

Article

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CATHOLIC SEXUAL ABUSE IN LOUISIANA

Retired 92-year-old Louisiana priest Lawrence Hecker was just arrested for raping a teenage boy *in the 1970s*.¹ Why did it take so long to charge him criminally? The district attorney identified a “cone of silence” surrounding the church and the courts.² That cone has long existed in Louisiana and throughout the country. Hecker confessed his sexual crimes to the church in 1999. Four archbishops, however, kept Hecker's crimes a secret, not saying a word to Hecker's victims or to the State.³ Hecker was only publicly recognized as “credibly accused” of abuse by the church in 2018, years after the scandal and award-winning movie *Spotlight* on Boston's extensive abuse that forced everyone to ask questions again about all churches.⁴ Slowly, persistent abuse victims and reporters made news of Hecker's criminality unavoidable with their repeated complaints and stories. One paper even recently got Hecker to admit his crimes to the public.⁵ Hecker will finally face the criminal courts for his very old criminal conduct.⁶

Sadly, this story is not surprising or unique. The Catholic Church has long hidden its sexual crimes and the courts have done little to stop it from abusing children, thus protecting the abusers.

Catholic bishops, priests, sisters, brothers, deacons, and laity have repeatedly sexually abused their parishioners and students across the United States and throughout the world. Even when the church's leaders did not commit the abuse themselves, they hid the abuse of their colleagues. The victims rarely received any form of justice because ***376** the law often protects the abusers instead of the abused. For example, the law sets short statutes of limitations, which means that victims infrequently can be heard in court to receive civil damages.⁷ Moreover, rarely are abusers criminally prosecuted.⁸ The latest legal tool, bankruptcy, is also the friend of abusers. Bankruptcy stops all the victim's lawsuits and penalizes the victim's lawyers who reveal abuser's names.⁹

Plaintiff's attorney, Richard Trahan, was recently fined \$400,000 after he told his cousin that one of the priests that his cousin worked with was identified as an abuser by the church.¹⁰ Trahan also gave the priest's name to a journalist.¹¹ Trahan learned the priest's name from bankruptcy revelations from the archdiocese; the archdiocese had never listed that priest on its public list of abusers.¹² The bankruptcy court fined Trahan because bankruptcy emphasizes that information has to be kept “confidential.”¹³ In this way, secrecy about abuse continues.

It is never good for the abused to have their tormentors' names hidden. Years of study leaves me wondering if the law will ever favor victims of abuse. Fortunately, many survivors of abuse have kept up their loud criticism of the church. They have repeatedly filed lawsuits, some allowed and some denied. They have been loyally accompanied by journalists who have repeatedly written about the abuse, while Catholic officials pretend it never happened. For instance, Jason Berry wrote about these stories from the beginning in the 1980s. David Hammer, Ramon Antonio Vargas and Stephanie Riegel have kept us up to date on the ongoing saga of abuse in Louisiana. Moreover, *NOLA*, *The Times-Picayune*, and *The Guardian* keep posting stories. Without them, we would not understand just how far the abuse has gone and how long it has continued.

Louisiana's story of continuing abuse reminds us that neither the church nor the state has focused first on victims. Instead, the courts keep closing their doors, and the church keeps pretending nothing ever went wrong. New Orleans is the first American

city where abuse *377 received sustained attention in the 1980s.¹⁴ New Orleans released stories about serial priest-abuser Gilbert Gauthé who was discovered, went to recovery, and eventually went to prison.¹⁵ You might think the story would have ended in the 1980s, but it did not. The focus on Boston's abuse in 2002, and Boston's publicity in the Oscar-winning 2015 movie *Spotlight* led to renewed attention to Louisiana's abusers, past and present, which taught us that abuse continues, and abusers are often not punished.¹⁶

Learning about the abuse is not in the past, however, as Louisiana has opened its statutes of limitations to allow new claims by victims that were barred previously.¹⁷ The Archdiocese of New Orleans has gone into bankruptcy to stop those claims.¹⁸ And, surprisingly, the FBI is now investigating interstate child abuse that may include Louisiana, as they study whether citizens of the state pursued interstate illicit sex by traveling with victims around the country.¹⁹

The Roman Catholic Archdiocese of New Orleans spans the whole state of Louisiana, with subordinate or suffragan Dioceses of Shreveport, Alexandria, Baton Rouge, Houma-Thibodaux, Lake Charles, and Lafayette. Shreveport Diocese was originally part of Alexandria, and the Lake Charles Diocese was originally part of Lafayette. The changes in diocesan names have affected how the dioceses reported sexual abuse by their clergy and where the clergy are listed as belonging when the churches post lists of “credibly accused” abusers.²⁰

This paper traces the abuse in Louisiana, discovering how the law has treated-- or not treated--Roman Catholic abuse of children, from the past to the present, and looking into what the future may bring. It is a story of some victories by survivors, but of repeated closing of the courts and protection of the abusers by the church. The church has long tried to stay out of court and has done its best to keep its abusers' names from the press.²¹ Even today, when the church has published some names of “credibly accused” abusers, it still keeps names off the list.²² Remember that Hecker allegedly abused in the 1960s and 1970s, *378 confessed his crimes in 1999, and was not put on the church's list until 2018. The church has always fought to conceal abuse.²³

The archdiocese and dioceses have received ongoing attention for their priests' abuse of children. The first scrutiny, spelled out in Part I, “In the Beginning,” focused on Father Gilbert Gauthé, whose abuse was revealed in the 1980s. Some other abusers' names were also identified at that time.²⁴ Part II, “The Liberative Prescription,” tells you when the lawsuits could be filed. Many lawsuits against clergy abusers were dismissed because they were not filed in time due to the “liberative prescription” in Louisiana law.²⁵ Prescription is Louisiana's term for what other states call the statute of limitations (SOL). When the events of this paper received focus in the 1980s, victims had *one year* to file their suit. The prescriptions have grown to three years and ten years.²⁶ In 2021, Louisiana created a three-year revival window, which allowed all lawsuits to be filed, no matter when the abuse occurred.²⁷ That window opened in 2021 and closes in 2024. Hundreds of new lawsuits have been filed because of the revival window.²⁸

The law can touch abuse in two ways. First, criminals can be prosecuted by the State. A few, but not many, priest abusers were convicted of crimes. Hecker's recent arrest sends hope that more will be prosecuted. Criminals, and possible criminals, are identified in Part III, “Criminal Prosecutions.”²⁹ Victims of abuse can also file civil suits against their abusers, which can include not only the religious figure who abused, but also their employers, the parish, the school, the diocese, or the archdiocese. Some civil suits continued for many years and continue today.³⁰ The prescriptions have grown more generous in recent years, so there are many lawsuits recently filed. Part IV, “Civil Lawsuits,” looks at the status of those cases.³¹ We wait to see the outcome of many of them. The church settled some of those civil suits to put abuse behind them; those settlements are described in Part V, “The Settlements.”³²

Many of those lawsuits--the new cases--have now been halted. Why? Because the Archdiocese of New Orleans went into bankruptcy. Bankruptcy has had a dire effect on the victims of abuse. Their lawsuits *379 have all been halted while bankruptcy proceeds. Bankruptcy hearings have large secrecy surrounding them because they are guided by confidentiality rules, which means that the records of the abusers continue to be hidden, now by the bankruptcy judge, who aims to keep everything confidential as bankruptcy requires. For example, bankruptcy Judge Meredith Grabill fined a plaintiffs' attorney, Richard Trahan, \$400,000.³³ Trahan learned a priest's name from bankruptcy revelations from the archdiocese; the archdiocese had never listed that priest on its public list of abusers. Trahan's clients were then removed from one of the bankruptcy's committees.³⁴ Trahan has challenged the fine, and the opposing lawyers' role in his being fined, but to date, he has lost.³⁵ For the record, the bankruptcy judge had taught a class with Trahan's opponent's lawyer.³⁶ Part VI, “Bankruptcy,” explores the bankruptcy aspects of the abuse cases and the sanctions against those who abused bankruptcy's confidentiality.³⁷

