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Legal Issues Rock Mexican Catholic Church

by Carlos Navarro

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The Mexican Catholic Church found itself in the midst of several legal problems in October and early November, including charges of fraud against high-profile Bishop Onésimo Cepeda Silva of the Diocese of Ecatepec in Mexico state and a defamation lawsuit against Cardinal Juan Sandoval Íñiguez of Guadalajara. Also, new allegations surfaced that drug traffickers were funding several church projects at a time when the Catholic bishops conference (Conferencia del Episcopado Mexicano, CEM) was holding a discussion with President Felipe Calderón about drug-related violence in Mexico.

The charges against the two highly controversial church officials are not new, but recent developments have placed the cases back in the public eye. In the case of Bishop Cepeda, a federal judge ordered the Mexico City attorney general's office (Procuraduría General de Justicia del Distrito Federal, PGJDF) to conduct an investigation of the bishop and businessman Jaime Matute Labrador for perpetrating a US\$130 million fraud.

There was better news for Sandoval Íñiguez, after Mexico's high court (Suprema Corte de Justicia de la Nación, SCJN) declined to hear a defamation lawsuit filed by Mexico City Mayor Marcelo Ebrard against the cardinal. The dispute between Ebrard and Sandoval arose in August 2010, following a decision by the SCJN to uphold Mexico City's gay-marriage law. The cardinal alleged that Ebrard or members of his administration had bribed the high court to favor the law ([SourceMex, Aug. 25, 2010](#)). The Mexico City mayor demanded a retraction, and, when the cardinal refused, Ebrard proceeded with the lawsuit.

Charges against Bishop Cepeda involve fraud, high-priced paintings

The charges against Cepeda involve allegations that the bishop used his power and connections to help Matute Labrador perpetrate a complex scheme to defraud the company Arthinia of valuable paintings by prominent artists like José Clemente Orozco, Rufino Tamayo, Diego Rivera, Frida Kahlo, Joaquín Sorolla, and Marc Chagall. In the alleged fraud, which is said to have occurred in 2003, Cepeda presumably signed a document providing a false loan for the equivalent of US\$130 million to Olga Azcárraga, founder of Arthinia. The documents indicate that Azcárraga used the paintings as collateral for the loan. Cepeda later endorsed the document over to Matute, which allowed him to gain title of the paintings.

Azcárraga's heirs are alleging that Olga never solicited a loan from Cepeda and that the documents, which were signed seven months before her death, were falsified.

The case ended up before the Federal Appeals Court, presided by Judge Jacinto Figueroa Salmorán. In a ruling handed down in November 2010, Figueroa said there is enough evidence to suspect fraud and proceeded to order the PGJDF to begin an investigation against Cepeda and Matute.

The unit of the federal Procuraduría General de la República (PGR) that handles money laundering launched an investigation of Cepeda in early 2010, but the case has remained on hold because investigators have been unable to uncover sufficient evidence to present a case.

The PGJDF said in a statement that a determination would be made by the end of November on whether to proceed with an investigation against Cepeda, based on the findings by Judge Figueroa Salmorán.

The Ecatepec bishop refused to comment regarding the lawsuit, but the CEM offered its unconditional support for Cepeda. CEM spokesperson Manuel Corral suggested that the matter "had been blown out of proportion by some communications media outlets that have nothing but ill will" for Cepeda.

The case might have flown under the radar had it not been for the fact that Cepeda has been a controversial personality. In 2006, he became embroiled in a dispute with politicians from the center-left Partido de la Revolución Democrática (PRD) regarding public statements about the 2006 presidential election ([SourceMex, June 14, 2006](#)).

PRD legislators were especially vocal in their support for a thorough investigation of Cepeda. PRD Deputy Nazario Norberto Sánchez, secretary of the constitutional affairs committee (Comisión de Puntos Constitucionales) in the lower house, told reporters that the Catholic Church should not remain above the law and that Cepeda should not be allowed to escape with impunity.

Cepeda's past disagreements with the PRD mirror conflicts between the CEM and the center-left party. The PRD was a strong force behind the decision of Congress to approve changes to the Mexican Constitution that reaffirmed the separation of church and state ([SourceMex, Feb. 17, 2010](#)).

Another high-profile case involving a conflict between the PRD and a Catholic bishop was the dispute between Ebrard and Sandoval Íñiguez on the question of gay marriage. In separate decisions in August 2010, the SCJN reaffirmed the right of Mexico City to allow gay marriages and also directed Mexican states to offer legal recognition to any such marriages that take place in the capital.

The bishops, and particularly Sandoval Íñiguez and Cardinal Norberto Rivera, had been especially vocal in their opposition. Sandoval probably took the matter a step too far by suggesting, without offering any proof, that Ebrard and/or members of his administration had bribed the high court to rule in favor of Mexico City's positions.

Ebrard sought to clear his name by filing a lawsuit charging Sandoval with defamation. The matter eventually ended before the SCJN, which in November declined to hear the case, calling the matter a "personal dispute" between the bishop and the mayor.

Church officials acknowledge some connections with drug cartels

The church's reputation received another blow with the acknowledgement by church officials that money from drug cartels was being funneled to fund projects at parishes and dioceses around the country.

The allegations are not new.

In 2003, former attorney general Jorge Carpizo McGregor accused Guadalajara Cardinal Sandoval Íñiguez of developing connections with powerful drug traffickers ([SourceMex, Oct. 1, 2003](#)).

In 2005, the late Aguascalientes Bishop Ramón Godínez Flores candidly admitted to reporters that some drug traffickers, who were motivated by a desire to be "purified," were giving large sums of money to his diocese ([SourceMex, Sept. 28, 2005](#)).

In 2008, Bishop Carlos Aguiar Retes, who was then bishop of Texcoco, made controversial comments suggesting that drug traffickers were "very generous with the people in their communities," even paying for public utilities in their town of municipality ([SourceMex, April 23, 2008](#)).

In all those cases, the CEM issued statements categorically denying that drug money had infiltrated the church in any shape or form. That changed in 2010, when news broke that the PGR was investigating a parish priest in the Diocese of Pachuca, Hidalgo state, who knowingly accepted money from Heriberto Lazcano, one of the top leaders of the Zetas drug-trafficking organization to construct a chapel in the community of Tezontle.

Church officials, who are conducting their own investigation into the Tezontle case, admitted that there could be a problem with drug profits funding projects in some parishes. "Isolated cases such as the one in Hidalgo are not the rule for the church," Hugo Valdemar, spokesperson for the Archdiocese of Mexico, said in an editorial published in the weekly diocesan newspaper .

The editorial said the "corrupting power" of drug traffickers has reached all segments of society, from politicians, military personnel and police officers to business leaders, journalists, and "unfortunately even some members of the religious community."

Valdemar said there would be no tolerance for priests who make deals with drug dealers. "Bishops from various dioceses will gladly agree to allow imprisonment of any priest who commits these kinds of misdeeds," said the diocesan official.

The Catholic hierarchy's willingness to acknowledge that there could be a problem with drug profits filtering into church coffers or parish projects reflects the reality that drug-trafficking organizations have gained a significant foothold in communities around the country. The Tezontle case broke around the time when CEM officials were meeting with Calderón to support the president's campaign against the major drug-trafficking organizations. But the bishops came to the meeting with a mixed message. They also expressed strong concerns about the extreme violence that has erupted since Calderón launched the effort in late 2006 and early 2007 ([SourceMex, Jan. 24, 2007](#)). By some estimates, about 30,000 people have lost their lives to drug-related violence over the past four years.

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