimants to the papacy, he simply dismisses these canons as having "no relevance to the issue."

Dimond says, "That's because they pertain to trials, and the principle that a heretic loses his office without declaration takes effect *without a trial*. "Without declaration" means without a trial. If you consult the subject heading above canon 1556, you will discover that these canons all refer to "On Trials in General" (*De Iudiciis in genere*). Hence, they all pertain to how trials are conducted. Canons 1557-1558, which are cited by Salza, simply legislate that only a Roman Pontiff could preside over a trial of a cardinal or designate the judge at a trial. That has nothing to do with the principle that a publicly heretical cleric loses his office WITHOUT ANY DECLARATION OR TRIAL."

Talk about "diabolical deception!" (to use Peter Dimond's words). Please stay with me and you will see what I mean. Dimond's conclusion (that these canons don't apply because they relate to trials) is based on his false premise (that trials don't apply because declaratory sentences are

not required for claimants to the papacy). Pay attention to what Dimond is doing. A condemnatory sentence for heresy is declared only after a canonical trial, and canon 2223.4 requires a condemnatory sentence to be declared if it is for the common good of the Church (in the case of a claimant to the papacy whose heresy has not yet been proven to be morally imputable).

But because Dimond says condemnatory sentences are not required (by ignoring canon 2223.4), he can also say trials are not required! That means canons 1557-1558 – which relate to the pope’s singular authority to judge Cardinals at trial – don’t apply. And guess what. That means Peter Dimond gets to judge the Cardinals and the pope instead! Indeed, it is Peter Dimond who is engaged in the “intellectual black magic” act, for canon law says the pope is the sole judge of his Cardinals where declaratory sentences are required, but Dimond says he is the judge of the Cardinals and pope because declaratory sentences are not required.

Dimond makes the same error with canon 1939 which requires a special investigation for certain transgressions: “If the transgression is not notorious, or not entirely certain, but has arisen from rumor or public report . . . before anyone is summoned to answer for the transgression, a special investigation must be undertaken to decide whether, and on what foundation, the charge may be founded.”

Dimond’s false premise leads him to conclude the following: “if you consult the context of canon 1939, you will discover that it comes in Section 2 “On Particular Norms to be Observed in Certain Types of Trials” (*De Peculiaribus Normis in certis quibusdam Iudiciis Servandis*). That means that it’s another canon, found in the context of many similar canons, that deal with the procedures and processes to be followed in gathering information for (and conducting) trials. As shown above, this has nothing to do with the issue that a public heretic loses his office without any declaration or trial. In fact, the sub-section in which canon 1939 and following are found is “Title 19 – On the criminal trial” (*De iudicio criminali*).”

Once again, due to his false premise, Dimond dismisses the application of a canon (here, 1939) which is adverse to his position. Because Dimond ignores or rejects ecclesiastical law which requires declaratory sentences for heresy when it serves the common good of the Church, he must reject any canons related to the procedures for reaching such declaratory sentences. He fails to harmonize the laws which require declaratory sentences to know when self-expulsion has occurred (the “common good” exception) with the general rule that a public heretic loses his office. Note that canon 1939 is completely consistent with what I have said all along, namely, that a declaratory sentence is required where the “the transgression is not notorious” or “entirely certain” (2197) or when it serves the “common good” of the Church (2223.4).

Dimond goes on to accuse me of arguing that the conciliar popes’ “heresies” are not “public.” As I have already explained, in my article’s treatment of the “public” requirements of canon law, I was referring *only* to the putative heresies of Cardinal Roncalli, not the putative heresies of the conciliar popes, so Dimond is once again mischaracterizing my position. I simply stated that Roncalli’s pre-election heresies could not have been “public” because Pope Pius XII never rendered any negative ecclesiastical judgments against him, and almost the entire Catholic world accepted him as pope. I never said the conciliar popes’ words and actions cannot be considered “public.” Even if the conciliar popes’ “heretical” statements are “public” (and I do grant the same), Dimond cannot prove they are “notorious” (or even “pertinacious”). That is, Dimond cannot prove that these men are acting with malice, and that such malice is widely known by the universal Church. *That* question requires an investigation and determination under ecclesiastical law – the very laws that Dimond ignores or says do not apply.

## DIMOND MISAPPLIES CANON 2264

Next, with his blinders on, Dimond accuses me of contradicting myself in my application of canons 188.4 and 2264. Recall that canon 188.4 says “all offices whatsoever fall vacant and without any declaration if the cleric...publicly defects from the Catholic Faith.” Canon 2264 says “An act of jurisdiction carried out by an excommunicated person...is valid and also licit, if it was requested by the faithful in accordance with the norm of can. 2261, par. 2 (sacraments/sacramentals),” so long as no declaratory sentence was pronounced. To summarize, then, canon 188.4 deals with a public heretic’s loss of office (ordinary jurisdiction) and canon 2264 deals with a heretic’s specific acts of jurisdiction such as administering the sacraments and sacramentals (supplied jurisdiction).

As we have seen, Dimond’s key problem is that he automatically believes canon 188.4 applies, and so he limits the “heretical pope’s” ability to govern to specific acts of supplied jurisdiction under canon 2264. But his conclusion is based on another false premise. For canon 188.4 to apply, the heresy, as we know, must be “pertinacious” (under canon 1325.2), or “notorious” (under canon 2197.3). As we have also seen, canon 188 is not even triggered until it is proven that the Pope has been warned of his heresy and has disregarded the warnings (under canon 2314.2). This is why canon 188.4 uses the term “public heretic.” If the pope’s heresy is not “notorious” or “pertinacious” (the Church does not know whether he is acting with malice against his children), canon 188.4 is not triggered and hence does not apply.