Bankruptcy is a good reminder that the law is often on the side of the abusers instead of the abused. That has been true across the country. We may have to wait a long time to see what happens to all the lawsuits--more than 400 of them--filed by Louisiana's victims in the three-year window.³⁹

Other investigations of Louisiana's abuse continue today. Stories continue to evolve about whether the churches have been fully transparent about their abusers. And there is one new and current investigation by the FBI. While it is usually state officials who study what abuse happened in their state and what is illegal under state law, the FBI has intervened because they are worried that abuse victims were transported across state lines so clergy could have sex with them.³⁹ That ***380** is a violation of the Mann Act, which forbids trading people across states lines for illicit sex.⁴⁰ The Mann Act does not have a prescription or statute of limitations. Perhaps, the Mann Act prosecutions will add to the legal drama in Louisiana. Part VII, "The FBI," looks at what the FBI is doing today.⁴¹

Part VIII, "The Archdiocesan and Diocesan Lists," offers the lists that the archdiocese, dioceses, journalists, and others have put together about who is a "credibly accused" abuser. There is ongoing controversy about who is and who is not on the lists, and whether the churches have been transparent in revealing the abusers' names. That is part of what got lawyer Richard Trahan and his clients in trouble in the bankruptcy court.⁴²

Part IX is the "Conclusion," which summarizes the past abuse and looks toward the future, summarizing what Louisiana teaches us about protecting victims of clergy abuse.⁴³

Part I: In the Beginning

Brilliant Jason Berry is one of the writers who helped to uncover the abuse of children in Catholic Louisiana. He wrote stories about the abuse in 1985, and then published *Lead Us Not Into Temptation*, a book about that abuse, in 1992.⁴⁴ He has long kept his careful eye on abuse throughout the state.

Berry wrote about Gilbert Gauthé, Louisiana's best-known predator.⁴⁵ Gauthé has been abusing children since 1974, but his bishop, Gerard Frey, and his monsignor, H.A. Larroque, did nothing about it.⁴⁶ In Berry's words, "In most cases, Bishop Gerard Frey and Msgr. H.A. Larroque knew of the priests' sexual problems and failed to take strong disciplinary action."⁴⁷ This has been a common pattern in archdioceses in Louisiana, the United States, and across the world.

***381** Estimates are that Gauthé had at least 100, maybe even 200, victims; he admitted to 37 victims.⁴⁸ The stories emerged as the church sent Gauthé for rehabilitation long before he went to prison. There was a 1976 complaint that Gauthé licked the boys' cheeks.⁴⁹ In 1980, a man reported that Gauthé abused his three sons.⁵⁰ Ted Campbell realized his son had been abused and visited a friend, Glenn Gastal, who also had children in Catholic school. Gastal joined the action. Both lost friends over their decisions to sue the church, and Gastal eventually lost his feed store business.⁵¹

On June 4, 1984, Campbell went to sign a settlement in which he received \$405,000 total, \$270,000 for his son, \$30,000 for the parents, and the rest for attorney fees. This was a secret settlement.⁵² Then, on June 27, four more lawsuits were filed by attorneys Paul Hebert and Raul Bencomo.⁵³ Minos Simon was the lawyer for the Gastals.⁵⁴ Lawyer Anthony Fontana filed four suits on October 11, 1984, and after that, two more on Gauthé.⁵⁵

In June 1984, six families with nine boys negotiated a \$4.2 million settlement with the Diocese of Lafayette for Gauthé's wrongdoing. There were lawsuits asking for \$114 million.⁵⁶ Rose and Wayne Sagrera [known in the press as Roy Robichaud] also had a depressed and abused son, and settled with the church for several hundred thousand ***382** dollars in damages.⁵⁷ A total of \$5.5 million compensated thirteen children in nine families.⁵⁸ Four years after the focus on Gauthé's crimes began, the diocese paid \$12 million in sixteen cases.⁵⁹ Other suits were unresolved. The jurors gave Gastal \$1.2 million, and he settled for \$1 million after the church appealed the jury's verdict.⁶⁰

What to do? Settle or go to trial? State law limited filing to one year after injury.⁶¹ Was that time based on the hour of molestation or based on the time of the parents' knowledge about it? In the early cases, the church decided to “stipulate to liability” to calm things down and close cases.⁶²

Other clients of Fontana's, the Butaud sisters, asked to have John Engbers removed because he had molested them, however, Engbers had left for Holland.⁶³ Fontana filed suit for two Lake Charles sisters, Brenda Andrepont Gossett and Judy Andrepont Tish, adults who say Engbers molested them in the 1950s.⁶⁴ An unnamed child also filed suit against Engbers. Another young man alleged abuse by Father Lloyd Hebert.⁶⁵

Gauthe went through periods of being sent to Catholic rehabilitation centers and mental hospitals.⁶⁶ In Louisiana, Gauthe was charged with “11 counts of aggravated crimes against nature, 11 counts of committing sexually immoral acts with minors, one count of aggravated rape (sodomizing a boy under the age of 12) and 11 counts of crimes of pornography involving juveniles, through pornographic *383 photo sessions.”⁶⁷ He was sentenced to twenty years, but was released from prison after ten years.⁶⁸ He was then arrested in Texas for molesting a three-year-old and given seven years of probation. In 1997, Louisiana jailed him again for a girl's rape in 1982.⁶⁹ He also spent time in prison for failing to register as a sex offender.⁷⁰

Lane Fontenot was another abuser who, like Gauthe, went to the Massachusetts House of Affirmation for treatment.⁷¹ He was arrested for abusing a youth.⁷² Gauthe and Fontenot had abused youths together.⁷³ One family abused by Fontenot received a settlement.⁷⁴ A third unnamed priest was also sent for treatment,⁷⁵ and a fourth priest's identity was also not revealed.⁷⁶ In 1984, priest Robert Limoges was sent for treatment.⁷⁷

Victims' lawyer J. Minos Simon filed a discovery request for twenty-seven priests' files, which was the first lawsuit that truly threatened to open the church's records.⁷⁸ He won a \$1.25 million verdict for the Gastal survivors of Gauthe, which was reduced to \$1 million after appeal.⁷⁹

Calvin Mire was another victim of Gauthe.⁸⁰ “Father Gauthe was like a rock star.”⁸¹ To be with the student group, Mire had to have a physical ... with Gauthe! Gauthe threatened to hurt Mire if he talked. There were other victims, who received settlements, but Mire went to court and received \$1.8 million. He and his family asked for \$8 million *384 but received \$1.55 million for Calvin and \$250,000 for his parents.⁸² In both the Gastal and Mire cases, the church admitted liability.⁸³ At this point, victims of Gauthe had received \$20 million.⁸⁴ Documents from 1998 claim that the Gauthe victims had received \$18 million, and that the diocese and its insurer paid another \$4 million for nine other clergy and diocesan employees.⁸⁵

The outcome of many of these cases depends on when and whether you can get to court, which in Louisiana is governed by something called the “liberative prescription.”

Part II: The Liberative Prescription

Many states call them statutes of limitations (SOLs), which are the rules that set the amount of time one has to file a lawsuit. In Louisiana, the term is “liberative prescription” instead of SOL.⁸⁶ The usual prescription is one year from the time of injury to when the claim is filed.⁸⁷ In child abuse cases, one question is whether it was the time the child experienced the injury or the time the parents learned about it. At the beginning of all these abuse lawsuits, the prescription was one year.⁸⁸ If the defendant thought the plaintiff could not meet the prescription standard, he would apply for an exception of prescription, and the case would be dismissed.

