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Legion eager to get past founder's sex abuse charges

By JASON BERRY

The Vatican's announcement May 20 that Legionaries of Christ founder Fr. Marcial Maciel Degollado will face no canonical trial for numerous accusations of sexually abusing seminarians put a spotlight on the new papacy of Benedict XVI, raising questions and drawing harsh criticism from victims.

In many circles, the announcement, widely distributed by the Legionaries, was seen as the Vatican's way of saying "case closed" on the questions surrounding Maciel and the accusations of sexual abuse first made public by a group of former seminarians and, in recent months, by a growing number of other alleged victims.

Four days after that initial announcement, however, *NCR* learned that the original statement on the matter was issued not by the Congregation for the Doctrine of the Faith, which has jurisdiction over priest sex abuse cases, but by the Vatican Secretariat of State, which is run by Italian Cardinal Angelo Sodano, a vocal supporter of the Legionaries and a longtime friend of Maciel.

Whether that fact makes any difference in the eventual disposition of the case against Maciel is unclear. The revelation, however, at least clouds the picture and hints at potentially differing agendas within the church's highest bureaucracy. For while the Secretariat of State said that there is no canonical proceeding, nor is one expected in the future, the Congregation for the Doctrine of the Faith, at least until recently, was engaged in an extensive investigation that was characterized as preliminary to any canonical action.

A complicated tale

The complicated tale of pronouncements began May 21 when Fr. Ciro Benedittini, a spokesman in the Vatican press office, told *The New York Times*: "There is no investigation now, and it is not foreseeable that there will be another investigation in the future." Benedittini's announcement confirmed a Catholic News Service story of the day before, published in response to a Legion statement. Jay Dunlap, communications director for the Legionaries in North America, told *The New York Times* that the Holy See's announcement "sounds like" an exoneration of Maciel.

The announcement that church legal proceedings would not go forward apparently foreclosed a major investigation underway by a representative of the Congregation for the Doctrine of the Faith, the Vatican agency most recently headed by Cardinal Joseph Ratzinger, who was elected Pope Benedict XVI in April.

"This transparent whitewash aborts the church's legal system to the benefit of Maciel and to the harm of brave, persistent victims," David Clohessy, director of Survivors Network for those Abused by Priests (SNAP), said in a statement released May 22.

According to observers in Rome, the publication of a lengthy May 20 report on the Maciel case by Italian journalist Sandro Magister, headlined "A trial against Fr. Maciel is drawing ever more near," may have prompted the declaration, presumed by most to have come from the Congregation for the Doctrine of the Faith and addressed to the general headquarters of the Legionaries in Rome. Typically, the doctrinal congregation does not comment on whether it is investigating someone.

The fact that Msgr. Charles Scicluna was investigating Maciel had been widely reported.

Even if the announcement by the Secretariat of State proves correct, what remains unclear is whether the decision reflects a finding within the Congregation for the Doctrine of the Faith that the charges against Maciel are unconvincing -- or whether, holding aside the evidence Scicluna obtained, the decision was made not to prosecute because Maciel is 85 and recently resigned as the order's superior. Speaking at the time of Maciel's resignation last January, one senior Vatican official predicted that those factors would weigh significantly in an eventual decision.

Congregation remains mum

The Congregation for the Doctrine of the Faith, the agency responsible for judging such cases, has remained mum on the case and refused to comment on the recent confusion about the Vatican and Legionaries announcements.

By failing to clarify what the investigation by Scicluna, the promoter of justice at the Congregation for the Doctrine of the Faith, had found, the Vatican statement left significant questions unanswered. In recent weeks, Scicluna interviewed at least 32 people in America and Mexico about Maciel, telling them it was for a report to the pope.

The pope can halt or intervene in any canonical case. If the case was halted:

- Why did Benedict XVI decide against an ecclesiastical trial?
- Will the Holy See affirm Maciel's innocence, something it has not done since the sex abuse allegations by nine former Legionaries were first reported in 1997 by the *Hartford (Conn.) Courant*?
- If not, how does the Vatican explain the allegations?
- Will the congregation destroy its investigative findings, as canon law allows when an authority declines to prosecute a canonical case?
- Was Scicluna allowed to finish the report?
- Has Benedict XVI read it?