As a high school graduate, Peter Dimond obviously has little or no training in either civil or canon law. Having failed to understand these legal distinctions, he falsely accuses me of saying that heretics both lose their offices and retain their offices. Dimond says, “At the beginning of his article, he admitted that self-excommunicated heretics lose their offices without declaration. Now, in analyzing and attempting to use canon 2264, he argues the opposite: that they retain their jurisdiction over the universal Church (which means their office, since ordinary jurisdiction is attached to an office). Which one is it, John? Does the office of a self-excommunicated heretic “fall vacant without any declaration,” or does the heretic retain his “jurisdiction as pope” over the universal Church? Salza blatantly contradicts himself on a central issue simply because his position is false.”

We can now see that the “contradiction” exists only in the mind of Mr. Peter Dimond. Let’s summarize it once again for him: If the heresy is “public and notorious,” the pope loses his office under canon 188.4. If the heresy is not “public and notorious” or such is “not entirely certain” (canon 2197.3), then a “special investigation” of the question is required under canon 1939 (to see whether canon 188.4 is triggered if the pope expelled himself for heresy). To determine whether self-expulsion has occurred, a “declaratory sentence must be given” if it is for the “common good” of the Church (canon 2223.4).

In the case of a claimant to the papal throne, a “declaratory sentence must be given,” for no greater good for the Church can be imagined than knowing if we have a pope. If the sentence declares the pope a heretic, we know under canon 188.4 that such heresy caused a loss of the papal office (the sentence would confirm the loss of office retroactively to the point at which the pope fell into heresy). If a “declaratory sentence” is required but not given (in the case of a pope), the pope maintains his office and ordinary jurisdiction. If a “declaratory sentence” is not required, the heretic can still carry out valid and licit acts of jurisdiction (canon 2264), such as administering the sacraments and sacramentals to the faithful upon request (canon 2261.2).

As applied here, Dimond cannot prove that the conciliar popes' "heresies" are "notorious." He cannot prove that the popes are acting with malice which is widely known by the universal Church. This means the popes retain their offices and their ordinary jurisdiction, and canon 188.4 does not apply. Hence, the only way Dimond can strip the pope of his office is through the canonical procedures that he, quite wrongly, says do not apply. He simply presumes, without marshaling sufficient evidence, that the conciliar popes' heresies are "notorious" and "pertinacious," and then fixates on canon 188.4 and *Cum Ex* (which is quite an arrogant presumption to make about the elected Vicar of Christ). This way, he can dismiss the Church's ecclesiastical protocols and take the law into his own hands (I have more striking evidence of Dimond's failure to understand canons 2261 and 2264 later in this article in the context of his weekend worship with "heretics" and "apostates").

#### DIMOND'S CONTRADICTION REGARDING THE POPE PIUS X/XII LEGISLATION

Dimond also accuses me of misunderstanding the legislation enacted by Popes Pius X and XII which is as follows:

Pope St. Pius X: "None of the Cardinals may be in any way excluded from the active or passive election of the Sovereign Pontiff under pretext or by reason of any excommunication, suspension, interdict or other ecclesiastical impediment" (*Vacante Sede Apostolica*, 1904).

Pope Pius XII: "None of the Cardinals may, by pretext or reason of any excommunication, suspension, or interdict whatsoever, or of any other ecclesiastical impediment, be excluded from the active and passive election of the Supreme Pontiff" (*Vacantis Apostolicae Sedis*, 1945)."

As we can see, Popes Pius X and XII expressly legislated that no Cardinal may be excluded in any way from the active or passive election of the Roman Pontiff by reason of any excommunication (see also canon 2265.2 of the 1917 Code). In other words, even if a Cardinal were excommunicated for heresy, he can still validly vote for and be elected the Sovereign Pontiff. If it were not for this legislation, the Cardinals and all the faithful would never have a guarantee that a given election produced a valid pope. Such a lingering doubt would erode the Church from within, for no one would know with certainty whether the pope or the bishops appointed by him would have the right to govern and sanctify the faithful. This confusion would lead to schism after schism, and the Church would be paralyzed. To avoid such a catastrophe, the Church's law requires the presumption that the elected Vicar of Christ has full juridical authority over the universal Church.

Because this legislation is so damaging to the sedevacantist thesis, Peter Dimond tries to limit the application of the law to "minor" crimes subject to excommunication, but not to "major" crimes. Dimond says: "The refutation is as follows: ...Historically, excommunications were distinguished by the terms *major* and *minor*. Major excommunications were incurred for heresy and schism (sins against the faith) and certain other major sins. Those who received major excommunication for heresy were not members of the Church. Minor excommunication, however, *did not remove one from the Church*, but forbade one to participate in the Church's sacramental life."

Dimond's "refutation" is that a Cardinal's election to the papacy is valid only if his crime was not against the Faith (a "minor" excommunication), and is not valid if his crime was against the Faith

(a “major” excommunication). Yet, both Popes Pius X and XII legislated that a Cardinal is not excluded from being elected pope for any excommunication whatsoever. Weren’t Popes Pius X and XII aware of the old distinction between minor and major excommunications? Of course they were. These popes clearly knew the difference between crimes against the Faith and crimes not against the Faith. But, notwithstanding their knowledge of that distinction, these popes legislated that a Cardinal is validly elected to the papacy *irrespective* of the type of pre-election excommunication he may have incurred (for the policies previously mentioned). Therefore, Dimond’s distinction is erroneous and one of his own making (of course, Dimond cannot prove that Roncalli, for example, was even subject to a “major” excommunication before his election to the papacy, so Dimond’s distinction, even if true, does nothing for his case).