Louisiana also has a rule called *contra non valentem* (CNV), which appears frequently in the liberative prescription cases. The prescription originally was one year. *Contra non valentem* is a reason that the courts could extend the clock to give the plaintiff more time to file a lawsuit. It was a main way of extending the one-year prescription.⁸⁹ In legal dictionaries, *contra non valentem* “means that if someone is unable to take legal action because of something the defendant did, such as hiding important information, then the time limit for taking legal action does not start until the person is able to act.”⁹⁰ If someone had *385 recalled the abuse at the time it happened, or told someone else about it then, *contra non valentem* would not apply.

Some of the prescription cases failed because there was no *contra non valentem*.⁹¹ There was a split decision in a 1993 case, which ruled that sexual abuse and clergy malpractice were not within the prescription limit, but that there were factual issues

about the church's liability for the priest distributing videotapes and photographs.⁹² The plaintiff, Christopher Fontaine, had a criminal record, and the church did its best to emphasize Fontaine's faults, describing him as a “punk,” a “catamite” and a “hustler.”⁹³ The court rejected Fontaine's argument that, although the abuse had occurred in 1982 and 1985, he did not experience the abuse until he saw photographs of himself published in a Danish magazine in 1989.⁹⁴ The court then considered *his contra non valentem* claim, stating the court's rules that:

Prescription should be extended under the following circumstances:

1. Where there was some legal cause which prevented the courts or their officers from taking cognizance of or acting on the plaintiff's action;
2. Where there was some coupled with a contract or connected with the proceedings which prevented the creditor from suing or acting;
3. Where the debtor himself has done some act effectually to prevent the creditor from availing himself of his cause of action; and
4. Where the cause of action is not known or reasonably knowable by the plaintiff, even though his ignorance is not induced by the defendant.⁹⁵

Christopher Fontaine relied on elements three and four, arguing that priest Dino Cinel had controlled him, especially due to the power of Cinel's role as a Catholic priest. The court rejected Fontaine's argument because Cinel had not done anything to stop Fontaine from filing and Fontaine did not appear to suffer from post-traumatic stress syndrome.⁹⁶ Then, the court concluded that Fontaine's claim that he ***386** “was unable to properly assess responsibility for the relationship” until 1990 was “insufficient” for CNV.⁹⁷ This Danish case was later settled.⁹⁸

For the record, Father Dino Cinel was on the Tulane History faculty and worked at St. Rita's Church for a decade. The Vatican revoked his priesthood in 2010. He married a woman, and they had two children.⁹⁹ They divorced in 2015.¹⁰⁰ Cinel was later murdered in Colombia by his former male lover, who was 18-years-old.¹⁰¹

Cinel was also the abuser in Ronald Wayne Tichenor's case, with one lawsuit that was filed in federal district court in Mississippi, where Cinel had a house so the courts arguably had jurisdiction over him because he lived there.¹⁰² The Fifth Circuit ruled that Tichenor's Mississippi case was time-barred because Tichenor knew by May 1989, when he talked to police Sergeant Tolar, that Cinel was being investigated.¹⁰³ In another case in the Louisiana Court of Appeals, Tichenor argued that the jury should decide whether there was a reason to allow his lawsuit to proceed.¹⁰⁴ The court rejected his argument that sexual abuse would block his ability to deal with the situation and said there was no reason to apply *contra non valentem*.¹⁰⁵

Contra non valentem was also refused in *J.A.G. v. Schmaltz*.¹⁰⁶ J.A.G. was 32 years old and claimed recent recovery of childhood memories of abuse that occurred in 1974, when he was fourteen. He argued that the last two factors of the CNV test were on his side. He said that he had suppressed memory of the abuse and did not know the cause of action until he filed this lawsuit. The trial judge's conclusion that J.A.G. had not carried the burden of proof on recovery of memory was upheld by the appeals court. The appeals court noted the ***387** disagreement among experts about memory.¹⁰⁷ “[W]e cannot conclude that the trial court was manifestly erroneous or clearly wrong in deciding that J.A.G. failed to prove he had no memory of the May 1974 rape until December 1992,” so this case was dismissed as well.¹⁰⁸

In *Mitchell v. Limoges*,¹⁰⁹ a case brought by two families against Father Robert Limoges, the appeals court rejected the *contra non valentem* theory of the parents, reasoning they could not uncover the extent of the molestation until much later than when it occurred. The court concluded “it is undisputed that the Plaintiffs knew of the alleged sexual abuse by the priest the day after it occurred. We do not find any reason that Plaintiffs were prevented from availing themselves of their cause of action and find that their allegations are insufficient to invoke the doctrine of *contra non valentem*.”¹¹⁰ John and Jane Smith, on behalf of their daughters, Mary and Betty, and themselves, sued the archbishop for their damages.¹¹¹ The court concluded that the defendant’s attorney’s letter to the parents did not change the one-year prescription rule, so the case was dismissed.¹¹²

John Doe’s case was filed seventeen years after the abuse. Judge Byrnes dissented and wrote, “To allow the plaintiff to use the theory of recovered memory to invoke the doctrine of *contra non valentem* would expand that concept far beyond what it was ever intended to encompass.”¹¹³ But that is what the majority did, providing a long *Daubert* analysis about the evidence. *Daubert* is a case that helps determine if an expert’s testimony is scientifically valid.¹¹⁴ The majority concluded that the plaintiff could use psychologists’ testimony to support his argument about a “repressed memory” of abuse.¹¹⁵ The appeals court said the trial court needed to consider more information on the repressed memory and what it did to prescription. Thus, the court ruled that the prescription question should be tried by the jury and should not have been dismissed by the trial court.¹¹⁶

Another John Doe argued that he had recovered forty-year-old memories of abuse due to media reports about a priest abuser.¹¹⁷ He said time had not run on his lawsuit because of *contra non valentem*, *388 but the court rejected his argument and ended the lawsuit.¹¹⁸ The court focused on the fourth factor of CNV. After reviewing the evidence, the court concluded that “Mr. [Doe] had sufficient information to incitation curiosity and to call for inquiry more than one year before March 10 of 2003.”¹¹⁹

*Daigle v. McCarthy*¹²⁰ was a federal per curiam opinion affirming the district court’s dismissal of the abuse case. Robert Daigle, from Texas, filed suit against the Alexandria Diocese and Ronald McCarthy, a priest in Texas who had worked at a Louisiana summer camp when he met Daigle in 1955. Daigle said McCarthy and Legar Tremblay assaulted him when he was 14 years old. Over thirteen years, Daigle tried contacting everyone to do something about the abuse he remembered when he started therapy in 1990. He filed suit in 2005, arguing the diocese had stonewalled him.¹²¹ The court discussed the one-year prescription and the four aspects of *contra non valentem*. If defendant proves that the abuse happened more than one year ago, it said the plaintiff has the burden to prove an exception; The almost fifty-year old lawsuit was “prescribed on its face.”¹²² The appeals court said the district court was right that Daigle was aware by 1990 of the claims. Louisiana has no exemption for sexual crimes.¹²³ Daigle argued that the diocese had fraudulently concealed Tremblay’s pedophilia, and he suffered post-traumatic stress disorder. However, the court concluded Daigle had not proved he could not have filed his lawsuit earlier.¹²⁴ Daigle failed to show there was a tort of concealment or breach of duty to disclose because he already knew what would have been disclosed. The same rules limited the lawsuit against Tremblay and McCarthy.¹²⁵

Louisiana started all these cases with a one-year prescription. Then, [Louisiana Civil Code article 3469](#) set a different rule for caretakers of minors that suspended prescription and gave plaintiffs three years to file.¹²⁶ Under the statute, a “caretaker” means a person legally obligated to provide or secure adequate care for a child, including a tutor, guardian, or legal custodian.¹²⁷ Courts then debated who was a caretaker. In *Mitchell v. Limoges*,¹²⁸ a case mentioned above, *389 where two families sued Father Robert Limoges, the appeals court affirmed dismissal of the suit and said the priest was not a caretaker under the statute. In contrast, in *Johnson v. Roman Catholic Church for the Archbishop of New Orleans*,¹²⁹ the court ruled that Father Michael Fraser was a caretaker, and so the longer prescription period applied in that case.

