

Judge gives green light to Legion inheritance lawsuit

Jason Berry | Jan. 22, 2014
Legion of Christ investigation

A Rhode Island federal magistrate judge has given a green light for a man's lawsuit against the Legion of Christ seeking more than \$1 million for the alleged defrauding of his father's estate.

The case moves forward at the same moment the Legion is gathered in Rome in an effort to reconstitute itself in the aftermath of the scandals of its discredited founder, Fr. Marcial Maciel Degollado. For some longtime critics, who originally brought to light widespread corruption within the Legion, the ruling is the latest indication that [serious questions remain about the Legion](#) [1] and the Vatican process employed to revive the order.

The suit accuses the Legion of preying on James Boa-Teh Chu and defrauding his son, Paul, of an estate with annuities valued between \$1 million and \$2 million. The suit seeks \$10 million in punitive damages.

Paul Chu, an only child, was studying in the Hartford, Conn., diocesan seminary when his father, a Yale professor of mechanical engineering who retired in 2003, went into a mental and physical decline, according to court documents.

Born 1924 in mainland China, Boa-Teh Chu immigrated to America as a young man, and as a professor of mechanical engineering taught at Brown University and State University of New York before taking a faculty position at Yale. A deeply devout Catholic, he lost his wife in 1993 and died in 2009 at age 85. His final years were marked by "difficulty assimilating new data, mental tics, fixations and obsessions, some of which exhibited through bizarre hoarding and collecting," according to a summary by U.S. Magistrate Judge Patricia Sullivan, released Jan. 13.

Paul Chu, who eventually left the seminary, lives in Darien, Conn., and teaches as an ad hoc college professor.

Magistrates weigh arguments and evidence in writing reports to the federal court on how to proceed with a case. Sullivan recommends denying the Legion's request for summary judgment or dismissal.

The court can accept, reverse or modify a magistrate's opinion, but in a system designed to reduce bottlenecks, reversals are rare.

Although much of the 29-page document addresses case law, Sullivan's interpretation of facts is highly critical of the Legion.

Boa-Teh Chu " 'incorporated' into the Regnum Christi Movement, the lay branch of The Legion," in 1997. He replaced his Dominican spiritual advisor with a Legionary. "By early 1998, he had been targeted by The Legion for cultivation," writes the judge. "On July 16, 1998, Dr. Chu named The Legion as the sole beneficiary of all his annuities, replacing both Mother Teresa's Missionaries of Christ and his son; he named no contingent beneficiary."

In October of that year, eight former Legionaries filed a grievance at the Vatican's Congregation for the Doctrine of the Faith, accusing Maciel of abusing them as boys in seminary. Their accusations first appeared in a 1997 *Hartford Courant* report by Gerald Renner and this writer.

The judge writes:

Dr. Chu's deep regard for the sanctity of Father Maciel was a significant factor driving his commitment to the Legion. In 1999, soon after replacing family and other charities with The Legion, he told Paul that misgivings about The Legion had been dispelled by his intense belief that "[Father Maciel] is a saint." After Dr. Chu's death, Paul found documents evidencing that The Legion was fostering this image of Father Maciel in Dr. Chu's mind at the same time that it was aware of the facts being uncovered in the Vatican's investigation. At the end of his life, Dr. Chu was frequently visited by representatives of The Legion and, allegedly as a result, clung to his belief in Father Maciel's innocence. The family affidavits establish that Dr. Chu was aggressively targeted by The Legion's fundraisers in a way that made his family uncomfortable.

The judge cites the affidavit given by a niece of Boa-Teh Chu, saying that he wanted Paul to "inherit some or all of his retirement annuities."

Referring to a key piece of evidence for the defense, Sullivan cites a Dec. 23, 2001, letter "purportedly written by Dr. Chu, ostensibly expressing Dr. Chu's general charitable intent and rationale for excluding Paul as his beneficiary." She quotes the letter:

But what can I give to my Beloved besides myself? The only other thing I have is my wealth. I can give all that to Him! I don't worry about Paul, because he has a good head on his shoulder and I know he will manage. Indeed, he can make a good living, if he chooses to. But, if he wishes to live poorly, that is O.K. with me. I know he loves God and that is all I care. He knew that I came to this country with, so to speak, only a shirt on my back. All that I have now came from His goodness to me. I am only returning all of them to Him.

The judge describes the letter as "unauthenticated ... with no indication of its provenance."

Although Sullivan's report is not a decision, but a recommendation that the Chu case, filed by Warwick, R.I., attorney John Flanagan, go forward, her assessment suggests vulnerability by the Legion. Summarizing one of the counts of the lawsuit, Sullivan writes, "The coercive and deceitful tactics employed by the Legion, particularly when targeted on a victim like Dr. Chu who relied on it for spiritual advice, are sufficiently egregious to justify an award of punitive damages."

Sullivan states, "Well-settled Rhode Island law establishes that Paul, as Dr. Chu's executor and personal representative, is empowered by Rhode Island law to bring claims of fraud, deceit and undue influence. ... Accordingly, as a matter of law, Dr. Chu's Estate has experienced an injury in fact that is concrete and actual, an injury allegedly caused by the challenged conduct of the Legion and redressable by a favorable decision in this case."

At another point, she disputes the Legion's "theory" that the general intent of a donor "divests his executor of standing" to bring action against a perceived fraud. Such a theory "leads to the anomalous result that a corrupt spiritual adviser can cloak himself in the fruits of his fraud to acquire immunity from suit," Sullivan writes. "There is no principled basis for such standing 'as a sword' to deprive executors of their legal right to seek recovery under Rhode Island law for an actionable wrong."

In another case in which the Legion is accused of fraudulently deceiving an elderly donor, the late Gabrielle Mee, a state court ruled that the plaintiff, her niece Mary Lou Dauray, did not have legal standing to sue because the \$30 million she seeks was not for herself, but to be given to Catholic charities in keeping with her aunt's beliefs.

That decision has been appealed by Dauray's attorney, Bernard Jackvony.

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[Jason Berry, author of *Render Unto Rome: The Secret Life of Money in the Catholic Church*, writes from New Orleans.]

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