Acknowledging that his argument may actually be wrong, Dimond says, “It still wouldn’t make a difference. Notice what Pius XII says: ‘We hereby suspend such censures solely for the purposes of the said election; at other times they are to remain in vigor.’ This is an extremely important point. Pius XII says that the excommunication is suspended *only for the time of the election*; at other times it remains in vigor. This would mean that the excommunication for heresy would fall back into force immediately after the election and then the heretic who had been elected pope would lose his office! Thus, no matter what way you look at it, a heretic could not be validly elected and remain pope.”

Notice that Dimond acknowledges that the election of a heretic would be valid under this legislation, but then says “a heretic could not be validly elected.” Which one is it, Peter? Is the heretic validly elected (because the censure of excommunication is suspended), or not validly elected (because he was subject to a “major” excommunication, not a “minor” one, prior to the election)? Dimond also contradicts himself on this issue. The obvious purpose of the Pope Pius X/XII legislation is to *presume* that a Cardinal validly ascends to the papal throne, notwithstanding the existence of any pre-election excommunication. Then, after the election, when the excommunication “remains in vigor,” the question becomes whether the elected Pope is a “public heretic.”

If the pre-election excommunication was for “public and notorious” heresy, then canon 188.4 and *Cum Ex* would apply and the man elected to the papacy would not be pope. If the pre-election excommunication was for something other than “public and notorious” heresy, then the elected pope would be subject to the ecclesiastical procedures that Dimond says don’t apply (investigations, trials, declaratory sentences). Once again, Dimond’s false premise that the conciliar popes are “notorious” heretics poisons his entire analysis of ecclesiastical law, which he either dismisses as not relevant or manipulates in an effort to support his thesis.

Dimond continues in his rebuttal to mischaracterize my position by falsely claiming that I and other non-sedevacantists believe Catholics don’t have the ability to recognize heresy (simply a “straw-man” argument). Again, he says, “As we’ve shown, the idea that Catholics do not have the ability or the authority to recognize that a cleric has publicly defected from the faith (and thus lost his office) is the key argument upon which anti-sedevacantists such as Salza state their case.” No, Peter, it is not. The “key argument” is the sedevacantist’s inability to judge a pope’s heart and conclude he is acting with malice. I have always maintained that Catholics do have this ability to recognize heresy, but (especially in the case of a claimant to the papal throne!) the heresy must either be “notorious” or else declared by a “condemnatory sentence” for the “common good” of the Church (requirements of canon law that Dimond simply ignores or says don’t apply).

## DIMOND'S FAULTY (BUT HELPFUL) RELIANCE ON THE POPE LIBERIUS CASE

Dimond also refers to the case of Pope Liberius, who was falsely accused of falling into the Arian heresy in the fourth century. Then Dimond gloms on to what he calls a "little known" quote from St. Bellarmine which he thinks justifies his refusal to submit to the conciliar popes. Bellarmine says:

"Then two years later came the lapse of Liberius, of which we have spoken above. Then indeed the Roman clergy, stripping Liberius of his pontifical dignity, went over to Felix, whom they knew [then] to be a Catholic. From that time, Felix began to be the true Pontiff. For although Liberius was not a heretic, nevertheless he was considered one, on account of the peace he made with the Arians, and by that presumption the pontificate could rightly be taken from him: for men are not bound, or able to read hearts; but when they see that someone is a heretic by his external works, they judge him to be a heretic pure and simple and condemn him as a heretic" *De Romano Pontifice*, lib. IV, c. 9, no. 15.

Based on the foregoing, Dimond concludes: "if St. Robert's words show that Catholics were justified in presuming Pope Liberius a heretic and outside the Church, who only *appeared* to be a heretic (but actually wasn't), how much more in the case of Antipope Benedict XVI, who is without any doubt a heretic and an apostate." Actually, this argument only reveals the gross errors of sedevacantism and Peter Dimond's position. Bellarmine does not say that "Catholics were justified in presuming Pope Liberius a heretic" based on their own private judgment. Quite the contrary, Bellarmine says "the Roman clergy..stripp[ed] Liberius of his pontifical dignity," and "from that time, men could "judge him to be a heretic pure and simple."

If Dimond would have read Bellarmine's quote carefully, he would have known that Liberius' Catholic hierarchy ("the Roman clergy") investigated the claim of heresy and then determined the loss of office. It was only *after* this ecclesiastical determination that the faithful could hold Liberius a public heretic. It was precisely because Liberius' putative heresy was not "notorious" that the Catholic hierarchy had to make the determination (which is precisely my position, not to mention that of canon law). This is proven by the fact that Liberius was later exonerated (see Blessed Pius IX's *Quartus Supra*, No. 16, 1873), meaning his heresy was never "notorious." Bellarmine's quote is further evidence that an ecclesiastical investigation and censure is required if a pope is accused of heresy that has not been prove to be notorious and morally imputable. Thank you, Mr. Dimond, for providing us your "little known" quote from Bellarmine, as it only proves my position (and expressly refutes yours).

