The Tragedy of Gilbert Gauthe
Part II

By JASON BERRY

Last week, The Times reported on the crimes of pedophile priest Gilbert Gauthe, committed over a decade in Acadiana church parishes. The second part of this series explores the personal and legal dramas unfolding as a result of those crimes.

When Ted Campbell became an altar boy in the early 1960s, St. John The Evangelist Church in Henry was a world removed from the councils of Rome. Priests stressed the moral code handed down through centuries, and Campbell's faith grew. A strapping man in his late 30s, he became a pillar of his church: president of the parish council, a lay reader of scripture at Sunday Mass.

In July 1983, the sons of Gilbert Gauthe, pedophile priest, reached into his home, and the church Ted Campbell loved began to crumble in his heart. The Campbells were among the first families represented by lawyers Paul Hebert and Raul Bencomo in financial negotiations with the Lafayette diocese concerning Gauthe's sexual molestation of their children (as reported last week in The Times).

From the beginning, Campbell wanted Gauthe put behind bars. The lawyers stressed the need for patience and discretion: Getting a criminal indictment of Gauthe hinged on the victims' testimony, for which the youngsters needed psychological counseling.

Campbell quit going to church; he brooded about his faith—and about justice. He made several attempts to tell other families, with sons who were altar boys, to seek professional help. He was rebuffed, sometimes rudely. "I had one guy come in my house and tell me to my face: 'It takes a low-down son of a bitch to sue the Church.'"

When Msgr. Richard Mouton of Abbeville called, asking Campbell to come by the rectory, he knew it had something to do with Gauthe. Mouton says the priest told him: "You ought not to talk about [Gauthe]. It's none of your business." Campbell replied, "What about the rest of the kids who were altar boys?" Mouton, Campbell says, answered, "You don't need to talk about that. We'll tend to it; just tend to your son." Mouton also suggested that troubled youngsters come to him for confession—which Campbell took as a sincere, if naive, offer of help.

One weekend in New Orleans, Campbell wandered into Mass at St. Louis Cathedral. "I looked at the priests on the altar," he recalls, "and I was judgin' 'em. I wondered if this bastard screws women, if this one was gay, if this one's a pedophile. And it's an injustice I feel. I can't help it. I can't deal with it. Every time I see a priest, it clicks in my mind: I wonder what kind of sick this one is. I know there are good priests. It's a shame these good priests have to suffer for the weirdos they have in there. I have to accept what Gauthe did, but there's no way my God would condone that activity. I had to sue as a moral obliga-

Attorney

Minos Simon's suit on behalf of the Gastals rests on the premise that Church officials not only had prior knowledge of Gauthe's crimes but also had long tolerated homosexuality among other clerics in the sprawling diocese.

Defense attorney F. Ray Mouton has entered an insanity plea to Gauthe's criminal indictment. The jury will have to decide if the priest was capable of telling right from wrong at the time he molested his victims.
tion. I'm thinking of God. I don't need the Church for salvation." 

The hunger for justice gnawed away. And the idea of other families out there, advocating him while avoiding their own sons' suffering, increased his pain. By February 1984, with therapy sessions reconnecting threads of the family cloth, Campbell paid a visit to Glenn Gastal, who owned a feed store in Perry.

Remembering his own rage the day he learned what Gauhe had done, he spoke gently to his friend, suggesting he have a heart-to-heart talk with his boy. In a manner of days, Gastal went to Paul Hebert's office to sue the Catholic Church.

"This whole neighborhood has a doubt in their mind," says Gastal, "as to the ones who don't really know what Gauhe did and won't face it. I'm talkin' about people I wouldn't want to hurt. The ones that settled tried to explain to others, and some of 'em have been kicked out of homes [for broaching the subject.] The people don't want to face those that's seen the problem. And we're not talkin' about parents, either: maybe a grandchild was involved, maybe a nephew. It's like a black cloud hanging over you that's just going to fall on you any damn minute."

Like Campbell, Gastal lost friends over his decision to sue. It cost both men in other ways as well. Campbell has a drop dying business. "I can't prove I lost customers because of my suit," he says. "But there's no other way to explain it." Gastal got his harder. Customers at the feed store drummed a trickle. He finally lost the business.