The announcement jolted those who filed the 1998 canonical case against Maciel at the Vatican. "We must be exonerated of the accusations against us by the Legionaries," Jos Barba, a professor at the Instituto Tecnológico Autónomo de México, told *NCR* by telephone from Mexico City. "We are the victims and we have been telling the truth. If the Holy See does not make a declaration of the truth, we stand in limbo. Is that justice?"

Since the 1997 *Courant* report on the allegations by seven Mexicans and two Spaniards, the Legion's public statements and Web site have accused Barba, a historian with a doctorate from Harvard, and the eight others of a conspiracy to damage Maciel's reputation. Maciel, who has denied the charges in issued statements, has remained unavailable to the media since 1997.

Although the Congregation for the Doctrine of the Faith has a history of singling out theologians for punishment, no high church official has been publicly punished by the Vatican for sexual crimes under canon law.

Maciel lives in Rome at the Legion headquarters, though in late April he was reportedly in Cotija, his birthplace in Mexico. Vatican sources told *NCR* May 25 that Maciel was in Mexico making pastoral visits to Legion facilities and was expected to return to Rome.

In 1998, Archbishop Augusto Mullor, the papal nuncio in Mexico, told Barba, "The church has tribunals of her own," encouraging him to file a canonical grievance against Maciel. Msgr. Antonio Roqueni, a leading

canonist in Mexico City, and Martha Wegan, a canonist licensed to practice at the Vatican, worked on the complaint filed with the congregation that accused Maciel of giving absolution in confession to his victims, a moral crime that has no statute of limitations under canon law.

Barba called Wegan, the canonist in Rome, after the Vatican announcement that Maciel would not be prosecuted. _She had received no word_ from the congregation about the announcement, he told *NCR*.

When he was congregation prefect, Cardinal Joseph Ratzinger halted proceedings at Christmas 1999, later telling a Mexican bishop that it was _delicate_ because of Maciel_s record in attracting young men to the priesthood. Maciel and the Legionaries enjoyed lavish praise from Pope John Paul II, who never acknowledged the allegations. Late last year, Ratzinger ordered the case to proceed (*NCR*, Jan. 7) -- in fact, resurrecting it -- and dispatched Scicluna to investigate.

On April 2 in New York, Scicluna interviewed Juan Vaca. Vaca had made the first canonical protest of Maciel to Rome in 1976, as a priest who had left the Legion for the Rockville Centre, N.Y., diocese. With his bishop_s support Vaca sent a list of 20 men identified as victims to the Vatican. The dossier included a statement from a second ex-Legionary, Fr. Felix Alarc_n, affirming that he too was a victim of Maciel. The Vatican did nothing then, nor in 1978 nor 1989 when Vaca sought action against Maciel. Vaca left the priesthood and married.

_Scicluna told me, _We owe you guys an apology. The church did not protect you, _ Vaca told *NCR* after the news broke from Rome.

_I am outraged, _ Vaca said. _We are being re-abused._

On April 3, with television riveted on the solemn beauty of the events surrounding John Paul_s death, Scicluna was off to Mexico City.

There, over the next week, 30 witnesses went to Casa de Santa Brigida, a three-story convent in a nondescript building at 57 Avenida Uno. The Vatican canonist asked them to swear on a rosary that their testimony was truthful; witnesses also signed formal documents under seal by the Holy See. A Mexican, Fr. Pedro Miguel Funes D_az, sat by Scicluna, typing on a laptop, notarizing the testimonies with signatures and an official Vatican stamp.

Scicluna refused to comment on any aspect of the investigation.

The Vatican removed Maciel from his position in 1956 during a period when, according to Barba and others, he was addicted to a morphine drug known as dolantine. These events are omitted from the Legionaries_ official history. Maciel was reinstated in early 1959.