In 1993, article 3498 was added to the Civil Code and went into effect June 25, 1993.¹³⁰ This legislation added a ten-year prescription period for sexual abuse of a minor.¹³¹ That act was then redesignated as [La. R.S. 9:2800.9](#).¹³² The prescription was suspended until the victim reached majority age.¹³³

One year, three years, then ten years. The prescription has changed again, as of 2021.

In 2021, Louisiana passed a bill, Act 322, that eliminated the civil statute of limitations for people who were sexually abused as children.¹³⁴ That law became effective on June 14, 2021, and applies to *non-expired* claims before that date.¹³⁵ The prior statute stopped at plaintiff’s age eighteen.¹³⁶ Louisiana now has no age cap on civil SOLs.¹³⁷ The bill also created a three-year,

“look back,” or “revival” window that allows anyone abused as a child to file a lawsuit, no matter when the abuse occurred.¹³⁸ After the revival window expires, the older lawsuits could be time-barred and subject to the age-28 statute. The window opened in June 2021, and closes on June 14, 2024.¹³⁹

The church has challenged the constitutionality of the legislation.¹⁴⁰ The state and federal courts are both debating the ***390** constitutionality of the revival window. We wait to see what the courts decide.

There have been two *Lousteau* cases against the Holy Cross Southern Province in the federal district courts, and they are now on appeal to the Fifth Circuit, which heard oral argument on them on July 12, 2023.¹⁴¹ In the first case,¹⁴² the court found that the application of *contra non valentem* is at least facially possible and not futile. In the second case,¹⁴³ the court considered the prescription. It ruled that Lousteau's claim was already prescribed in 1970, so, “the enactment of § 9:2800.9 in 1993 did not inure to his benefit.”¹⁴⁴ That meant that Lousteau did not get the ten-year prescription from his age of majority.

Section 2 of Act 322 was relevant to Lousteau's claim. Section 2, as noted above, “provides a ‘lookback window’ to ‘revive’ prescribed claims for a three-year period in order to allow victims whose claims had already prescribed to seek recovery for their injuries.”¹⁴⁵ Section 2 of Act 322 reads as follows:

For a period of three years following the effective date of this Act, *any party whose action under R.S. 9:2800.9 was barred by liberative prescription prior to the effective date of this Act shall be permitted to file an action under R.S. 9:2800.9 against a party whose alleged actions are the subject of R.S. 9:2800.9. It is the intent of the legislature to revive for a period of three years any claim against a party, authorized by R.S. 9:2800.9, that prescribed prior to the effective date of this Act.*¹⁴⁶

The district court, in an opinion by Judge Jay Zainey, agreed with Holy Cross's argument that reviving the old claim violates due process.¹⁴⁷ It therefore dismissed the case against Holy Cross because the three-year rehabilitation was unconstitutional.

***391** Judge Zainey had earlier told people that he would recuse himself from Catholic lawsuits as he had advised the Catholic Church on public relations about the scandal.¹⁴⁸ He did later recuse from those cases.¹⁴⁹

In Sam Doe's case, the Louisiana Supreme Court granted the writ, and remanded the case to consider whether the 2021 amendment “revive[d] all claims prescribed under prior law.”¹⁵⁰

In June 2023, the Louisiana Supreme Court decided a case, *T.S.*, involving the revival statute but did not decide if it were constitutional or unconstitutional.¹⁵¹ T.S. sued Holy Cross for its negligent hiring, training retention, and/or supervision, as well as for their vicarious liability for his abuse by Brother Stanley Repucci that occurred in 1964 or 1965 at Holy Cross School when T.S. was eleven years old.¹⁵² T.S. filed under Act 322, which, as quoted above, had amended [La. R.S. 9:2800.9](#) with the three-year revival window. Trial Judge Sidney Cates dismissed the lawsuit, concluding that the three-year revival window was unconstitutional, and that T.S.'s lawsuit was prescribed because it had taken place *before* the 1993 amendment and therefore a one-year term of prescription applied.¹⁵³ Louisiana state court Judge Cates agreed with federal Judge Zainey that due process does not allow the revival lawsuit.¹⁵⁴

In the Louisiana Supreme Court *T.S.* case, Justice James Genovese noted that Act 322 appears to revive only post-1993 claims, but that Act 386, a 2022 amendment, had made clear the legislature's intent was to revive all claims, not just the post-1993 ones.¹⁵⁵ “Section 2 of the 2022 Act indicated it was the intent of the legislature to revive any cause of action related to the sexual abuse of a minor that previously prescribed under any Louisiana prescriptive period.”¹⁵⁶ The language of Section 386 states:

Section 2. Any person whose cause of action related to sexual abuse of a minor was barred by liberative prescription shall be permitted to file an action under R.S. 9:2800.9 on or before June 14, ***392** 2024. It is the express intent of the legislature to revive until June 14, 2024, any cause of action related to sexual abuse of a minor that previously prescribed under any Louisiana prescriptive period.¹⁵⁷

The Louisiana Supreme Court ruled that it was not necessary for the trial judge to reach the constitutional issue when there was a non-constitutional, statutory basis for deciding the case.¹⁵⁸ The Court rejected T.S.'s *contra non valentem* theory, arguing that that theory would have ended by 2008, so the case was dismissed under the prescriptive exemption.¹⁵⁹ A dissenting justice would have allowed T.S. to amend his petition to take account of Act 386.¹⁶⁰

Several of the justices said the Court should decide the statute's constitutionality.¹⁶¹

Because of the Louisiana Supreme Court's ruling in *T.S.*, the Fifth Circuit vacated and remanded one *Lousteau* decision.¹⁶² They noted that the Louisiana court had concluded, on almost identical facts, "[T]he Revival Provision's wording makes it inapplicable to Lousteau's claims. Accordingly, his complaint should be dismissed for that sole reason."¹⁶³ The legislature had not wanted to renew pre-1993 claims which had prescribed under the one-year limit.¹⁶⁴

As we saw above, the Court also remanded Sam Doe's case.¹⁶⁵ In its decision upon remand, the Third Circuit Court of Appeals ruled the statute was constitutional.¹⁶⁶ Chief Judge Elizabeth Pickett wrote the majority opinion. Sam Doe said Stanley Begnaud abused him in 1961 or 1962, when he was sixteen years old.¹⁶⁷ Begnaud was transferred to various churches, was never removed from ministry, retired in 1982, and died in 1985.¹⁶⁸ The Diocese of Lafayette listed him as a "known pedophile" but did not disclose this until 2019.¹⁶⁹ Doe filed suit on September 30, 2020, asserting *contra non valentem* and the new revival *393 window.¹⁷⁰ Doe had "memories" of abuse in 2002 but did not recall it until 2019 with the help of counseling.¹⁷¹

The Supreme Court ordered the appeals court to determine if the three-year 2021 revival amendment applied to this case and, if so, if it was constitutional.¹⁷² The Diocese argued that Act 322 applied only to cases that never prescribed, "[M]eaning individuals under the age of twenty-eight."¹⁷³ The court reviewed *T.S.*, and then decided to examine Act 386.¹⁷⁴ They concluded the amendment "manifested a clear and unequivocal intent to apply Act 386 retroactively and review all sexual abuse claims that were prescribed under the prior law."¹⁷⁵ The parties argued about prescription, with Doe and the State saying changing the prescription was constitutional, and the Diocese saying a prescription gave them a "vested right" that could not be amended.¹⁷⁶ *Contra non valentem* supported Doe's argument, as it gave an exception to the statutory prescription period.¹⁷⁷ The majority concluded that "the exception of liberative prescription is not a vested right until it is the subject of a judgment sustaining such exception. Until then, it is just a mere expectation of a future benefit."¹⁷⁸ Keeping in mind "equity and policy considerations,"¹⁷⁹ the court said they were present here because:

(1) the victims of childhood sexual abuse unknowingly repress memories of the abuse, which prevents them from timely pursuing a cause of action against their perpetrators, and (2) the Diocese did nothing to protect potential victims by concealing the sexual abuse of minors by priests and allowing priests who perpetrated the abuse to continue working with children without removing them from positions that allowed them access to children and without warning others of priests who abused children."¹⁸⁰

Note the court's language that the "Diocese did nothing to protect potential victims."¹⁸¹ That is what these cases are all about.

