

# ANATOMY OF A COVER-UP

The Diocese of Lafayette and its moral responsibility for the pedophilia scandal

By JASON BERRY

The integrity of an institution is built on trust between those who lead and those who follow. Since revelations of Gilbert Gauthe's crimes rocked Acadiana in autumn 1984, chancery officials have erected a wall of silence, offering scant explanation to the Catholic faithful.

A two month investigation by *The Times*—based on legal documents and interviews with a broad range of sources, including several with intimate knowledge of the chancery's inner workings—reveals a chain of events involving a total of seven priests accused of sexual involvements with youth. In most cases, Bishop Gerard Frey and Msgr. H.A. Larroque knew of the priests' sexual problems and failed to take strong disciplinary action.

The bishop and vicar general have engaged in a cover-up, however it has been a strange one, wedded to a monarchical concept of power, divorced from democratic principles. In refusing to extend the pastoral hand to victims' families—and deal candidly with the laity and clergy alike—Frey and Larroque have let insurance lawyers dictate their silence. And in a cruelly ironic twist, blunders by those lawyers have deepened the stain of scandal about the diocese. In real dollar terms, the cover-up has been a disaster.

In human terms, the story of a brutal tragedy is emerging, being told through the contours of legal documents and many interviews. According to a consensus of well-placed sources, including case workers in Vermilion Parish, Gilbert Gauthe molested at least 100 boys in his years as a priest. Moreover, in New Iberia during the mid-70s, Gauthe and Father Lane Fontenot had sexual encounters with four boys in a ring of common victims, according to sources in the two civil parishes. A damages suit against those

priests on behalf of one victim was filed under protective seal last fall.

*The Times* has learned that another priest—a close friend of Fontenot's since seminary days at Immacuata, and who once held an important diocesan position—was sent to a Northern treatment center last spring. Informed sources say he was removed some time after there were reports of sexual involvements with adolescent boys. Because he is not legally charged with sexual offenses, *The Times* chose not to divulge his identity. "It's rationalized secrecy by saying he meant being single and not having a wife," says a source who knew him.

Yet another priest has been identified by four well-placed sources as a man who seduced youngsters in a parish near Lafayette. He last once held a diocesan position, and was sent off for treatment out-of-state in 1984. Because he is not legally accused or sought for questioning in known litigation, *The Times* has withheld his identity. In 1985, however, he returned to a parish in another Louisiana diocese. Reached by telephone at that church, the priest said: "I do not wish to be interviewed." The bishop of that diocese declined to be interviewed.

## BANKING ON BLIND FAITH

"They knew something was up with Gauthe," a well-placed source says, "but they thought it would never come out. They thought they could still the fear in people [who might see]—that they were up against the church, that they were doomed. The attitude was, 'We don't have to say anything.' They feel they're impervious because of the people's faith."

Diocesan counsel Bob Wright, citing pending civil litigation, refused *The Times*' interview requests with the bishop and vicar general. So far, the bulk of \$5.5 million in damages—compensating 13 children among nine families victimized by Gauthe—has been paid by different combinations of seven insurance firms. Attorneys Raul Bencomo and Paul Hebert negotiated for the plaintiffs. The diocese has paid 15 to 20 percent of the settlements.

A series of delaying tactics by insurance attorneys has eroded the leverage of Frey and Larroque to restore confidence in their stewardship. Sources say the churchmen long ago wanted to settle the cases and put the scandal behind them yet remain powerless before the defense lawyers, who demanded silence of them.

As this issue went to press, Wright conceded that insurance lawyers and J. Mimos Simon, attorney for the Gastal family, whose son was molested by Gauthe in Henry, were "far apart" on a negotiated settlement. Simon told *The Times*: "I am expecting a trial. I want to try this case." Jury selection is slated for Feb. 3 in Abbeville. In the event an 11th-hour agreement is reached—as in the last three Hebert-Bencomo suits—Simon's clients stand to receive substantially more than the \$420,000 per victim which has been paid out in past settlements.

Meanwhile, eight suits against Gauthe, the one involving Gauthe and Fontenot, and three accusing Father John Engbers of pedophilia remain in litigation brought by various lawyers. The defense has not accepted liability in those cases and the prescription issue—whether the suits were filed within a year of when the injuries were sustained—is also unresolved.