## DIMOND'S HYPOCRITICAL DOUBLE STANDARDS:

### DOUBLE STANDARD I: THE POPE VERSUS SEDEVACANTISTS

As if the foregoing information weren't enough, let us provide further evidence of Dimond's double standards. Dimond's rebuttal closes by accusing me of contradicting myself by stating that sedevacantists are schismatics and subject to excommunication. First, notice what he admits with this criticism: That I need a declaratory sentence to declare him a schismatic, but he doesn't need one to declare the pope a heretic! Once again, in Peter Dimond's world, a nobody like him deserves more consideration than the elected Vicar of Christ. For Dimond, accusations

against someone with no official position in the Church's hierarchy are subject to higher evidentiary standards than the man who sits in St. Peter's chair. Enough said.

Second, as we have seen *ad nauseam*, his rebuttal to my criticism is based on the false premise that I don't believe Catholics have the ability to know heretics and schismatics. He says, "As we see, Salza destroys his entire argument and proves that he's a corrupter of Catholic truth and an astounding hypocrite. By declaring (quite wrongly) that sedevacantists are schismatics and automatically excommunicated from the Church, he is doing what he elsewhere claims can't be done. Sedevacantists have not been declared excommunicated by authorities of the Vatican II sect."

I apologize to the reader for repeating myself. I have always maintained that Catholics can know a formal heretic when that heretic is obstinate or notorious. But when it comes to the claimant of the papal throne, if there is no definitive proof of moral imputability (which the pope would nevertheless be allowed to rebut in a canonical trial), canon law requires a declaratory sentence to be issued when it is for the "common good" of the Church. The Dimond brothers are not claimants to the papal throne (although they act like they are), and thus a declaratory sentence would not be required in their cases to establish their heresy or schism. Since almost nobody in the Catholic world listens to the Dimond brothers, the "common good" of the Church does not require a condemnatory sentence against them.

#### DOUBLE STANDARD II: THE POPE VERSUS DIMOND'S PARISH PRIEST

While Peter Dimond accuses the pope of formal heresy without proof of moral imputability or a declaratory sentence, he fails to live by his own standards. I have revealed that he and his brother attend Mass at a non-sedevacantist parish run by a Byzantine Catholic priest who has never been declared a heretic by the Church. Dimond says the reason he can do this is because the Church hasn't formally declared this priests' excommunication. But when I argue that we cannot withdraw from the post-conciliar popes *based on the same canon law*, Dimond says that my position is erroneous and condemns me!

Hence, even though Peter Dimond rebuts my position by arguing that a Catholic must withdraw from a heretic even if the Church hasn't declared the heresy, Dimond does just the opposite in his spiritual life. He remains in communion with this Catholic priest and even receives the sacraments from him. Here is Dimond's problem: If Pope Benedict XVI is a public heretic, then Dimond's parish priest must also be a public heretic, since his parish priest professes communion with Pope Benedict XVI (just like I do, and Dimond accuses me of being a heretic for the same reason). The theological axiom "the greater includes the lesser" applies.

This necessary conclusion raises some very simple questions: Why do the Dimond brothers hold their non-sedevacantist parish priest to one standard (not a public heretic), and Pope Benedict XVI to another standard (public heretic)? And why do they hold themselves to one standard (which allows communion with a "public heretic"), and me to another standard (which forbids communion with a "public heretic")? Who is really the "astounding hypocrite," to use Peter Dimond's words?

As you can see, on the one hand, the Dimond brothers argue that Pope Benedict is a public heretic and thus Catholics must separate from him, and on the other hand, they argue that their parish priest is not a public heretic and thus Catholics can commune with him (even though their parish priest is in communion with "Antipope Benedict"). Said differently, they argue that Pope

Benedict is a public heretic and thus a declaratory sentence is not required, but their “Antipope Benedict” supporting parish priest is not a public heretic and thus a declaratory sentence is required!

This is a blatant and embarrassing contradiction between the Dimond brothers’ teaching and praxis, which many in their own sedevacantist circles have correctly pointed out. In Dimond’s world, a declaration of heresy is not necessary to declare the pope a heretic and withdraw from him, but it is necessary for his local parish priest! How convenient. This is the grossest of double standards. I have already alleged that Peter Dimond believes the greater the office one holds, the less evidence that is required to remove the person from that office. Peter Dimond’s own conduct has proven that allegation true. His local parish priest gets more consideration than the elected Vicar of Christ. Indeed, Peter Dimond is in conflict with both himself and his anti-Catholic principles (of course, Peter can only argue that his conduct doesn’t reflect his beliefs, but then the same argument can be used to defend the conduct of the conciliar popes).

Thus, the Dimond brothers’ own standards condemn them. According to their standards, the Dimond brothers engage in false worship with “heretics” and “apostates” at their Sunday parish which is prohibited by divine law and canon 1258, as well as the constant teaching of the Church from its earliest days (see, for example, the councils of Laodicea, Carthage, III Constantinople, etc.) to the most recent popes whom they are fond of quoting (Pius IX, Leo XIII, Pius X and XI). By their attendance at the non-sedevacantist parish, the Dimond brothers also participate in the reception of “sacrilegious” communions which is prohibited by divine law and canons 731 and 2260.1. Professing to be “religious brothers,” they also engage in this “false” worship by disguising themselves in layman’s clothing to deceive their fellow parishioners. This also violates divine law and canon 1325.1 which imposes upon Catholics the duty to profess the Faith if silence would offend God or deny the Faith.

Hence, the Dimond brothers condemn the conciliar popes for the very same actions in which they themselves engage, which is hypocrisy of the first order (and, in moral theology, they would be guilty of objective mortal sin against the Faith). In fact (again, using their standards), the Dimond brothers’ conduct is even *more* sinful than that of the conciliar popes, for they, unlike the popes, engage in their “apostasy” on a regular, weekly basis in front of the same people, without saying a single word to them in favor of the true Faith, and intentionally disguised as laymen in street clothing. More astounding hypocrisy could not be imagined.