To Sue or Not to Sue

On June 4, 1984, the Campbells drove to Paul Hebert's office in Abbeville to sign settlement papers. En route, Campbell told his wife: "I just don't want to sign. We lose our right to sue for damages to us, as parents. But the months of waiting, the emotional ride, had drained his wife, who wanted to put the lawsuits behind them.

"Ted," she said, "let's just sign."

At the lawyer's office Campbell insisted on retaining his right to separate legal redress. Attorneys Hebert and Raul Bencomo explained that, as part of the settlement agreement, he no longer had that right. Reluctantly, Campbell signed. Of the $405,000 settlement to the Campbells, $270,000 was earmarked for their son's treatment, $30,000 for the parents, and the remainder went to attorneys' fees and professional or medical expenses.

Campbell says the $30,000 was taken out of his son's settlement and claims the lawyers misled him as to his own right to sue the Church separately. Hebert sharply disputes this, adding, "I wouldn't have included the $30,000 to the parents if I had told him they had no redress."

While Ted Campbell brooded about his settlement, Glenn and Faye Gastal had their own change of heart. "I felt that for what Gauhe had done to my son, he had to be punished," says Gastal. "As far as having to sign a piece of paper that was releasing the church, saying they were not liable in no kind of way and there was gonna be no further litigation, I didn't feel I was doing the right thing."

"There was confusion between the civil and criminal matters," Hebert now says. "Our strategy was to settle the civil suits to our clients' best financial advantage and let [District Attorney] Naitan Stansbury move forward with the criminal charges. It was difficult for some parties to understand the pace by which we had to proceed.
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But there was never any question about getting Gauthier indicted. The only question was, when would the kids be ready to give testimony to the grand jury?

Containing the Media

During the long months of negotiations over settlements, no one outside of those involved knew what was taking place. No news of Gauthier, his crimes, the children of victimized families or Church responsibility had yet surfaced.

When he returned, papers were signed June 4, KLFY-TV (Channel 10) reporter Dee Stanley got a tip from an Abberville source about the agreement. He called D.A. Nathan Stansbury, who, Stanley says, told him, "The problem is all worked out. The kids won't have to talk for the civil cases." Stansbury, playing his cards close to the vest, refused to discuss criminal proceedings.

The reporter called Hebert, who, he says, told him: "Everything has been settled. You need to add no story." Jim Baronet, Channel 10 news director reflects: "We knew something was going on, but we were cut off. Neither party would talk, the Church for liability reasons, and Hebert because he was bargaining an out-of-court, secret settlement.

The station's first report—some three months before other media would report the Gauthier story—was a cautious assessment, mentioning neither names of victims nor Gauthier. Since the settlements had been out of court, little information was publicly available. Then, two weeks later, on June 27, Hebert and Kennedy filed four suits in behalf of new clients in the Abberville courthouse. These suits marked the first on-record documentation of the Gauthier civil damage proceedings.

Again, a source in the Abberville courthouse called Stanley: "The thing you're looking for has just been filed," the reporter was told. But when Stanley arrived to review documents, the docket—which lists names of plaintiffs and defendants—read: "Not Available vs. Not Available." Who was suing whom?

Stanley asked Clerk of Court Russell Gaspard where the papers were: A suit is a suit, publicly available under the law. "They're not available," Gaspard told him, adding that District Court Judge Allen Babineaux had sealed them. "I want a copy of the order that seals the suits," Stanley said. "I can't give you that," Gaspard replied. "I don't have it. Paul Hebert has it."

"We're entitled to that document," Stanley said, "it's our First Amendment right." Gaspard called Hebert. An hour later Gaspard gave Stanley a copy of the seal order. News director Baronet called Judge Babineaux, who refused to discuss the matter. The result was a shut-out: No names would be revealed. Babineaux's ruling meant the station would have to file suit to find out who was suing whom. But breaking the seal, Baronet felt, could jeopardize the victims' privacy even though his news policy was to preserve their anonymity "Legally," says Baronet, "we found it difficult to divide the two sides."

KATC-TV (Channel 3) had similar leads, but would not air a story, even after obtaining Gauthier's name, until many weeks later, long after...
Victim's father Ted Campbell has been rebuffed in his attempts to talk to other families about Gauthe's crimes.

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Stanley's follow-up reports had identified Gauthe by name. The Daily Advertiser, AP and UPI did not report the events covered by Channel 10 that June. "We were out there alone," Barret reflects, "and I must admit it didn't feel good."