## THE FAILURE OF FORGIVENESS

Nothing in Gerard Frey's background prepared him for this. Scion of a prosperous New Orleans family, he was bishop of Savannah, Ga., before replacing the aging Bishop Maurice Schexnayder in 1973. By all accounts a shy man, Frey's philosophy was to delegate power across mid- and lower-echelons of the diocese and otherwise govern quietly. In the spirit of Vatican II, he encouraged greater involvement among lay people in parish councils and diocesan programs, particularly religious education.

Through the late 1970s, Frey relied on then-Msgr. Jude Speyrer, chancellor, and Alex Larroque as vicar general to handle daily affairs and advise him. When Speyrer became bishop of Lake Charles in 1980, Larroque assumed an even greater position of importance. Sources say a change came over Bishop Frey in the early 1980s. His shyness gave way to an aloof detachment. He now reportedly spends long stretches at his family's resort camp in Bay St. Louis, Miss. Larroque manages the diocese's daily affairs and functions as the bishop's alter-ego.

"Frey hates confrontations," another source explains. "I'm convinced the bishop knew all along about the pedophilia, but I don't think he knew any other way to handle it. In the past, they called in people [when a priest molested a youth], provided counseling, made a settlement with the family, swore them to secrecy, and moved the

priest. I think the bishop did a lot of things that were wrong by moving people repeatedly. He has to believe a priest is being straight with him when he says he'll behave. You don't have enough priests to go around. He can't automatically say, 'I'm sending you off for treatment.'"

This ingrained philosophy of forgiveness—once a priest, always a priest—seems incapable of dealing with addictive pedophiles, who often cannot admit that seducing youngsters is wrong. Moreover, Frey and Larroque's handling of Gauthe, Fontenot and Engbers runs counter to Article 25 of the Louisiana Criminal Code, which defines accessories after the fact as "any person who, after the commission of a felony, shall harbor, conceal, or aid the offender, knowing or having any reasonable ground to believe that he has committed the felony, and with the intent that he may avoid or escape from arrest, trial, convictions or punishment."

According to Oliver Huck, law professor at Tulane University and a former federal prosecutor, the statute "does not require that the offender be arrested or convicted. What [a supervisory figure] knew and when he knew it is a question of criminal negligence; what he should have known is the realm of civil negligence."

## ORIGINS OF THE COVER-UP

How much did diocesan officials know and how long did they cover-up the actions of the accused priests? In civil depositions, Frey says he learned in 1974 that Gauthe admitted to "impure touches" with a boy in Broussard the year before; Gauthe promised him it would not happen again. In 1976 Larroque ordered Gauthe to see a psychiatrist after he kissed two Abbeville boys in a camper. There was no meaningful follow-up by the chancery, nor was Gauthe reported to law enforcement officials. And now new information draws sharper focus on that period, when Gauthe and Fontenot were in New Iberia.

Ronald Lane Fontenot, born in Eunice in 1946, was ordained in Lafayette in December, 1973. His first assistant pastorate was St. Peter the Apostle in Gueydan. The pastor there was John Engbers. *The Times* knows of no alleged molestations by Engbers in Gueydan, however sources say Fontenot tried to seduce a young man after hearing his confession there. Three years is the average stay for an

assistant pastor. The sources do not know if Fontenot was reported to the chancery while in Gueydan. But after only six months, in June 1976, he was transferred to Our Lady of Perpetual Help in New Iberia where Gilbert Gauthé had been seducing altar boys and other kids on camping trips.

In deposition Msgr. Richard Mouton of Abbeville says he was told that Fr. Joseph Bourque, the New Iberia pastor, wrote to the chancery complaining about Gauthé. Asked about the letter, Father Bourque told *The Times*: "Any statement I would have to make would come through the chancery office or the [diocesan] attorney."

But according to a New Iberia family, they reported both priests for molesting altar boys. "It wasn't but about a month or so later that [Bourque] transferred Father Gauthé and that other [one], Father Lane Fontenot, out of our church."

Gauthé went to St. Mary Magdalen Parish in Abbeville, but continued relationships with youngsters in New Iberia. As for Fontenot, he lasted only nine months in New Iberia, moving to Our Lady of Mercy in Opelousas in March 1977. There, says a priest who learned of it years later, "he molested many kids." Why was Fontenot moved out of New Iberia so quickly if Bourque did not request it? Only the bishop can move a priest. In any event, Lane Fontenot climbed the diocesan ladder. By 1982, as Priest in Charge of Spiritual Development for the diocese, he was giving charismatic sermons to Catholic youth rallies.