*394 The majority said there was no vested right in this case, nor was there any due process violation either, as contracts and vested rights can yield to the state's police power protecting health and safety.¹⁸² "More importantly, the revival of claims for sexual abuse serves a compelling legitimate public interest by providing an opportunity for the most vulnerable members of our society to hold accountable those responsible for the lifelong damage they have endured."¹⁸³ The Diocese can assert prescription starting June 14, 2024, but not now. Again, note that the court was protecting "the most vulnerable members of our society."¹⁸⁴

Judge Charlie Fitzgerald's concurrence says the right to plead prescription is a vested property right in Louisiana, but it can still be changed, because if it could not be changed, it would mean that prescription would trump other rights and that would be flawed reasoning.¹⁸⁵ Dissenting Judge Guy Bradberry would allow the statute to be ruled unconstitutional and defers to the Louisiana Supreme Court.¹⁸⁶ "In my opinion, the law as stated in the Louisiana Supreme Court's many prior pronouncements

set forth that prescription has clearly been held to be a vested property right, and that revival is still, to this point, unconstitutional. Therefore, I must dissent from the majority's finding.”¹⁸⁷

We wait to see what the Supreme Court will say about this topic when they take this opinion up for review or release another opinion on the subject.¹⁸⁸

Part III: Criminal Prosecutions

Reports of Catholic clergy abuse have taken place across the country. One lesson from these reports is that criminal prosecutions rarely happen. The country's many reports about abuse “have not led to many criminal prosecutions: many of the accused have died, or *395 statutes of limitations have expired.”¹⁸⁹ “But with few exceptions, most notably a former deacon charged with rape, the accused clergy have escaped criminal consequences. Even at the local level, cases have been hamstrung by statutes of limitation and the political sensitivity of prosecuting the church.”¹⁹⁰

Louisiana has a mixed record on criminal prosecutions of clergy and those who hired them. The state has no criminal statute of limitations for prosecutions “of crimes punishable by death or life imprisonment, which included aggravated rape ... and forcible rape[.]”¹⁹¹ There is no SOL for aggravated and forcible rape. Other sexual felonies must be filed before the victim turns 48 years old.¹⁹²

We saw above that Gilbert Gauthé spent time in prison and was reimprisoned in another state. He did not, however, serve his full sentence.¹⁹³ Moreover, Ronald Fontenot, Gauthé's friend and fellow abuser:

[E]scaped criminal charges in Louisiana by going to the House of Affirmation in Massachusetts--a church-run treatment center for clerics suffering from substance abuse and other problems. Despite its knowledge of Fontenot's behavior, the Diocese of Lafayette protected him by allowing him to go to Spokane and move about the country unsupervised[.]¹⁹⁴ Fontenot continued to abuse in Washington State and was later sued there.¹⁹⁵

Maura Dwight Hebert was choir director at St. Landry Catholic Church in Opelousas, Louisiana, and was indicted in 1987 for sexual crimes against a boy and a girl and was arrested in California.¹⁹⁶ He *396 pled guilty to a carnal knowledge charge; however, “the other charges were dropped.”¹⁹⁷ He received a ten-year sentence but served only one year, and then was put on probation.¹⁹⁸ It turns out that Hebert was a source for both journalist Jason Berry and lawyer Minos Simon. Simon undoubtedly got church information from him that led him to ask for church documents in the cases mentioned above.¹⁹⁹ Police said they knew he was the source.²⁰⁰ Berry eventually discovered that his source, Maura Dwight Hebert, was a predator, after Hebert was arrested.²⁰¹

Dino Cinel, mentioned above in the Fontaine and Tichenor prescription cases, had only one, late, “halfhearted” charge of pornography against him.²⁰² Harry Connick Sr.--yes, the father of the singer Harry Connick Jr.--was the district attorney of Orleans Parish from 1973-2003, and a member, along with Cinel, of St. Rita's Parish.²⁰³ “Connick admitted he went easy on Cinel because he didn't want to embarrass the church.”²⁰⁴ In furtherance, Jason Berry stated:

This is a classic story of a church coverup [...] I think the archbishop and the lawyers for the archdiocese broke the law. You don't sit for three months on child pornography; possession of it is a crime Dino Cinel should have been arrested the moment he got back from Italy.²⁰⁵

According to a deposition by Bishop Robert Muench, the tapes remained at St. Rita's for six days after Father Tarantino found them, before they were even turned over to the archdiocese.²⁰⁶ “I think in those six days Tarantino blasted through those tapes to see who was there and who shouldn't be there,” says attorney Darryl Tschirn. ‘Nobody ever inventoried the

tapes. Nobody knows how many there were--and how many they ended up with.”²⁰⁷ Father Tarantino argues, “The materials I found were turned over to the archdiocesan representative precisely as found without exception.”²⁰⁸ Cinel went to Rome asking for the Vatican's support on his own abuse.²⁰⁹

***397** Indeed, Christopher Fontaine thinks priests should have realized what was going on, as he spent nights at the parish, watching TV with other priests and then staying in Cinel's bed.²¹⁰ Cinel said he was counseling homeless boys when he had them in his bedroom.²¹¹ “‘They had to know,’ says Fontaine. ‘They always saw me in the middle of the night making sandwiches, making noise in the kitchen. Sometimes we would watch TV and I'd be in bikini drawers or something like that.’”²¹² Fontaine says Cinel asked him to serve as an altar boy and then had sex with him in the church; Cinel denies that happened.²¹³ Connick prosecuted Cinel after the media made a big deal about the case but lost the pornography trial to Cinel.²¹⁴

In 2015, Roy Touchet filed a complaint against Gerard Clement Smit, for whom Touchet had been an altar boy.²¹⁵ A second victim confirmed that he, too, had been raped by Father Smit.²¹⁶ The abuse included oral sex and anal intercourse and took place in the 1960s.²¹⁷ Smit raped the second boy so the boy would do penance for the sin of drinking sacramental wine.²¹⁸ The prosecutors decided, however, that the time was too late to file a crime claim against Smit.²¹⁹ Diocesan records show that the Lafayette and Lake Charles dioceses knew of the abuse.²²⁰ Smit was sent for therapy in 1986, and then was sent to Delaware in 1987.²²¹ When the Wilmington, Delaware church learned of Touchet's claims in 1996, they relieved Smit of priestly duties and publicized his name as an abuser.²²² The Louisiana dioceses did not report the crimes to authorities.²²³ The district attorney said, “[T]he laws as written at the time of the alleged crimes *did not address the sexual assault of males[,]*” and the statute of limitations was six years after the attack.²²⁴ Therefore there was no conviction in Smit's case.²²⁵

***398** Mac McCall, the son of a state vice presidential candidate and a TV journalist, sued Virgil Maxey “VM” Wheeler III. ²²⁶ Wheeler became a deacon in 2018. McCall says he was abused from 2000 to 2002, when he was ten to twelve years old.²²⁷ His family had earlier reported the abuse, but nothing was done about it.²²⁸ Wheeler pled guilty to four charges of indecent behavior with a juvenile and received a sentence of five years' probation, avoiding contact with McCall, and registering as a sex offender. In the plea agreement, his sexual battery charges were reduced to indecent behavior.²²⁹ He then died of cancer. McCall launched the Lion Heart Community to help victims. Wheeler backed out of a seven-figure settlement and his estate is handling questions about his assets.²³⁰ The estate planned to pay Ochsner Health System and Tulane University Law School, among others, part of Wheeler's money, but they renounced the funds given their background.²³¹ His estate finally agreed to pay the victim an amount of money that is being kept confidential. McCall said abuse survivors “can have a voice and win.”²³² There are questions whether the church recorded earlier reports of abuse of Mac's older brother by their mother, church worker Mary Lou McCall.²³³