The men who brought the 1998 canonical case said they were intimidated into lying to the Vatican investigators in the 1950s. The Legion claims Maciel was innocent and that the 1998 charges were long since disproven.

Three new witnesses

In April, however, the radius of accusations widened in Mexico, as men who had not gone public before testified to Scicluna. *La Jornada*, a Mexican daily, identified three new witnesses, including Carlos de Isla, a professor of philosophy in his 70s, who was one of the first 12 youths to join Maciel_s fledgling order in 1941, but soon left. The content of his testimony is not known. Two other men not party to the 1998 case testified about Maciel_s abuses, Salvador Andrade and Francisco Gonz_lez Parga. _The latter admitted, according to those present at the meeting, that after being the object of Maciel_s abuse, he began to use

drugs and that his superiors, upon realizing this, neither said nor did anything, the newspaper reported.

Twenty people gave direct testimony that they were abused, Barba told *NCR*.

The news from Rome left bitter feelings in Mexico.

We gave a vote of confidence to this pope, Barba told *NCR*. We were asked to sign a paper of the Holy See saying we would not disclose our written testimonies, which we signed. We presented new witnesses to Scicluna that prove Maciel was doing the same things after 1959.

One of those testifying was Jos Antonio Prez Olvera, an attorney whose brother also left the Legion after being pursued by Maciel, according to a story by Alma E. Muñoz of *La Jornada*.

Another witness was Alejandro Espinosa, author of *El Legionario*, a memoir of alleged sexual encounters with Maciel that has sold 20,000 copies in Mexico. Espinosa left the Legion in the early 1960s and was one of the first to accuse Maciel. Espinosa told *NCR* on May 2 that Scicluna assured him he had a strong case against Maciel. Espinosa and others have long maintained that Maciel was cleared by the Vatican in 1958 because the young seminarians had taken a vow never to speak ill of Maciel and to report such statements to their superiors.

I was told by Maciel not to tell the truth, said Espinosa, a trim, forceful man with wavy silver hair. I didn't know whether to be obedient to my superiors or the Vatican. I was trembling when I talked to them [in 1958] because I knew I was lying. I swore on a Bible.

Maciel, who turned 85 in March, has lived for many years at the Legion headquarters in Rome. He has had his tomb constructed at Our Lady of Guadalupe Church in Rome, which he built in the 1950s, demonstrating early prowess as a fundraiser. Maciel's picture hangs in Legion schools in several countries, where students -- like Legion seminarians -- have long been taught that he is a living saint.

Maciel enjoyed remarkable support from Pope John Paul II, which gave the Legionaries a base of support in attacking the charges, even after Scicluna was given a green light to gather information.

This investigation will be an atomic bomb for the Legionaries, Msgr. Roqueni, a canonist who gave testimony to Scicluna, predicted in a May 4 interview with *NCR* in Mexico City. Referring to the order's history of cultivating bishops and cardinals, Roqueni said: Scicluna is more interested in the Legionaries. He told me, They are corrupt.

Just how far Scicluna, also a canonist, was able to follow his leads is unclear because the native of Malta works under a pontifical vow of secrecy, as do all staffers at the Congregation for the Doctrine of the Faith.

Substantial information has been published by the author of a Spanish book, among other books that were provided to Scicluna as secondary source material. *Los documentos secretos de los Legionarios de Cristo* (The secret documents of the Legionaries of Christ), published last fall in Madrid by religion reporter Jos Mart nez de Velasco, quotes extracts from internal files the author obtained from disaffected Legionary priests in Spain and Ireland. Several of those priests were reportedly prepared to give testimony. The book is published by Ediciones B of Barcelona, one of Spain's most prestigious publishing houses.

One chapter focuses on events at Regina Apostolarum, the Legion's academic complex in Rome. Cardinals and bishops are in demand for its conferences and receptions. Who among them knew their comments were being written down by seminarians as internal reports for the order? Mart nez de Velasco quotes from the documents that seminarians wrote, quoting prominent guests, including Cardinal Dar o Castrill n Hoyos, prefect of the Congregation for Clergy at the Vatican.