A disturbing symmetry links Gauthé and Fontenot in another way. In 1975, on recommendation of then-Msgr. Speyer, Frey named Gauthé diocesan Boy Scout chaplain—while he was in New Iberia, and after Frey knew Gauthé had molested a boy in Broussard. Even if he believed Gauthé was controlling his urges, why put a man like that in a position involving Boy Scouts? If, as the parent claims, Fontenot left New Iberia because of sexual misconduct, why would a man like that be allowed to work so closely with youngsters in Lafayette? Even the philosophy of forgiveness would seemingly be tempered by prudence in personnel assignments.

Fontenot, who lived at Our Lady of Fatima, was hustled out of Lafayette in autumn 1983, six months after Gauthé, when a family accused him of molesting their son. As reported last June, a settlement was reportedly paid to the family. Fontenot followed Gauthé to the Church-run house of Affirmation in a Boston suburb. In 1984, still another priest, Fr. Robert Limoges left for an undisclosed treatment center after families in Eunice and Lafayette complained in their respective district attorneys

## TROUBLE WITH THE LAWYERS

It is doubtful whether these events would have become publicly known had the bishop in the wake of Gauthé's June 30, 1983, suspension gone immediately to Henry, told parishioners what Gauthé had done, hired a psychiatrist and offered therapy to families with youngsters molested by Gauthé. "We never planned on suing," the parent of one of the initial

families says. "We just wanted help for our children, and we wanted Church officials to come men with us and tell everybody what was what. To this day they haven't done it. That's what hurts so much."

Instead, lawyers were called in to represent the Church insurers. The classic defense in high-dollar damages litigation is to delay, negotiate, and keep everything under wraps. This approach melded with the chancery's strategy of silence on sex abuse, however it is unclear whether the lawyers learned how much Frey and Larroque knew about other priests. Four New Orleans attorneys formed the defense team: Thomas Rayer, counsel for the Archdiocese; Robert Leake, Charles Schmidt, and Gordon Johnson, representing insurers. They have repeatedly declined *The Times'* interview requests.

After closed-door negotiations with Bencome over the first nine Gauthé victims the defense in June 1984 agreed to \$4.2 million settlements. That, however, was done without ever taking depositions of Dr. Edward Shwery, the psychologist who wrote the document analyzing the sexual abuse, or Dr. Kenneth Bouillon, the therapist treating the boys.

"I think there's a feeling that they gave the dirt away before the horse," Wright told *The Times* recently.

After J. Minos Simon took over the Gastals' suit, the defense faced a more radical adversary, yet the legal scrimmaging was marked by procedural fumbling opening a swath for Simon's steamroller. In his discovery phase—the period of pre-trial questioning by lawyers of prospective witnesses to gain information for later use in court—Simon demanded files on 27 priests regarding their sexual conduct. The defense lawyers, instead of mounting an aggressive counter-attack to protect the reputations of other priests, failed to seal the document and continued playing for time. The list was entered as a court document, available to reporters. No Church representative took to the airwaves challenging Simon's bold charges. Nor did the insurance lawyers appear to take the allegations about other priests very seriously. Leake called it "a fishing expedition."

At a January hearing in Abbeville to argue the matter nobody for the defense showed up—at the very least, an act of faulty representation for both Church and insurance clients. They missed a hearing on another matter called at their request some time later, and on Oct. 11, 1985, when the Gastal boy's therapist, Dr. Lyle LeCorgne, accompanied Simon to a deposition scheduled in Wright's office, once again the defense did not show up. Whether arrogance or ineptitude explains such behavior, the net result worsened prospects for a negotiated settlement in the Gastal suit. And to an attorney like Simon, it had the effect of waving a red flag in front of a charging bull.

As Simon's aggressive discovery probe began to outline the dimensions of the pecuniaria problem in the diocese last year, Frey and Larroque had another force to contend with in attorney Tony Fontana, whose clients, the Butaud sisters, were clamoring to have Father John Engbers removed from Leroy. They alleged that Engbers

had molested them when they were children in the mid-1950s. Like defense lawyers, Frey and Larroque stalled—but in a fashion bordering on criminal negligence: for eight months they let an accused child molester remain in the parish in Leroy without telling parishioners or law enforcement authorities.

In June, Judge Bradford Ware ruled Simon had discovery rights in files on pedophile priests. This prompted defense attorney Leake's verbal stipulation to liability, theoretically halting Simon's discovery onslaught. By then damage to the chancery's image had been immense. More sources were leaking information, this time to *The Times*. Of the priests named in this article, only Fontenot appears on Simon's list.