Patrick Wattigny was charged in 2021 after acknowledging that he molested a teenager in 2013 and was sentenced to five years in prison.²³⁴ He sent the student inappropriate text messages and was removed from the ministry.²³⁵ This surprised people who thought the ***399** abuse was all over, just an issue of Gauthé and the 1980s crisis. As *The Guardian* reports, New Orleans claimed for many years that abuse was a thing of the past. Stories about Wattigny sending texts to children in 2020 “shattered” that claim.²³⁶ Wattigny did not stop texting even after Archbishop Gregory Aymond told him to stop, and in response, the bosses sent him to a clinic, where he “confessed to groping, fondling and kissing children as well as sexually fantasizing about the students around him.”²³⁷

Tim Gioe was abused by Wattigny after Gioe's family moved to Louisiana, but kept the abuse quiet for many years because Wattigny told him never to talk about it.²³⁸ Gioe, who is raising three sons with his wife Sarah, has suggested that parents must give consent before children can go to confession, and there should be some way to keep an eye on what is going on in the confessional.²³⁹ Gioe was disappointed about the delays with Wattigny's sentencing. Wattigny took an Alford plea on the charges against him about Gioe, meaning he said there was enough information that he could be convicted but did not admit any guilt.²⁴⁰ The judge gave him a five-year sentence, even though the victims had asked for a ten-year sentence.²⁴¹ Five years was the minimum sentence in a five-to-twenty-year range for Wattigny's crime.²⁴²

One of Wattigny's victims said the five-year sentence was a “grossly lenient and unfair slap on the wrist.”²⁴³ Post-sentence, Wattigny will have to spend five years on probation and register as a sex offender.²⁴⁴ “Afterwards, one of Wattigny's victims said, “Today is just one more way for this priest to manipulate and hurt me.”²⁴⁵

The other priest convicted with Wattigny was former Jesuit priest Stephen Sauer, who pled guilty to thirteen counts of sexual battery, nine counts of rape, and other charges.²⁴⁶ Sauer was sentenced to 25 ***400** years in prison.²⁴⁷ He focused on men who appeared helpless or intoxicated, and then drugged and abused them. Sauer's crimes were discovered after he sent a computer hard drive that contained pictures of the abused men to a New York repair company, who reported the pictures to the police.²⁴⁸ The crimes took place from 2019-2021.²⁴⁹ Sauer taught theology at Loyola Marymount University from 2006-2009, and again from 2016-2017, but left the Jesuit order before the charges were filed.²⁵⁰

Brian Matherne pled guilty in 2000 to molesting seventeen boys.²⁵¹ He was released from prison *seven years* early until the state was urged to reimprison him, especially after all the harm the early release caused victims.²⁵²

Catholic schoolteacher Jack De la Paz was arrested in the week before May 1, 2023, for “making sexually suggestive comments to a child[.]”²⁵³

Travis Clark pled guilty to filming pornography on the altar with two hired women.²⁵⁴

John Anderson IV accused George Brignac in the 1970s, and his parents filed suit “against Brignac in 1977, when Anderson was 9” years ***401** old.²⁵⁵ A “Catholic judge acquitted Brignac” of the 1977 claim.²⁵⁶ In 1988, Brignac was charged with “groping a boy at a 1987 Christmas party,” but the victim became frightened to testify when a big group of priests supporting Brignac came to court.²⁵⁷ The victim's family agreed that the prosecutor could drop the case.²⁵⁸ The archdiocese suspended him after this incident, and issued a permanent suspension in 2002, the year of Boston Globe's investigation.²⁵⁹ Years later, Brignac was going to be tried for rape, because there was no statute of limitations on that. Notification had been given to the New Orleans Police Department.²⁶⁰ There was a credible former altar boy, a current medical professional and veteran, who was going to testify in that trial that he had been raped at ages seven to eleven from 1978-1982.²⁶¹ One article referred to Brignac as “Monster in our midst.”²⁶² Brignac died before the trial started in June 2020. He left some gifts in his will to former students.²⁶³ One of his victims, Steve McEvoy, was at the recent protest calling on Archbishop Aymond to resign.²⁶⁴ McEvoy was molested in the 1970s and 1980s.²⁶⁵

A victim, the son of a deacon named Oliver Peyton, accused Michael Guidry of giving him alcohol and then molesting him.²⁶⁶ ***402** Guidry was sentenced to ten years in prison with three years suspended for molestation of a juvenile.²⁶⁷ Michael Guidry of the Lafayette Diocese confessed to abuse of a sixteen-year-old altar boy in 2019.²⁶⁸

The Diocese of Shreveport announced that Seby Shan Chemmampallil had been removed from the ministry after being criminally charged with the possession and distribution of images and videos of the sexual abuse of children, as well as sexual abuse of animals.²⁶⁹

Prosecutors decided not to try St. Rita Catholic School physical education teacher Kerner Schaubhut for “inappropriate behavior with female students” because they did not have sufficient evidence against him.²⁷⁰ He was booked for “molestation of a juvenile, indecent behavior with a juvenile and prohibited sexual conduct between an educator and student” after students and parents complained.²⁷¹

Paul Hart was not found guilty of sexual abuse with a minor because his victim was sixteen years old, which the church considered the age of majority, even though church abuse policies said anyone under the age of eighteen should be considered a minor.²⁷² For that reason, Hart was not added to the church's list of abusers. He and the sixteen-year-old engaged in “dry sex.”²⁷³ Instead, Hart was transferred from Mount Carmel Academy to Brother Martin High School.²⁷⁴ When ***403** Hart left Brother Martin, he and the church said it was due to his brain injury.²⁷⁵

Lawrence Hecker has been repeatedly accused of abuse for many years, and in 2023 he has finally been indicted for rape and arrested.²⁷⁶ Plaintiff's lawyer Richard Trahan's legal papers say four archbishops knew Hecker was a serial predator.²⁷⁷ Judge Jane Triche Milazzo has not yet allowed church documents about Hecker to be released.²⁷⁸ Those documents show Hecker confessed to abusing children and that a psychiatric examination ruled him a pedophile who should not work with children. Yet he continued to work with children.²⁷⁹

A Gretna, Louisiana councilman, Jackie Berthelot, revealed at a meeting of the House Committee on Civil Law and Procedure that he was abused by Hecker in fourth grade, about 1963.²⁸⁰ Hecker abused Berthelot once he persuaded Berthelot to become an altar boy. Berthelot was voting in favor of legislation to raise the age victims could file lawsuits to fifty-three.²⁸¹

Another one of Hecker's victims, Keith Flores, said the church never contacted him even though Hecker confessed to the church in 1999 that he had abused Flores.²⁸² Hecker's sabbatical was sixteen years before the archdiocese publicly admitted he was a predator. Hecker admitted wrestling Flores to the floor because Flores was "enticing."²⁸³ Flores said he "highly thought [Hecker] was trying to do more," but recalled that Hecker stopped bothering him once he started avoiding being alone with Hecker upon reporting to altar server duty. "I would *404 bring my sister with me, and he never came around anymore."²⁸⁴ The church put Hecker on its 2018 list, but did not mention the time Hecker spent at St. John Vianney or St. Theresa, where he met Flores and another student whose gym shorts he mentioned, as obviously focusing on a student's shorts said he was focused on looking at the student's body.²⁸⁵