The Dimond brothers will attempt to justify their attendance at their non-sedevacantist parish by referring to canon 2264 and canon 2261.2 of the 1917 Code. Bear with me as we look at these canons. It will reveal the false assumptions and erroneous double standards the Dimond brothers use in applying them. Canon 2264 provides:

“An act of jurisdiction carried out by an excommunicated person, whether in the internal or the external forum, is illicit; and if a condemnatory or declaratory sentence has been pronounced, it is also invalid, without prejudice to can. 2261, par. 3; otherwise it is valid and also licit, if it was requested by the faithful in accordance with the norm of can. 2261, par. 2.

“See,” they say, “an act of jurisdiction by an excommunicated person is valid and licit if a declaratory sentence has not been declared. Therefore, we can attend the Mass of a non-sedevacantist heretic priest because no declaratory sentence has been declared against him.” Then they will turn to canon 2261.2 which says, “the faithful may, for any just cause, request sacraments and sacramentals from an excommunicated person, especially if other ministers are

not available, in this case the excommunicated person can administer them and is not under any obligation to enquire as to the reason for the request.”

Hence, they conclude, the “acts of jurisdiction” of an excommunicate (canon 2264) include giving the “sacraments” for “any just cause” such as a request by the faithful (canon 2261.2). “See,” they say, “we can receive the sacraments from our excommunicated parish priest, but that doesn’t mean the parish priest or the pope retain their offices or ordinary jurisdiction. They do not. They only have supplied jurisdiction for giving us the sacraments.” Again, how convenient. Unfortunately for them, these canons don’t say what they claim to say.

Of course, if they can subject themselves to the jurisdiction of their parish priest because no declaratory sentence of heresy has been declared against him, then the same goes for Catholics submitting to Pope Benedict - no declaratory sentence has been declared against him either. But here is their other critical problem with using canons 2264 and 2261.2: The canons which allow the reception of the sacraments from an excommunicate for any just cause presuppose that the excommunicate is not a public heretic. This is provided for in the next section, canon 2261.3: “But from a *banned excommunicate* and from others excommunicated after a condemnatory or declaratory sentence has come, *only the faithful in danger of death can ask for sacramental absolution* according to the norm of Canon 882 and 2252 and even, if other ministers are lacking, other Sacraments and Sacramentals.”

As we can see, these canons make a distinction between an “excommunicated person” (canon 2261.2) and a “banned excommunicate” (canon 2261.3). The distinction is that the “excommunicated person” of canon 2261.2 is one subject to a “minor” excommunication (which does not include public heresy) and the “banned excommunicate” of canon 2261.3 is one subject to a “major” excommunication (which includes public heresy), distinctions which Dimond himself acknowledges. In fact, a “banned excommunicate” in canon 2261.3 is treated the same as one who received a “condemnatory or declaratory sentence” for public heresy. This is also why canon 2264 allows an “excommunicated person” to perform specific “acts of jurisdiction,” but without prejudice to the “banned communicate” provision in canon 2261.3 which refers to “public heretics.” In other words, the Church allows the faithful to receive the sacraments from those subject to minor excommunication for any just cause, but from those subject to major excommunication (public heresy) *only when in danger of death.*

Peter Dimond even admits this distinction when he attempts to rely on canon 2264. He says: “It should also be noted that the excommunicated persons envisaged by this canon [2264] are not necessarily all heretics, for excommunication can be both major and minor. That further highlights Salza’s distortion. The canon concerns various excommunicated persons and their performance of certain acts of jurisdiction validly. This is also discussed in our audios on jurisdiction.”

Hence, the very canon laws that Dimond attempts to rely on to attend his non-sedevacantist parish eviscerate his position. As canon 2261.3 says, Catholics cannot approach public heretics (those “banned” and under “major” excommunication) unless they are in danger of death. As applied here, according to the standards of the Dimond brothers, their parish priest would be considered a public heretic (one who is “banned” and under “major” excommunication, even though no declaratory sentence has been declared). That is because their parish priest publicly and pertinaciously professes communion with “Anti-pope Benedict XVI.” Ironically, Peter Dimond has proven the pertinacity of his parish priest because he has admitted to confronting the priest about his “errors” and the priest continues to profess communion with Pope Benedict XVI.

Therefore, unless the Dimond brothers are in danger of death, according to their own arguments, they are gravely violating both divine and canon law by regularly approaching their non-sedevacantist parish priest for the sacraments (which means they really don't understand canon law and hence their interpretations of canon law cannot be trusted). It is obvious that the Dimond brothers have not carefully thought through their positions, although you would never know that from the way they attempt to bully their opponents. Even their fellow sedevacantists have criticized the Dimond brothers' hypocritical double standard in regard to their parish Mass attendance (just see, for example, the [willingcatholicmartyr.com](http://willingcatholicmartyr.com) blogspot, which correctly advances the same criticisms of their parish situation that I do).

### DOUBLE STANDARD III: PRE- VERSUS POST-CONCILIAR TEACHING

Just as Peter Dimond uses double standards in his erroneous application of canon law (one standard for the pope; another for his priest; one standard for himself, another for his opponents), he uses the same hypocrisy in his analysis of pre-conciliar and post-conciliar teaching. For example, Dimond believes baptism of desire and invincible ignorance are heresies. Yet when Catholics show Dimond that the pre-conciliar Church teaches both baptism of desire (Augustine, Aquinas, the Council of Trent, the St. Pius X Catechism) and invincible ignorance (Pope Pius XI), he responds by saying that these teachings "are not infallible." In other words, they are not part of the Church's Extraordinary or Ordinary and Universal Magisterium. This way, Dimond thinks he saves the pre-conciliar popes from heresy.