Rolled the Trace

The sparse news coverage and long wait for an indictment frustrated the Gastos. In mid-summer they met with Lafayette attorney J. Minos Simon, who agreed to represent them. Simon inherited the $1.8 million pledging list of Hawkinson and Hibbert in the Gastos' behalf. Glenn Gasto, angry and restless, wanted to publicly "nurse the Church, which wasclusion of Hibbert's strategy.

Gasto's detection was a bitter pill to Hibbert and Bosseme, who had, over many months, negotiated large settlements and preserved victims' anonymity while moving toward the day when Nathan Stanbury would formally question the youngsters in order to try for a criminal indictment.

At 62, J. Minos Simon has cultivated a lucrative law practice and garnered no small reputation for controversy along the way. In the 1960s he sued then-Gov. John McKeithen to limit state investigatory powers over labor unions, a case he won in the U.S. Supreme Court. More recently, he successfully defended Plaquemines Parish political boss Chalin Pecoe on a maze of charges stemming from the family's control of the parish.

Simon's approach to the Gasto suit was driven by a philosophy dramatically different from that of the other settlement attorneys. The latter held to a narrow definition of their clients' best interests: preserve anonymity and go for the insurance companies' deep pocket. Simon was going for the same pocket, only many fathoms deeper. His representation of Gasto rested on a startling premise: Church officials not only had prior knowledge of Gauthe's sexual transgressions but also had long tolerated homosexuality among other clerics in the sprawling diocese. In addition to Gauthe, "we are responsible for damages to the children, Simon held.

"My clients came to me," Simon says, "complaining that their attorneys were putting a high lid of secrecy not only on the victims but also on everything the Church did. Here were Church officials, not only guilty, but protected—shielded—by confidentiality placed by their lawyers and Church lawyers. It was easy to protect the children. All you had to do was delete their names but otherwise let all the documents be part of the public record. There were so many children involved, from what [the Gastos] told me. You can't have that whole community and the Church not be aware. That was self-evident. I started an invesitative procedure whose goal was to find the facts beyond Gauthe." In sexual molestation cases, it is common for courts to bar all reporting of minor's names and to delete them from court records, which are otherwise made public as prescribed by law.

In response to such a motion by Simon, Judge Marcus Broussard, on Sept. 4, lifted the seal on the Gastal suit, and the allegations against Gilbert Gauthe became a matter of public record for the first time—15 months after his suspension from priestly duties. With facts now known, other media began reporting the story broken by Channel 10 three months earlier. And for the first time, the diocese spoke publicly about Gilbert Gauthe's crimes.

Bishop Frey issued a prepared statement: "From the beginning, I have reached out and offered assistance to those who have been harmed or hurt. We should not be shaken in our faith," the statement concluded, "for we know that the spirit helps us in our weakness."

To attorney Paul Hebert, the bishop's statement was too little, too late. The diocese, having balked at his request to canvas altar boy families in July 1983, had, in his view, shirked responsibility. In response to the bishop's statement, the lawyer drafted a letter on behalf of his clients, which ran in The Daily Advertiser. He characterized the bishop's statement as "not an accurate and true reflection of what has occurred." The letter continued: "In fact, although Church leaders were told of this matter over one year and three months ago, this statement from the Bishop is the first expression by the Church as to this tragic and unfortunate situation involving our children, and those of many others. The extent of the sexual abuse by this..."
The once-improbable idea of Catholics suing their church had now taken root. Abbeville attorney Anthony Fontana, who declined to be interviewed, filed suits on behalf of four plaintiffs on Oct. ll, 1984. Like Hebert and Bencomo, Fontana is a Roman Catholic. Soon thereafter, Fontana camcorder, asking questions of the Roman Catholic suing his church had now filed suit on behalf of four Cameraman, asking questions of the Roman Catholic suing his church had now filed suit on behalf of four plaintiffs on Oct. ll, 1984. Like Hebert and Bencomo, Fontana is a Roman Catholic. Soon thereafter, Fontana filled two more suits.

Meanwhile, the legal drama shifted to the criminal stage. District Attorney Nathan Stansbury drove to Abbeville, and in a room at the Hebert Sonnier law offices, he sat with a video cameraman, asking questions of 11 young victims. There was no one else present. Stansbury used videotape so that the boys would not have to be questioned directly by the grand jury. He wanted straight answers to painful questions and was dead set against exposing the victims to the ordeal of re-telling their terrible injuries to a group of strangers.