A *Guardian* investigation concluded four New Orleans archbishops, "[W]ent to shocking lengths to conceal a confessed serial child molester" Lawrence Hecker.²⁸⁶ The newspaper had access to hundreds of pages of files that have been kept secret; those files reveal "the extremes to which the second-oldest Catholic archdiocese in the US went to coddle the admitted child molester Lawrence Hecker."²⁸⁷ Beginning in the mid-1960s, Hecker abused for 15 years, and the abuse was told to Archbishops Philip Hannan and Francis Schulte.²⁸⁸ Hecker received psychiatric care after his 1999 admission of abuse but was allowed to work with children until the Boston priest abuse scandal arose in 2002.²⁸⁹ The church reported Hecker to the police then but did not mention his confession. The church did not acknowledge him until 2018, and stopped retirement benefits in 2020, under order from the bankruptcy judge.²⁹⁰

Hecker learned it was wrong to masturbate with or fondle teens' genitals after Gilbert Gauthé was indicted in 1984.²⁹¹ Hecker thought he could have sex with boys but not women. In 1988, a woman told Archbishop Hannan her son had sex with Hecker. A woman went to Archbishop Schulte in 1996 about Hecker having sex with her sons.²⁹² The archdiocese did not find enough evidence. A man contacted them in 1999 about his abuse. Then Hecker confessed to misconduct between 1966 and 1979 with seven teenagers. A clinic decided he was a pedophile. He had sex with a "retarded" man.²⁹³ The third archbishop was Alfred Hughes, who was in Boston, had kept secrets about abusers *405 and was in New Orleans in 2002.²⁹⁴ The archdiocesan letter to the police mentioned only one of Hecker's seven victims and did not mention the confession. In 2005, they received a letter from the wife of an abused altar boy.²⁹⁵ Aymond succeeded Hughes in 2009. They received a ninth allegation from an accuser's daughter.²⁹⁶

"[V]oluminous documents" were released to New Orleans District Attorney Jason Williams in June 2023.²⁹⁷ Williams questioned why Louisiana Attorney General Jeff Landry had not started an investigation into the church's activities, as other states did.²⁹⁸ Williams finally led the indictment and arrest of Hecker.²⁹⁹

Survivor Aaron Hebert has repeatedly sought the documents about Hecker, who acknowledged his abuse in 1999, but was not removed until 2002 due to the uproar about abuse in Boston.³⁰⁰ Hebert's lawsuit is before federal district judge Jane Triche Milazzo; he has asked her to recuse because she made financial donations to the church, thus undermining her impartiality.³⁰¹ "Her seven recused colleagues also have various connections to the archdiocese, related institutions or the law firm representing it in the bankruptcy, vividly illustrating how enmeshed the church is with the legal elite in a region with about a half-million Catholics."³⁰² On June 15, 2023, Milazzo heard arguments about releasing the Hecker files.³⁰³

A new *Guardian* story has Hecker admitting publicly for the first time that he abused children in the past in "overtly sexual acts."³⁰⁴ He said it occurred during the, "[S]exual revolution' where 'people were saying, 'Oh, look, we were bound all these years, all these centuries--now we're free.'"³⁰⁵ The story repeats that Hecker had a 1988 conversation with Archbishop Philip Hannan about his abuse but kept working.³⁰⁶ Persistent reports got him sent for treatment in 1999. He *406 kept working, however, until the Boston scandal led him to retire in 2002. He collected church benefits until the bankruptcy court stopped some of them, as we read below.³⁰⁷ Then and now, sex with anyone below seventeen-years-old is illegal, but there has never been a prosecution. In the *Guardian's* interview, he *answers yes* when asked if he did the sexual acts that were listed in a church document from 1999. He said he "really can't answer" when asked if law enforcement should build a case against him.³⁰⁸ And he noted he is "truly repentant."³⁰⁹

Now we will see what happens to Hecker in criminal court.

Part IV: Civil Lawsuits

Abusers are often not convicted of crime. They still may be held civilly liable to their victims through tort law. Tort lawsuits open the court to anyone who harmed the victims. If plaintiffs win a tort case, defendants must pay them damages that compensate them for their abuse. There are many possible defendants in abuse lawsuits. Survivors sued their abusers, or the churches, schools, dioceses, archdioceses, or bishops who employed them. Sometimes plaintiffs won and sometimes they lost. But tort lawsuits gave them a day in court, often when the criminal courts had not been used against their abusers.³¹⁰

Charitable immunity, which might have freed churches from financial liability, or limited the amount of the churches' liability, was abolished in Louisiana in 1974, so the church did not have the opportunity it had in other states to insist it did not have to pay damages.³¹¹ Massachusetts, in contrast, had a long discussion about when charitable immunity limited religious organizations' payment to victims.³¹²

In Louisiana, a “[m]ember of the clergy’ is any priest, rabbi, duly ordained clerical deacon or minister, Christian Science practitioner, or *407 other similarly situated functionary of a religious organization”³¹³ Members of the clergy are required to report if they have “cause to believe that a child’s physical or mental health or welfare is endangered as a result of abuse or neglect.”³¹⁴ Clergy, however, have a privilege not to report a confidential communication if the cleric “is authorized or accustomed to hearing confidential communications and, under the discipline or tenets of the church, denomination, or organization, has a duty to keep such communications confidential.”³¹⁵ Failure to report can earn a \$500 fine and prison of no more than six months, \$3,000 and three years for serious bodily injury, and fined no more than \$10,000 or imprisoned for no more than five years.³¹⁶

In the first *Charlet* case, the court ruled that a priest who learns of abuse during a confession is not a mandatory reporter and not subject to reporting requirements.³¹⁷ The court said that spiritual advice does not give rise to a tort duty of negligence, and that there was no civil cause of action and no civil remedy for any violation of mandatory reporter provisions.³¹⁸ Then the Louisiana Supreme Court said the priest could not assert the priest/penitent privilege on his own (because it belongs to the penitent) and there was a factual dispute over the mandatory reporting requirement precludes entry of peremptory exception of no cause of action.³¹⁹ The Mayeux parents and their children sued abuser Father Charlet, and also sued Father Bayhi of Baton Rouge for not reporting what he heard about the abuse in confession; the court ruled a state statute did not require reporting of what priest Bayhi heard in confession.³²⁰

Usually, in civil suits, victims sue the employers of their abusers as well as the abuser himself.³²¹ Institutional defendants may be held vicariously liable for the sexual misconduct of their employees *408 under *respondeat superior*.³²² Liability occurs if the employee is working within the scope of his employment. Remember Ronald Wayne Tichenor, who was involved with Father Cinel? While Cinel was traveling, someone asked Father Tarantino to go look for Cinel's keys and instead he found those pornographic materials.³²³ The court refused *respondeat superior* against the archdiocese, as Cinel was not acting within the scope of his employment.³²⁴ What about negligent hiring or supervision? There was no reason the church employers should have known what was going on in Mississippi, so no liability for the church. There was no insurance coverage for Cinel because he was not acting within his duties during the molestations.³²⁵

We learned in Part I that Minos Simon won a \$1.25 million jury verdict for survivors of Gauthier, which was reduced to \$1 million after appeal.³²⁶ Calvin Mire went to court and received \$1.8 million. There were civil suits against Maura Dwight Hebert.³²⁷

In the 1990s, parents James and Mary Doe sued the Roman Catholic archdiocese, the archbishop, the pastor of the church, a Catholic youth organization, a former pastor, another youth organization and pastor seeking to recover for abuse of their minor daughter.³²⁸ The trial court gave judgment against the head of the youth organization, judgment notwithstanding the verdict against the other defendants, denied JNOV on parents' consortium claim, and denied additur.³²⁹ The Court of Appeal reversed and remanded, saying the jury instructions did not distinguish between servants and agents.³³⁰ That case was appealed to the Louisiana Supreme Court, and writ was granted setting aside the court of appeals case and telling them to consider *Gonzales v. Xerox Corp.*³³¹ Then in *James and Mary *409 Doe v. Roman Cath. Church of the Archdiocese of New Orleans*,³³² the volunteer abuser was ruled *not* to be an employee of the church and not to be within the scope of his duties to

impose vicarious liability on the church; an award of \$170,000 *against the abuser* was okay and there was no error in failing to award loss of consortium.