Well, then, the same logic can and does apply to the post-conciliar teachings that Dimond believes are heresies, since they too are not from the Extraordinary or Ordinary and Universal Magisterium. None of the heterodox statements or novel practices of Popes John Paul II or Benedict XVI, for example, have come from the Ordinary and Universal Magisterium. If Peter Dimond can save the pre-conciliar popes from heresy because their "non-authentic" teachings on "baptism of desire" and "invincible ignorance" are not infallible, then John Salza and other faithful Catholics can save the conciliar popes for the same reason – their "heretical" teachings and practices are not "infallible."

Similarly, if Peter Dimond can save himself from heresy on the grounds that his non-sedevacantist Mass attendance is only "disciplinary" and not "doctrinal," then we can say the same about the conciliar popes' ecumenical ventures, however scandalous they are. But, as with his attendance at a non-sedevacantist parish, Peter Dimond doesn't practice what he preaches. He says one thing, and does another. He applies one standard to himself, and another to those who disagree with him. He tries to malign his opponents' character, but won't let his opponents question his own character. He is a hypocritical and self-conflicted man, which anyone with a modicum of intelligence and honesty can see.

Granted, many people in the Church have an erroneous understanding of "invincible ignorance" and "baptism of desire." For example, it is difficult to show that "baptism of desire" would apply to other than unbaptized catechumens, although we must also admit that God is not bound by His sacraments. Also, in *Quanto Conficiamur moerore*, Blessed Pius IX teaches that "invincible ignorance" exists only in those who keep the natural law, are ready to obey God, live an honest and upright life, and do not commit deliberate sin. Obviously, given these criteria, most people outside of the Church would not qualify for "invincible ignorance" (how many people violate the natural law with contraception, or don't commit even deliberate venial sins?). Ignorance is an evil, not a good.

Nevertheless, Pope Pius IX teaches that those who meet these narrow criteria “can attain eternal life” by the “operating power of divine light and grace.” Dimond concludes that this must mean the invincibly ignorant person is infallibly led to formal membership in the Catholic Church. While this is a plausible conclusion, nothing in Pius IX’s teaching precludes one from concluding that God could infuse sanctifying grace into the soul of such person outside of the normative means of water baptism, since it is God who is making the person “keep the natural law” and “live an upright life” in the first place (although such an infusion of sanctifying grace would indeed make the person a formal member of the Church at that moment). Could not this principle apply to a person who is being moved by God to enter His Church? Peter Dimond would admit of no such exception, but that is to impose a limitation upon Pius IX’s teaching which is not supported by the text itself. Note also: I am not saying that these interpretations of “invincible ignorance” and “baptism of desire” are dogmatic; I am simply saying that holding them does not make one a formal heretic.

Similarly, Dimond would gratuitously assert that St. Pius X never approved the Catechism which bears his own name, simply because it teaches baptism of desire, and even though the Catechism was the normative source for catechesis throughout Europe at that time. Another convenient argument from Dimond. Since he knows the sainted pope’s Catechism teaches baptism of desire, he must resort to the only argument he has left: the sainted pope never approved his own Catechism! If he doesn’t make that argument (an argument which he cannot prove), then the sainted pope isn’t a saint but a heretic! What a conundrum for Peter Dimond. (Of course, Dimond could argue that St. Pius X was inculpably ignorant in teaching baptism of desire, or that the teaching is not infallible. But this doesn’t get him anywhere, since the same arguments can be applied to the conciliar popes; in fact, inculpable ignorance would be less probable in a sainted pope like Pius X than the conciliar popes who are not saints.)

Dimond would also say Trent doesn’t teach baptism of desire for catechumens who are studying to receive the sacrament, even though the council refers to “the laver of regeneration or (Latin, *aut*) a desire for it.” Dimond and his cronies will say that the “or” really means “and.” They might use an example like, “there is no valid marriage unless there is a bride or a groom.” “See,” they say, “the ‘or’ means ‘and’ because both a bride and a groom are required for marriage.” But Trent is using “or” in the disjunctive, not the conjunctive sense.

For example, I might tell my child, “You cannot play outside unless you sweep the floor or take out the garbage.” That means the child gets to go outside if she either sweeps the floor or takes out the garbage. She does not have to do both. That is the way Trent was using “or” in its clause on baptism of desire. To prove that Trent meant “or” and not “and” is quite simple: an infant is validly baptized even though its’ will cannot “desire” the sacrament (so Trent cannot mean the laver *plus* desire). This also results in the legitimate conclusion that a catechumen can receive the fruits of baptism by “desire” even though, for example, he dies before receiving it (since it is not laver *plus* desire; in this case, it would be desire but no laver).

Trent was following St. Thomas Aquinas, who greatly influenced the theology of the Tridentine Fathers, and who explicitly teaches baptism of desire in the *Summa* (III, Q 66, Art 11). While Dimond will say that “Thomas is not the pope” and is not immune from error, if “baptism of desire” is a heresy, then St. Thomas must have been a heretic to formally teach it in the *Summa* (which Trent referred to as an authority in its own proceedings). If so, what does that say about all the pre-conciliar popes (Pius V, Urban V, Innocent VI, Leo XIII, Pius X, Pius XI) who venerated St. Thomas as perhaps the greatest mind of the Church? They must be heretics too,

for only a heretic would call another heretic a saint and doctor of the Church. Again, what a conundrum for the Dimond brothers.