After seeing the videotaped testimony, the grand jury returned a 34-count indictment on Oct. 18. Although Gauthie would subsequently admit under oath to numerous acts of sodomy, the grand jury indicted him on only one count of this crime (aggravated rape, sodomy of a child under 12). Successful criminal prosecutions rest on the corroborating testimony of a witness. Grand jury testimony produced only one boy able to say he saw Gauthie sodomize another, and this may be the reason the grand jury indicted him on only one count of the most serious of his alleged crimes. The penalty for aggravated rape carries a sentence of life imprisonment at hard labor.

Pictures From a Haunted Past
Eleven of the indictment counts are for pornography involving juveniles. A common practice among pedophiles is an almost documentary-like taking of photos and keeping of journals or diaries, which serve as erotic stimulation. According to Bruce Selig, who does research on pedophilia for the U.S. Senate Permanent Subcommittee on Investigations in Washington: "Most pedophiles, when confronted with the existence of photographs, deny it. But in the majority of cases, they've hidden them or shipped them off to another pedophile."

Several pedophile organizations in America send child pornography through the mail. When child pornographer Katherine H. Wilson of Los Angeles was convicted of child pornography, her mailing list numbered 50,000, including many recipients overseas. Another organization known to mail child pornography is the North American Man:Boy Love Association, which openly calls for the abolition of the age of legal consent. Northern law enforcement sources say Gauthie's name appears on the mailing lists of neither of these organizations, but point out that he could have used an alias. The Times did not have access...
Gault has denied knowledge of such groups but admitted under oath to receiving child pornography in two "brochures" that came through the mail. "...but I have no idea where they came from. And I had no correspondence with them," he said. But how would he have received those "brochures" unless he requested them? How many pornographers would gratuitously send materials to a parish priest in Henry, La.?

Gault admitted to having taken hundreds of photographs of his young victims; he said he destroyed them. A search at the rectory several days after Gault left did not turn up any pictures. Gault may have destroyed the pictures, but to victims and their parents, they are a haunting memory of Gault's crimes. Could the photographs still exist? At least one child asked his parents to find the pictures of him and destroy them.

Another unanswered question is who provided Gault with the pornographic video tapes he showed youngsters in the rectory. In deposition Gault said, "I found out through overhearing that there was a guy in Abbeville, that if you'd bring him a blank tape, well, then you'd come back the next week, and he'd have a film for you. He was in a van in the National Food Store parking lot. I didn't get his name at all. I gave him $20 and a blank tape and he recorded it. It was dressed with blue jeans and a pull-over shirt." Like the mutant snapshots Gault says he took, the video porn has disappeared.

**Mouton for the Defense**

Until the indictment of Gault, the Church's legal defense had been limited to the civil damages claims. The diocese had paid for Gault's treatment, and now it needed a trial lawyer to defend him on criminal charges. The call went to F. Ray Mouton, 38, a hard-driving man with ample experience in civil damages suits as well as criminal defense.

A Catholic, Mouton was no stranger to high-profile, big-dollar cases that drew reporters like steel filings to a magnet. He'd won acquittal of policemen accused of brutality and had run unsuccessfully for a local judgeship. Once, while defending an accused drug dealer, Mouton found himself and his client pursued by TV cameras across a parking lot. The attorney hated pictures of people hiding their faces from the media; they suggested guilt. So, lawyer and client cheerfully waved to the camera, as if playing a game. Mouton won: The pictures never aired.

Mouton flew to Massachusetts to meet Gault for the first time, advising him to return to Lafayette for arraignment and to agree to depositions with plaintiffs' lawyers in the civil suits. "My philosophy was that he should not hide behind the Fifth Amendment," Mouton says. "To do otherwise would have suggested a cover-up of some sort, which made no sense."

News of Gault's impending return created a volatile atmosphere in Lafayette. There were telephone death threats to Mouton's office in his absence; other anonymous callers threatened to kill Gault.

