


MAGALDI, PHILIP
5-18-01

 **Diocese of Fort Worth**
Bishop's Office

May 18, 2001

Prot. N. 20010709

The Most Reverend Csaba Tertyák
Secretary, Congregation for the Clergy
Vatican City

Your Excellency:

I am writing in response to your letter of April 7, in regard to the Reverend Philip A. Magaldi, a priest of this diocese. In that letter you requested that I share with you the canonical acts pertaining to his situation.

There has been no canonical procedure in this case. Father Magaldi is now a retired priest of this diocese.

However, he does not have the faculties of the diocese for the reasons I will list below.

Father Magaldi is a priest who has been very dedicated to pastoral ministry and very successful in serving a great number of people for the past 40 years. With all the gifts he possesses, however, he has shown over the years serious defects that have caused grave scandal and, in my judgment, placed some of the faithful in clear danger. Please allow me to go through his history in stages:

1. Father Magaldi was ordained a priest for the Diocese of Providence in 1960. During the 1970's he became involved in a peripheral way in an infamous murder trial taking place in Rhode Island (the Von Bulow case: cf. the motion picture *Reversal of Fortune*), and was indicted for perjury by the attorney general of the State of Rhode Island. These charges were later dropped, but he suffered a lot of damaging publicity and a pall was cast over his ministry.

2. In 1988, while Father Magaldi was a pastor in Providence, allegations were made that he had misused parish funds. His bishop relieved him of his assignment and he spent about a year in different places looking for a diocese where he could continue his ministry. In December of 1989 he came to visit me in Fort Worth. He and I were classmates at the North American College in Rome and were ordained together. Thus, since he knew me from seminary days, he asked to work with me in this diocese. His bishop, Louis Gelineau, gave his consent and he came to Fort Worth to do pastoral ministry and after three years was incardinated in this diocese.

The allegations of his misuse of funds in Providence resulted in early 1991 in his being indicted in the State of Rhode Island on the charge of grand larceny. The substance of the accusation was that he had embezzled many thousands of dollars from his parish. He returned to Providence and was tried, pleaded guilty, and was sentenced to prison. He served 18 months of incarceration before being paroled. What happened to the money that was missing was never determined, although it was alleged that he had taken teenage boys on expensive vacations.

ORIGINAL

10-04-04 Order
0704



Diocese of Fort Worth

Bishop's Office

After his parole, he returned to this diocese to continue his ministry with the proviso that he would never be able to exercise the role of pastor or the administrator of funds. Naturally, the news of his incarceration was widely broadcast in our local media, causing great embarrassment to the Church. Nevertheless, because of his winning personality, Father Magaldi was able to resume his ministry as a parochial vicar and seemed to be functioning well.

3. In 1995, after Father Magaldi had returned to normal ministry, an 18-year old man from a neighboring parish came to me alleging that Father Magaldi had made sexual advances to him. His story was this: After hearing his confession one day, Father Magaldi had struck up a friendship with him and took him out to eat several times at expensive restaurants. Then Father Magaldi, claiming that he had a medical problem, paid the young man to give him a series of enemas over several months. The young man wondered about the propriety of this, but went along with it. Several months later, Father Magaldi made advances to him, kissing him and embracing him. This upset the young man severely and he came to talk to diocesan officials. A full investigation of these allegations was made and it was determined that the facts were exactly as alleged, although Father Magaldi gave his own reasons for what had happened. Since the young man did not want to press any charges, the matter was dropped and Father Magaldi was allowed to continue in ministry under more careful supervision of his pastor and with the warning that he not be alone with young people.

4. In 1998, a man from Massachusetts approached the Diocese of Providence to lodge a formal complaint that Father Magaldi had raped him and sexually abused him over a period of several years when he was a youth. This accusation was forwarded to me, since Father Magaldi was now a priest of this diocese. A long and very thorough investigation followed, including lie detector tests for both Father Magaldi and the accuser. Father Magaldi failed the first test that was administered by a professional chosen by the Diocese of Providence; but he passed a later test that his own attorney arranged. The matter remained pending for some months until the accuser filed suit in civil court against Father Magaldi and the dioceses of Providence and Fort Worth. This led to a great deal of very damaging publicity in our local media.