Still the defense delayed. Wright, a veteran plaintiffs' attorney, had long advocated a liability stipulation while Leake resisted. Ironically, Wright became the point man for reporters in Lafayette. When it finally came, the written stipulation discredited Simon—and Hebert and Benvenuto on their case. Simon attacked again, this time after a young man came to his office with allegations against Fr. Lloyd Hebert of Opelousas. The man wanted Fr. Hebert removed. Simon issued a subpoena to depose Hebert, and when that happened Wright stipulated to liability in open court at the end of June, ending Simon's discovery once and for all, saving the priest from being deposed. Hebert left Opelousas to live with relatives.

At the end of July, Father John Engbers, the seventh priest in this diocese accused of sexual misconduct, fled to Holland.

By mid-autumn, Gauthé had gone to prison but the scandal which began with revelations about his misconduct had become a seemingly bottomless pit. The insurers were paying large sums to Hebert-Bencome clients in negotiated settlements, but with the Gastals, defense lawyers took the more aggressive step of deposing the parents and child to decide how much their suffering was worth. At the heart of Simon's case is the issue of consortium—how Gauthé's sexual invasions altered the family's life: the boy, his relationship to the parents, the family's bond to the Church.

## FONTANA ON THE OFFENSIVE

Tony Fontana has six Gauthé suits for which the insurers have not stipulated liability; his discovery powers remain open. With the Engbers suits, he faces a steep incline on the time prescription issue. A devout Catholic, he says: "I feel betrayed by Frey and Larroque. I'm not sure if I want stipulation, because then I have to prove liability—how much Frey and Larroque knew. The damages in these cases are going to come from outrage—not that Gauthé molested kids—but that Frey knew about Gauthé in 1975." Fontana recently filed a motion to unseal two names of his Gauthé victims, clearing the way for depositions of Frey, Larroque and others.

When Fontana filed interrogatories on the Engbers case earlier this month, he effectively began where Simon left off. Hearings on this matter and the

controversial question of prescription—whether, many years after Engbers' alleged crimes, the Butaud sisters have litigable claims—are scheduled for Feb. 10 in Lafayette. Earlier this month Fontana filed another suit on behalf of two Lake Charles sisters, Brenda Andrepoint Gossett and Judy Andrepoint Fish, now adults, who claim Engbers molested them when they were children in the early 1950s. A third suit on behalf of an unnamed minor child has also been filed against Engbers and the diocese.

## WHERE WILL IT END?

Beneath the legalities and mountains of money, dozens of youngsters have been molested and many families bitterly hurt by the chancery's long policy of silence. Seven priests—Gauthé, Fontenot, Limoges, Engbers, Hebert, the priest in treatment and the priest now in another diocese—have left Lafayette diocesan parishes. The sexual map of their movements includes Broussard, New Iberia, Arcville, Henry, Escher, Lake Charles, Louisiana, Opelousas, Lafayette, Eunice, Gueydan, Samset, and Leroy. Of them, only Gauthé is known to have been suspended, and even he has not been formally defrocked.

What explains the silence by the bishop and vicar general? Why have they resisted candid dialogue with the laity and as pastors begun the healing process?

In one sense, the churchmen acted as their tradition suggested. The Catholic Church is governed by a monarchical sensibility. Appointed by the pope, each bishop is effectively regent of his diocese. Lay people cannot impeach a bishop or elect a new one. The Apostolic Delegate—the Vatican's ambassador in Washington—acts for the pope in naming new bishops, who retire when they wish or by age 75. Frey is 71.

The trappings of this monarchical structure have for generations been a source of pride to Catholics, who traditionally cherish the milieu of churches, the splendor of choral masses at Advent and at Easter. The bishops in their robes of watered silk, like priests in bright vestments of the seasons, embody sacred links to a spiritual lineage spanning 20 centuries.

Bishop Frey and Msgr. Larroque relied on a royalist defense by marring themselves from the truth. But the cover-up was doomed to shatter on a collision course with democracy, the court system and a free press. The issue around which all others pivot: is the rights of children. And in this respect, the Church betrayed her own historic commitment to the sanctity of families. Frey and Larroque never realized that. Instead they held fast to a notion that "the Church" must be saved from scandal. But the Church is not marble and mortar; it is a community of faithful people bonded by an ethos of human dignity. In their myopia the two leaders became truly tragic figures, shifting the focus to themselves, and when others who knew too much felt outrage mount, the wall of silence began to crack. Even now, looking through the jagged holes, a terrible question remains: why did it happen here?