Mouton and Gault flew from Boston to Houston on a late-night flight, accompanied by two Vermilion Parish sheriff's deputies. From Houston they drove in an unmarked car to Lafayette, arriving at 3:45 a.m. on Oct. 24. Gault went to a cell in parish prison. At 9 a.m., Mouton brought his client down a back elevator from the cell block and, flanked by police, they entered the courtroom. Gault stood before Judge Lucien Bertrand. Mouton entered a plea of not guilty by reason of insanity. The hearing lasted less than three minutes.

Gault left for the cell block, again by the rear elevator.

Under Louisiana law, the insanity defense revolves around the McNaghten Rule, under which the test for legal responsibility is restricted to the sole question of whether the defendant, at the time the offense was committed, could discern the difference between right and wrong.

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The Church has apparently agreed to accept legal responsibilities for damages from Gauthe's crimes. The question is why did Church lawyers wait so long to make this move?

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Whether or not older victims are precluded from suing would be of great importance to limiting the number of potential claims if the number of Gauthier’s victims is as great as some suspect.

Legal responsibility to the victims aside, what is the moral responsibility of the Church? In his letter to The Times quoted last week, diocesan attorney Bob Wright stated that the Church “will continue to do all things possible, both legally and morally, to rectify—mitigate any damages.” Does that mean offering therapy to the older victims? If so, what steps are underway to locate them and extend the pastoral hand?

What, finally, does “stipulation of liability” mean on the human level—to victims who are now plaintiffs, their families and to Catholics of the diocese? The Church appears to have two legal options before it. One is to negotiate out-of-court settlements with Simon, Hebner and Bencomo, and Abbeville lawyer Anthony Fontana in the 11 suits pending. Settlements would avoid jury trials and continue new coverage damaging to the diocese. But given the previously negotiated settlements, that course could well prove more expensive than trials, particularly if Catholic jurors balk at awarding settlements in the hundreds of thousands of dollars.

By all indications, the decision as to what legal course to pursue is out of the hands of Bishop Frey. Insurance lawyers have called the shots to date. Nothing suggests the chain of command will change.

Meanwhile, tentative trial dates have been set for September for the Hebner and Bencomo cases. Trials will mean testimony by children, or by psychoneurotics, stating the magnitude of damage to the victims. Whether the boys will testify is a decision each plaintiff’s lawyer must face. Testimony by the young victims may well be a powerful appeal for monetary damages, but at what price to the boys?

The literature on testimony of pedophiles is beginning to replete with references to the potential harm incurred by youngsters forced to relive their fantasies in testimony before a jury. Testimonies who have been sexually molested are in a position of profound vulnerability. Defense lawyers, faced with an emotionally fragile witness, can pound away with one goal in mind: reduce the amount of dollars a child’s agony is worth.

A Question of Canon Law

Throughout the months of criminal and civil proceedings, a shadow-story of religious law has flickered on the edge of this tragedy. For centuries, the Catholic Church has been guided by its own legal system, known as canon law. In 1983, the first translation from Latin to English appeared. As the constitution of Church, canon law has undergone revisions through the centuries; its sections define the range of Church administration. And while much of the code defines the duties of clergy to their superiors, the standard of stewardship—the obligations incumbent on those in high office—is also explained in considerable depth.

According to canon law all power devolves from the Pope; however, in the delegation of authority, each bishop has wide latitude to decide what he believes best, or in disciplinary questions, deems just.

In his deposition with Minos Simon, Msgr. Larroque, the diocesan vicar general and a specialist in canon law, discussed Church practice under the code. A brief passage in Larroque’s deposition raises a curtain on the inner sanctum of Church judicial policy and a ritual unknown to laymen. There is, he explained, “a formal investigative procedure . . . a Church court. The membership is composed of those who serve as judges, defenders, advocates. They determine the facts. The penalty will usually be determined by statement in the law. The bishop sets up the court, which acts for the bishop.”

No Church court was convened in the case of Gilbert Gauthier, who was suspended, Larroque said, “on the basis of two children.” Larroque told Simon, “I have been in office since 1965, and to the best of my knowledge there has never been a formal investigation, judicial procedure.”

Larroque’s statement raises hard questions about canonical proceedings in the Lafayette diocese. Why wasn’t Gauthier called before a Church court? The Church’s own legal system, rooted in centuries of law, requires obedience by priests to their superiors and has sweeping discovery powers of its own. The use of these legal powers under the canonical code is at issue here, because Gilbert Gauthier was not the only diocesan priest who molested boys.

End of Part II

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