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Judge dismisses lawsuit against Legionaries of Christ

by Jason Berry

Legion of Christ investigation

A Rhode Island Superior Court judge has dismissed a lawsuit against the scandal-ridden Legionaries of Christ that had alleged the religious order defrauded a wealthy widow out of millions of dollars. Yet the judge's 39-page ruling details dubious fundraising tactics of Legionaries priests and seemingly opens a door for appeal.

The transfer of millions of dollars worth of assets -- through will, trust, and gifts -- from a steadfastly spiritual, elderly woman to her trusted but clandestinely dubious spiritual leaders raises a red flag to this Court, Superior Court Judge Michael Silverstein of Providence, R.I., wrote in a summary judgment Sept. 7.

Pope Benedict ordered the scandal-battered Legionaries into a Vatican receivership in 2010, and appointed Cardinal Velasio De Paolis as delegate, or overseer of the order.

Silverstein dismissed the lawsuit against the Legionaries of Christ, Fr. Anthony Bannon and Bank of America on Sept. 7, ruling that Mary Lou Dauray, the niece of the late Gabrielle Mee, lacked the legal standing to sue.

Dauray alleged through her attorney Bernard Jackvony -- a former lieutenant governor of Rhode Island -- that, according to the judge's decision, Legionary priests in America unduly influenced and fraudulently induced Mrs. Mee into giving approximately \$60 million to the defendants -- particularly the Legionaries of Christ.

Jackvony told *NCR* that Dauray could not comment because of a protective order. He said that an appeal was under discussion: "We're evaluating the best way to proceed in light of the judge's decision that there was significant evidence of undue influence and fraud."

The suit was filed in probate court in 2009. It was then by agreement sent to Superior Court in 2010.

De Paolis would face a huge financial problem if a court ordered the Legionaries to return many millions. Scores of priests have left the order since the 2009 revelation that the founder, Fr. Marcial Maciel, had children by several women. The Legionaries' once-vaunted fundraising machine is sputtering as it sells property in America. The order also faces a major sex abuse case advancing through court in Connecticut, brought by noted plaintiff attorney Jeff Anderson on behalf of Maciel's natural son, who alleges incest.

The Legionaries of Christ was founded by Mexican priest Marcial Maciel Degollado in 1941. By the 1980s and '90s, Maciel had become a globe-trotting celebrity of conservative Catholics, a personal favorite of Pope John Paul II and had numerous supporters throughout the Roman Curia. In 1994 Pope John Paul II heralded him as "an efficacious guide to youth."

As Maciel attracted numerous vocations to the order and members to the Legionaries' lay wing, *Regnum Christi*, he also built up a massive fundraising apparatus that Silverstein describes in some depth in his ruling.

Indeed there was a darker side to Maciel and the organizations he built. From the 1950s, he had been dogged by rumors of sexually abusing underage seminarians in his care. The rumors were squelched for decades until 1998, when eight ex-Legionaries filed a canon law case to prosecute him. In 2004, then-Cardinal Joseph Ratzinger ordered an investigation into Maciel and in 2006, now as Pope Benedict XVI, he banished Maciel from ministry to a "life of prayer and penitence." Maciel died in 2008 at age 87.

But the scandals didn't stop. A year later it became public that Maciel had fathered several children by two women with whom he maintained longstanding relations and supported financially.

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In 2010, the Vatican released a communique summarizing the results of its investigation into the Legionaries. Maciel had built a "system of power" designed to hide "true crimes" and a private life "without scruples or authentic religious sentiment," it said.

Gabrielle Dauray grew up in a working-class family, studied French and worked as a bilingual translator. She was 39 when she married Timothy Mee in 1950. He was a wealthy widower and director of Fleet National Bank. Both had known their share of sorrows. She wanted children but was unable to conceive; he had lost his wife and children during a hurricane that struck the New England coast.

"Together they attended Mass and recited the Rosary nightly," Silverstein's ruling notes.

Before his death Mee established The Timothy J. Mee Foundation Trust. "You have to give back to God some of what God has given to you," Gabrielle later said of how she and her husband viewed their role as elder citizens. "When God gives us something good, we have to give something back to Him. ...We thought giving it to the church would be the best way and they would know where to put it."