You see, the theology of the Dimond brothers admits of no exceptions to normative rules, and makes the “means” the “end.” This is a symptom of their intellectual desolation (you have seen this with their presumption of “notorious” heresy and their refusal to acknowledge the need for declaratory sentences when the good of the Church so requires). As applied here, baptism is a “means” to the desired “end” of obtaining sanctifying grace, but it is not the absolute means. Granted, baptism is the normative means to the desired end. But, as the Church has always taught, God is not bound by His sacraments, and can infuse the soul with sanctifying grace by special privilege outside of the normative means that He has established. After all, in His plan of election, God is the one who moves the soul to seek baptism in the first place. Hence, God can infuse that same soul with the fruits of baptism (the end of baptism) if the means are not available (e.g., the catechumen dies before water baptism). Would the Dimond brothers dare say differently? You bet they would.

#### DOUBLE STANDARD IV: THE POPES’ CRIMES V. THE DIMOND BROTHERS’ CRIMES

Finally, it is fair to describe the Dimond brothers’ current legal problems in the context of justice and due process (the following is public information). U.S. District Judge John Curtin has allowed a civil case to proceed against the Dimond brothers for federal racketeering (under the RICO Act), mail fraud, bank fraud, wire fraud, misrepresentation, unlawful enrichment, deceptive trade practices, false advertising, and conspiracy in connection with defrauding a postulant who sought to become a Benedictine monk at their monastery. The pleadings, which were filed on March 10, 2009 in the United States District Court (Western District of New York) by K. Wade Eaton, Esq. of Chamberlain D’Amanda, Oppenheimer and Greenfield, LLP, allege that the Dimond brothers defrauded Eric Holye out of over \$1,500,000 in cash and stocks.

Mr. Hoyle joined the Holy Family Monastery to become a Benedictine monk under the guidance of the Dimond brothers. In exchange, the Dimond brothers required that Mr. Hoyle turn over to them all of his worldly possessions. Further, the Dimond brothers agreed in writing that if Hoyle left the monastery, they would return \$750,000 to him. After two years, Hoyle did leave the monastery after determining that the Dimond brothers’ organization was not associated with the recognized Order of St. Benedict. The Dimond brothers have not publicly offered any proof that they are associated with the Benedictine order they represented to Mr. Hoyle, and have not returned the \$1,500,000, or even the \$750,000 to Mr. Hoyle as they agreed to do.

Let’s now apply to the Dimond brothers the standards that they apply to the conciliar popes. The Dimond brothers have been accused of not being members of the recognized Order of St. Benedict (just like they accuse the conciliar popes of not being members of the Church). The Dimond brothers are not “inculpably ignorant” of knowing the origins of their religious order and whether they truly are recognized Benedictine monks (just like the conciliar popes are not ignorant of the Catholic Faith).

Yet, by their words and actions, the Dimond brothers have not proven in the public domain that they are members of a recognized Benedictine order (just like the popes haven’t proven they are true members of the Church because of their words and actions). Therefore, the Dimond brothers are automatically guilty of fraud and should be removed from their ministry (just like the popes are automatically guilty of heresy and should be removed from their ministry). The evidence in the public record is sufficient to prove the Dimond brothers’ malice, and they should

not be entitled to rebut this evidence in a trial. Their crimes are “public and notorious” and hence no “declaratory” or “condemnatory” sentence is required. Case closed.

Is that fair? Of course not. The Dimond brothers are not guilty until proven innocent (in their civil case, even a *preponderance* of evidence against them *is not presumed*), and neither are the conciliar popes. Even though the facts in the public record appear to demonstrate they are not true Benedictine monks (just like certain isolated facts could make it appear that the conciliar popes are not true members of the Church), the conclusion is not definitive (although I am not aware of *any* Benedictine order in the world that recognizes the Dimond brothers as Benedictine monks). Even though malice seems much *more* obvious in the Dimond brothers’ case than in the case of the conciliar popes (because the Dimond brothers financially profited from their alleged crimes), they still have a right to confront their accuser, rebut his evidence, and provide exculpatory evidence to defend and exonerate themselves.

If the Dimond brothers wish to argue this is not a fair analogy, I would agree: The crime they are accusing the popes of (formal heresy) is much worse than their alleged offenses of fraud and racketeering, and the office they seek to declare vacant (the papacy) is much higher than the ones they occupy at Holy Family Monastery in Fillmore, New York. In fact, the crime of heresy is the worst of all crimes, and the papacy is the highest of all offices. Should the pope be afforded less due process than the Dimond brothers? The answer is obvious. Again, this analogy demonstrates how the Dimond brothers have one standard for themselves, and another standard for everyone else, including the popes. It is hypocrisy *par excellence*.

## CLOSING

In closing, I want to make a few more important points. First, the sedevacantists’ concern about casting blanket condemnations over them is well taken. In charity, we should admit that, after studying the issue of sedevacantism in depth, we cannot say that all sedevacantists are formally schismatic. Clearly, they do not *want* to withdraw submission to the Holy Father; they simply don’t believe we *have* a Holy Father. We can also relate to the many concerns sedevacantists have over the words and actions of the conciliar popes, and the clear answers they seek to the crisis in the Church. I believe many of them are of good faith, and are trying to live holy, Catholic lives (the Dimond brothers would never admit the same about those who disagree with them).