At this time, because of the very negative publicity, I asked Father Magaldi to cease doing public ministry until the matter could be cleared up. Before the civil lawsuit could proceed, the accuser died, leaving the matter unresolved. Certain details of the charges that the man had made against Father Magaldi, particularly those involving the administration of enemas, were so odd and yet so similar to the incident narrated above, that my advisers and I found it impossible to dismiss the possibility of their truth. Father Magaldi insisted through it all that he was not guilty of these charges and that he had never even met the person who was accusing him. Just before the man died, Father Magaldi hired a private investigator to look into the accusations. His report attempted to exonerate Father Magaldi, but in my opinion was not objective in its findings, leaving the matter still unresolved.

In May, 1999, since these matter were still pending and the publicity about the allegations was causing serious questions in the public's mind about Father Magaldi's suitability for

10-04-04 Order
0705



Diocese of Fort Worth

Bishop's Office

ministry, I asked him to retire from active ministry. A program was prepared by which he

5. In 1999, just before the decision that he retire, while visiting in the parish where he was serving, I personally observed Father Magaldi acting in an imprudent way with young altar boys, hugging them and holding them cheek-to-cheek. I called this to his attention and he acted as though he was unaware that there was anything improper about his conduct.

6. In the fall of 2000, since the man who had accused him of rape and abuse had died and all legal proceedings were dropped, I allowed Father Magaldi, now retired from active ministry, to receive back his faculties as a priest of the diocese. However, during the succeeding months while he was acting as a supply priest in a local parish, I received three separate complaints about his conduct from different persons. They all involved improper touches of boys and young men. In one case, a mother who was standing some distance away, saw him embrace her 17-year old son and say to him, "Kiss me. I love you," while he kissed the boy on both cheeks. Two other adults who witnessed the scene afterwards expressed shock to the mother. This event and two similar ones that took place within a short period led me to remove his faculties again and to indicate to him that I could no longer trust him act properly while in ministry.

DOCUMENT IS NOT TO BE REPRODUCED.

Your Excellency, I am very aware that there has been no formal canonical action against Father Magaldi. I have avoided such action to prevent his reputation from being further damaged, since much of the information I am sharing with you is not in the public domain. Father Magaldi's present status is that of a retired priest, but without diocesan faculties. When he protested to me that it was not fair that he could not perform public ministry, I suggested that he take whatever recourse he thought proper, including approaching your Congregation. It is by my suggestion that he has written to you.

It may be helpful for you to know the context in which all this has taken place. The allegation of sexual misconduct on the part of a priest with young men is always a matter that must be taken very seriously. This is particularly so in this diocese. We are the immediate neighbors of the Diocese of Dallas where a series of notorious civil and criminal lawsuits against priests took place in recent years. Although we are a separate local Church, because of our proximity we have shared in the terrible publicity that has left our priests and people embarrassed and demoralized.

I would like to make my position very clear. I cannot in conscience entrust to him public ministry in the Church. Over and over again he has proved that he cannot be trusted in his dealings with young boys, and what causes me even more concern, he seems totally oblivious to the reality that his conduct is in any way improper. This is indeed a very unfortunate impasse. Father Magaldi has been a friend for more than 40 years and continues to be one. This diocese has an urgent need of priests and he is a very effective minister. Yet the possibility that his

10-04-04 Order
0706



Diocese of Fort Worth

Bishop's Office

ministry will bring further disgrace and grave harm to him and the Church is very real. for that reason I cannot allow him to function in public as a priest.

Father Magaldi has told me that he is about to leave this diocese to go to live in Florida. His desire for faculties from here is now even more urgent because without them he cannot obtain faculties to minister in the diocese where he will be residing. Yet how can I allow him to go to another diocese to minister when I cannot in conscience allow him to minister here? How can I foist him off on another bishop in another place where he may continue to cause harm to the faithful?

Although two separate investigations of Father Magaldi's conduct have been conducted by members of the diocesan curia and careful consultation has taken place, it well may be that our manner of proceeding in this case has not been in accord with the Congregation's practice. I will be very grateful if you will instruct me in how we can rectify the situation. There is a very extensive file containing corroboration of all the facts presented above that I can share with the Congregation if you desire to review it. My intention is to do whatever is proper and necessary to observe the prescriptions of canon law and the practice of the Congregation. Nevertheless, I am convinced that I must also do whatever is necessary to be certain, for the good of souls and the good name of the Church, that Father Magaldi does not exercise public ministry in the future.

I shall be very grateful for whatever advice you may be able to give me in this matter. In the meantime, I remain as always,

Yours sincerely in Christ,

HL
Joseph E. Delaney
Bishop of Fort Worth

CONFIDENTIAL

10-04-04 Order
0707