In 1987 she established her own Gabrielle D. Mee Charitable Trust as a vehicle to subsidize

Contemplatives of Our Lady of Joy, an upstart order of men founded by two brothers in Rhode Island. She also gave them rent-free access to a home.

On Maciel's orders, the Legionaries established its U.S. base in Connecticut in the 1970s. Two Irish priests, Owen Kearns and Anthony Bannon, subsequently led the effort. Kearns had a more austere personality; Bannon projected an image of rectitude, laced with charm. "They were like a road team, raising money and seeking recruits," says Rhode Islander Genevieve Kineke, who left Regnum Christi in 2001, disenchanted with the obsessive fundraising. She writes a closely followed blog, www.life-after-rc.com.

Bannon began cultivating Mee after Maciel met her in 1991, the judge's ruling says. In a perverse irony, she supported the Legionaries in lieu of the Contemplatives when that order became mired in a sex scandal. The Legionaries wooed former Gov. John Joseph Garrahy and his wife, Marguerite, who was Gabrielle's close friend. Bannon won the support of Louis Gelineau, bishop of Providence, R.I., from 1972-1997. "Endorsement by the diocese was critical to the [Legionaries'] securing of funds to purchase a facility," Rhode Island Catholic, the diocesan newspaper, later reported.

In 1989 Mee visited the Legionaries center in Cheshire, Conn., and on Aug. 8 of that year, Mee sent a check for \$1 million to the Legionaries. In 1991 she revised her will, giving 90 percent of her assets to the Legionaries. She also joined Regnum Christi that year and gave \$3 million to the Legionaries.

As Bannon persuaded her to give more, Fleet, which later merged with Bank of America, resisted the encroachment of Timothy Mee's trust. The Legionaries sued the bank, generating depositions with Mee; the parties finally dropped the suit and the money began to flow again to the Legionaries. Bannon arranged for a Legionaries Committee to oversee disbursements. "I preferred to put all my eggs in one basket than have it fragmented," Mee stated in a deposition in the bank case.

Maciel was giving Mee advice on her financial investments. She gave Bannon her power of attorney in 2000 and appointed him executor of her estate.

Maciel and others in the Legionaries high command welcomed Mee on trips to Rome and Mexico, underscoring "how pleased Mr. Mee and the Lord would be with her donations," writes the judge.

The Legionaries used Mee's money as collateral in a \$35 million purchase of a former IBM complex in Thornwood, Westchester County, N.Y., as a site for a future college.

Although Bannon later apologized to Fleet for not disclosing, in 1997, that nine ex-seminarians accused Maciel of sexually abusing them years before, "There is no evidence Father Bannon disclosed the full extent of the significant allegations against Father Maciel to Mrs. Mee," Silverstein writes.

The decision continues:

"Mrs. Mee's visits with any permitted guests were at least sometimes, if not always, monitored by Regnum Christi members."

"Typically, consecrated members of Regnum Christi take a vow of poverty and release their assets to the Legionaries of Christ. Consecrated women must donate half of their assets to the organization within fifteen years and all of their assets within twenty-five years."

"Mrs. Mee held Father Maciel in extremely high regard and considered him to be saint-like."

?The Legionaries of Christ did not publicly acknowledge the accusations against Father Maciel until February 2009, nine months after Mrs. Mee?s death,? writes Judge Silverstein.

The ruling also magnifies the role of Fr. Luis Garza, who was until last year the vicar general and chief financial officer of the Legionaries and is now director of the Legionaries? newly combined North American territory. By 2006, Garza knew that Maciel had an out-of-wedlock daughter ?and did some of his own investigation regarding the daughter,? writes the judge.

?Father Garza never confronted Father Maciel with his discovery, and Father Garza only spoke to several Legion of Christ members about it.?

In 2008, after Maciel?s death, Garza shared the sordid news with 15 Regnum Christi and Legionaries members at a meeting in Switzerland.

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Garza, Bannon and Kearns are Legionaries in good standing with the Vatican.

[Jason Berry is the author of *Render unto Rome: The Secret Life of Money in the Catholic Church*, which received the 2011 Book Award from Investigative Reporters and Editors.]

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