The petty, backbiting memos as quoted offer little important information about Castrill_n Hoyos or the bishops identified. But the account shows the order assigned seminarians to cater to illustrious guests only to spy on them and write accounts of what the visitors say for internal files. The author suggests that this practice extends the mentality created by the special vow, never to speak illof Maciel and to report on anyone who does.

Investigation_s impact

Scicluna left Mexico April 12, before Ratzinger was elected pope. He had enough secondary material to fill a trunk: eight books in Spanish, stacks of articles and documentaries that mostly portray Maciel as a predatory figure whose pathological behavior is defended by an entrenched culture of disinformation.

The dossier of materials Barba provided for Scicluna included the first book published about Maciel: *La prodigiosa aventura de los Legionarios de Cristo* (_The prodigious adventure of the Legionaries of Christ_, 2001) by Alfonso Torres Robles, a pioneering Spanish journalist who has a sequel forthcoming. Another book by Jos_ Mart_nez de Velasco, published in 2002, is titled *Los Legionarios de Cristo, el nuevo ej_rcito del Papa* (_The Legionaries of Christ, the pope_s new army_).

_When I showed Scicluna the books, he said, _All this?_ _ said Barba. _And I said, _Yes, Monsignor, all this._ _

The books included *El circulo del poder y la espiral del silencio* (_The circle of power and the spiral of silence_), a collection of essays by several prominent religious sociologists, with a lead article by Fernando Gonz_lez, a psychoanalyst with a doctorate in Sociology from the Sorbonne. *El nombre del Padre: Depredadores sexuales en la Iglesia* (_The name of the father: Sexual predators in the church_) by Carlos Fazio, a sociologist and prominent writer, examines Maciel in the context of global abuse scandals. *Votas de silencio* is the Spanish translation of *Vows of Silence* by this reporter and Gerald Renner.

In the last several years, as the Mexican media provided forums to authors, contributors and journalists on their findings, Maciel refused to respond, relying on Legion officials to reiterate his defense. Against this background, Scicluna_s visit emboldened the Mexican media.

Father Maciel Has Been Defeated read a May 3 headline in the daily *Milenio* by columnist Ciro G_mez Leyva, one of the country_s leading journalists and host of a cable news show. _It is the end for Fr. Maciel,_ he wrote.

Aside from whatever conclusion the prosecutor might reach, the Holy See and Pope Benedict XVI have reason to question Maciel_s responsibility in these sexual assaults against seminarians, almost children really, in the seminaries of the Legion of Christ. _ As with Pinochet in Chile the final verdict will be secondary to the high points of the life of Marcial Maciel. The Vatican seems to have understood and accepted that the accusers bring together enough elements of verisimilitude, trustworthiness and credibility that it is imperative that attention be paid to them.

Such words were unthinkable a few years ago. Graduates of Legion schools and Northern Anahuac University in Mexico City, its flagship university, occupy considerable power in Mexican business, society and politics. G_mez Leyva learned that the hard way in 1997, after a documentary in which he and Marisa Iglesias profiled Maciel_s accusers: An advertisers_ boycott nearly killed the channel.

Early this month, the documentary, updated, aired in prime time.

I showed Msgr. Scicluna two documentaries, and he took notes, Barba told *NCR*.

The comparison of Maciel and Pinochet has an ironic parallel with Cardinal Angelo Sodana, the Vatican

secretary of state and Maciel's strongest supporter within the Roman curia. Sodano was papal nuncio in Chile during the Pinochet years, when the dictatorship welcomed Maciel and the Legionaries.