Second, I believe both sedevacantists and non-sedevacantists need to grant each other some concessions. The non-sedevacantist should acknowledge the possibility for a pope to lose his office for heresy (pre-election heresy is more probable than post-election heresy). We have had anti-popes in the past, and interregnums do not impinge upon the doctrine that successors will succeed to St. Peter in the primacy (although true popes have always reigned during the false reign of anti-popes; another historical distinction that hurts the sedevacantist thesis). The non-sedevacantist should also admit that the conciliar popes have contributed to an unprecedented crisis in the Church, for that would only be admitting the obvious.

At the same time, the sedevacantist should admit that it is possible that the conciliar popes, while perhaps gravely ignorant or even negligent, are not acting with malice. *It is possible*. By admitting this possibility, though, means that sedevacantists cannot definitively conclude the conciliar popes are not true popes. Even if the sedevacantist won’t admit this possibility (and honesty requires the admission because we can’t read the popes’ minds and hearts), they must admit that their conclusion – and, ultimately, their salvation or damnation – rests on their own

private judgment. This is contrary to letter and spirit of the Catholic Faith and a burden that Christ would never have imposed upon us.

While some of the words and actions of the conciliar popes seem indefensible on their face, we cannot prove that they were acting with malice. Even if the sedevacantist wrongly presumes malice, ecclesiastical offices are not lost on presumptions, and due process allows any accused to defend himself. For example, did Pope Benedict XVI call Eastern schismatics “pastors in the Church” because he maliciously denies the dogmas of the First Vatican Council, or because he caved in to the peer pressure of the Modernist ecumaniacs that surround him? (Does Pope Benedict even write his own speeches and addresses? Remember, the pope has admitted he doesn’t believe everything he says.) Is caving in to peer pressure enough to lose the office of the papacy? Did St. Peter lose his office for caving into the peer pressure of the Jews, which made him look like he was denying a dogma of revealed truth? The same questions go for the rest of the novel words and actions of these popes. One might suspect the popes of heresy, or say that they appear to be heretics. But one cannot definitively prove they are acting with malice and hence have lost their office.

God did not promise that He would prevent the pope from using his authority in confusing or even destructive ways. That a pope harms the Church by engaging in false ecumenism or common worship does not mean he is no longer the pope. The example of St. Peter is clear: he denied our Lord by swearing an oath and cursing and yet he did not lose his privileged office. Because a pope does not lose his jurisdiction for his sinful conduct or negligent behavior means he, like St. Peter, can repair the damage he has done after repenting and converting, without having to be re-elected or re-installed as pope. The Lord’s special prayers for the pope certainly can and do make that happen. Even if a pope appears to have severed himself from the unity of the Church, the loss of his canonical office requires a canonical declaration, if for the common good of the Church.

For these and many other reasons that are beyond the scope of this article, I believe the sedevacantist position is erroneous. In addition, the sedevacantist position does not afford a remedy for the future. From where shall the next pope come? Or, if we have a valid pope, what prevents him from coming out into the public? This is an insurmountable problem for their thesis. As I previously stated, that the sedevacantist thesis ultimately rests upon private judgment should be sufficient reason alone to reject it. This is why sedevacantism, like Protestantism, continues to splinter into opposing sects (some sedevacantists now believe Pope Leo XIII was a public heretic; there is even a new sect that denies the Council of Trent; there is no telling how far back they will continue to go). Most sedevacantists also believe the 1968 Rite of Episcopal Consecration is invalid, which means there would be almost no valid priests in the world, in which case (using their rigorous belief of the absolute necessity of the sacraments for grace) God has deprived the conciliar Church of salvation.

When Pope Leo XIII had his famous vision of the demon’s attacking the Church while he was celebrating Mass, a voice from heaven told him that such attack would be upon “future pontificates” (in Italian, “*alcuni pontificati*”). This warning relates to the conciliar pontificates, which means the conciliar popes are true popes. As we mentioned, Malachi Martin revealed that the Third Secret may allude to a future pope being under the dominion of satan. Sister Lucia also recognized the conciliar popes as valid popes, as we see in her correspondence in 1969-1971 to her nephew priests, which correspondence was authenticated with an *Imprimatur* by her bishop (this is the case whether or not an “imposter” Sister Lucia existed). These and many other facts in connection with Fatima demonstrate that the forewarned crisis would occur under true popes. The fact that these men are true popes means *the crisis is even worse than if they*

*were anti-popes*. If they were anti-popes, we could say all the confusion didn't really come from the Church (in her human nature, of course). But we cannot. This is probably why, when Malachi Martin was asked whether the Third Secret alluded to sedevacantism, he said, "If only it were that good."

And with regard to Fatima, we might also ask: Did Popes Pius XI and XII lose the papal office because they did not consecrate Russia to Our Lady's Immaculate Heart as God commanded? Wasn't their failure to consecrate Russia evidence that they "despised prophecy" (1Thess 5:20) which is a denial of revealed truth, rendering them public heretics? One can see how private judgment – and not the judgment of the Church – could lead to such an erroneous conclusion. As we stated, it is a fact that Sister Lucia was not a sedevacantist, nor did she ever allude to sedevacantism in connection with the Third Secret (while the Secret may allude to an anti-pope and counterfeit church during the end times, this would have to follow Our Lady's promised period of peace which has not yet occurred). If anyone knew whether the 20<sup>th</sup> century Church would suffer the sedevacantist crisis, it was her. The same goes for the many clerics who have read the Third Secret; they all continued to give submission to the conciliar Popes. So must we, as we hold on to the Traditions revealed by God, and resist the novel traditions of men, including the false traditions of the Dimond brothers.