Roberta Garza, another *Milenio* columnist, writes from the industrial capital of Monterey, Mexico. Garza's comments have special resonance as one of her brothers, Luis Garza, is the second-highest Legionary priest in Rome, under Alvaro Corcuera Martínez del Río, a 47-year-old Mexican, who is the order's new director general. (Maciel retired in December, citing reasons of age, as news broke of Scicluna's probe.)
The problem with setting up these artificial altars is that, as with all divinities, they exact tribute. Roberta Garza wrote of Maciel on May 8.

Avoiding U.S. media

Maciel avoided the U.S. media long before he was accused in 1997. That is why he is barely known to most U.S. Catholics. That anonymity was a calculated strategy at the Legion's Orange, Conn., headquarters well before my colleague, Gerald Renner, did the first reports in the *Hartford Courant* of two young men escaping from the Legion seminary, complaining of psychological coercion, and of what some termed the Legion's shadowy fundraising tactics.

Maciel made orchestrated appearances for fundraisers and events for Regnum Christi, the order's lay arm that helps raise money. Because he does not speak English, a Legion priest was always there to translate. Maciel's commercial value lay in his elite mystique -- a courageous anticommunist, a confidante of the pope. To subject *_'Nuestro Padre_'* -- Our Father, as he is known within the order and Regnum Christi -- to any press scrutiny risked puncturing the facade of a living saint, his heroic persona in the Legion's literature.

As the books by various authors point out, the history of the order's founding is riddled with factual errors and historical inconsistencies, designed to promote Maciel's cult of personality.

At conferences and fundraisers Maciel told the story of seeing priest's bodies hanged in his hometown during the anticlerical persecutions in the 1930s, after the Mexican Revolution. That may be true; but other events, such as his heroic leading of Catholic protests in Veracruz, Mexico, in 1937, as a teenager, against an anticlerical government, are preposterous on their face and lack historical proof. Maciel's persona succeeded in attracting orthodox followers and raising huge sums from those with wealth. He appealed to those recoiling from cultural changes in a post-Vatican II church. Photographs of Maciel and John Paul fed the apparatus linked to fundraising: a Web site, the weekly *National Catholic Register*, and a news service in Rome, Zenit.

The Legion did what no other order does: sent seminarians out with priests to seek funds from donors. Maciel became the most successful fundraiser of the late-20th-century church, fueling a \$60 million budget for an order with about 600 priests -- if Legion figures are to be believed -- and only 2,500 seminarians. The Vatican budget is \$260 million.

The Legion's strategy hinged on promoting Maciel as a living saint; the order marketed itself as *_'re-evangelizing_'* the church. A strategy of *_'capturing followers_'* permeated the movement, as Regnum Christi is called, and collided with a post-Vatican II model of pluralism in parish life. That is why Archbishop Harry Flynn of St. Paul-Minneapolis, Cardinal Roger Mahony of Los Angeles and several other prelates prohibit the Legion from functioning in their dioceses. Flynn accused them of promoting a separate church.

During the past few years Maciel has canceled his spectacular appearances at the Legionaries' annual family day festivals in the United States. In 2003 Maciel was scheduled to address thousands gathered in Chicago. When he failed to arrive and event organizers played a videotaped address from the Legion founder, a reporter speculated in the *Chicago Tribune* that Maciel had failed to appear because he feared

American abuse-victim groups would protest his presence.

The official Legion explanation was this: Maciel had been on some important pastoral visit to South America. From there, he was scheduled to fly to Chicago. However, said Legion spokesman Dunlap, Maciel was diverted by a sudden request from an unnamed cardinal to return to Rome on urgent business.

The Web site Legionaryfacts.org, and such American Catholics as Fr. Richard John Neuhaus and Harvard Law Professor Mary Ann Glendon (who also teaches at the Legion seminary in Rome) have long derided the allegations. Neuhaus has called them _malicious._

A problem for Maciel_s defenders -- and this papacy -- is that the genie is out of the bottle: The Vatican itself decided to begin an investigation. Thirty-two people gave detailed testimony.

Jason Berry is coauthor, with Gerald Renner, of *Vows of Silence: The Abuse of Power in the Papacy of John Paul II*, published by Free Press in 2004.

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