Brother Rene Dorsey and Rev. Gregory Mosca were accused in a 1995 lawsuit of molesting a ten-fifteen-year-old altar boy in the late 1970s; the diocese sent one victim to Minnesota for treatment and psychology, with a cost of \$49,000.³³³ Dorsey was from Lafayette and Mosca from Lake Charles. Mosca had additional accusations of abuse from 1980-1982.³³⁴

The court did not allow parents of minor children abused by the church's youth director to sue the pastor for his negligence in failing to warn as the pastor did not have a duty.³³⁵ There was no special relation between the pastor and his clients to impose such a duty.³³⁶ The court contrasted its decision in that case with *L.P. v. Oubre*,³³⁷ which had found there was a duty for the Boy Scouts and others to warn of criminal propensity of the scoutmaster.

“Naked play. Animal mutilation. Deviant sex. Pornographic videos. And a Catholic kindergarten,”³³⁸ where John Parauka, principal of Our Lady of the Lake School, was videotaping the children. The children sued Parauka, his supervisor Father Chotin, the school, the archdiocese, archbishop, and some insurance companies. A trial judge dismissed plaintiff Doe's case against the archdiocese, and the Court of Appeals affirmed.³³⁹ The Supreme Court of Louisiana, however, reversed.³⁴⁰ The Supreme Court said there was evidence whether the parish was within the authority and jurisdiction of the archdiocese, and whether the school principal was an employee of the archdiocese as well as of the parish school for purposes of vicarious liability.³⁴¹ These ***410** were questions for the jury, so the trial court had abused its discretion in dismissing the case.³⁴²

In addition to Michael Guidry's criminal conviction, mentioned above, the family also filed and then settled a civil suit against Guidry.³⁴³ The church's Monsignor first expressed sorrow for the abused boy, Oliver Peyton, but later said it was Peyton's parents' fault for allowing Peyton to be alone with Guidry.³⁴⁴ The judge rejected the church's claims. It appears that Guidry told a group of fellow priests about the abuse but none of them reported it.³⁴⁵ He also then claimed that he engaged in sexual conduct with Peyton because he was trying to figure out what was upsetting him.³⁴⁶

Paul Calamari was accused of child molestation in 1973, seven years before Calamari's ordination. There is also a February 2019 lawsuit saying Calamari would fondle an altar boy's genitals during trips to Mississippi.³⁴⁷ After conversations with the church, Calamari “reluctantly chose retirement.”³⁴⁸ Calamari, along with other priests, received \$2,500 in monthly payments until the bankruptcy judge cut back on them.³⁴⁹

In 2018, four men sued over sexual abuse during the 1970s and 1980s in two Catholic youth homes in Marrero.³⁵⁰ This was one of the first suits filed since the bishop released the list of abusers in 2018. The allegations were against eight clergy at Hope Haven and Madonna Manor, where other allegations had been settled by the archdiocese.³⁵¹ The plaintiffs explained that the archdiocese's list did not include brothers, sisters or laity who may have abused. The Salesian clergy were allegedly involved in this abuse, but the Salesians issued a statement saying their members were not present during the years of this lawsuit.³⁵² In the past, “at least 65” people had alleged abuse at Hope ***411** Haven and Madonna Manor between the 1940s and 1970s.³⁵³ The plaintiffs said they had been raped numerous times. The rape and attacks were brutal and unceasing, leading some of the plaintiffs to consider suicide.³⁵⁴

Aaron Hebert filed a lawsuit in 2019 accusing Lawrence Hecker of much earlier abuse. Another survivor had been “choked out and raped” by Hecker; these plaintiffs also argued that the archdiocese should have reported Hebert to state authorities.³⁵⁵

James Doe sued the Archdiocese of New Orleans for abuse against him by Michael Fraser and Paul Calamari that occurred in the 1980s.³⁵⁶ The defendants and two church insurers were also sued. The priests would take the boys out on “sleepovers,” and then would masturbate while they were in the room.³⁵⁷ The priests groped their genitals.³⁵⁸

One survivor filed a lawsuit in 2020 against the Diocese of Shreveport, claiming abuse by William Allison, who died in 1987.³⁵⁹ This abuse took place before the Diocese of Shreveport was formed; at the time of the abuse, it was part of the Alexandria Diocese.³⁶⁰ Allison was listed by the Alexandria Diocese in 2019.³⁶¹ Allison has also been accused of abuse in New Mexico, California, and Arizona.³⁶² The suit also accuses a man named “Henry” of rape at the University in Monroe.³⁶³ All nine judges of the Second Circuit Court of Appeal have recused themselves from this case, and so it has been reassigned to the Fourth Circuit.³⁶⁴

***412** James Adams sued the church in 2020. The church had paid for his therapy but would not give him an abuse settlement.³⁶⁵ In response, he sued for abuse suffered at the hands of James Collery, who was on the church's initial list of abusers.³⁶⁶

In 2021, victims of the now-dead George Brignac sued the Christian Brothers, arguing they had a duty to protect victims from Brignac's abuse.³⁶⁷ The plaintiff had collected a \$550,000 settlement from the church for Brignac's abuse, as described below. The Christian Brothers had released Brignac before giving information to the archdiocese, where Brignac worked post-Christian Brothers.³⁶⁸ George Brignac's twin brother Harold told authorities that George had been "too friendly with boys."³⁶⁹ The plaintiffs' lawsuit said the Brothers should have informed the archdiocese about this. Brignac is alleged to have molested twenty-four victims over the years.³⁷⁰

The three-year revival window had led to new lawsuits. Four hundred suits were filed against New Orleans before the bankruptcy.³⁷¹

In 2022, John Doe filed a lawsuit against the Diocese of Baton Rouge over abuse by the late John Anthony Weber, who died in 2000. Doe says he was abused from 1975-1976, when he was thirteen-years-old.³⁷² There are three lawsuits against Weber, who was added to the diocesan list in 2019.³⁷³

Patrick Sanders went to law school after leaving the priesthood due to abuse charges.³⁷⁴ He is on the archdiocesan list. He surrendered his ***413** law license because he had not revealed the abuse charges on his law application.³⁷⁵ He answered no to the question whether he had been "forced out of a job, disciplined for misbehavior or simply accused of misconduct."³⁷⁶

In 2023, the court ruled that the parents did not establish inadequate supervision in a suit against the Holy Family School and the Lafayette diocese.³⁷⁷ Summary judgment in favor of Holy Family and the diocese were upheld.³⁷⁸

The priests' scandals are repeatedly shocking. The father of one woman's baby was the priest, with whom the wife had been having an affair, and not her husband. In his petition, plaintiff/husband Jerry Joseph Rogers said Father Alfredo Loresco owed him damages for fraudulent concealment and misrepresentation, and for mental anguish and emotional distress, for concealing that he, the priest, was the father of his wife's baby.³⁷⁹ Rogers said the case is "an extreme instance of concealment of paternity" and that Loresco, "[T]he very man that performed his marriage ceremony, intentionally concealed for eighteen years the parentage of [J.R.]."³⁸⁰ In Louisiana, however, there are no alienation of affections claims and misrepresentation of paternity is not a cause of action. The court ruled there was no tort for fraudulent concealment or misrepresentation of paternity.³⁸¹

Sometimes plaintiffs look for a tort, but the court does not let them find one.

Part V: Settlements

Often the church settles cases to end the litigation. There were early settlements over abuse cases from the 1980s. Documents from 1998 claimed that Gauthier victims had received \$18 million and that the diocese and its insurer paid another \$4 million for nine other clergy and diocesan employees.³⁸² The church has not spoken publicly very much about its settlements. Recall that the Boston stories in 2002 made the newspapers look again at what had happened in Louisiana. Under ***414** scrutiny, the archdiocese slowly listed named of "credibly accused"³⁸³ priests. Many settlements were paid in 2018 and 2019 with the release of the lists of credibly accused priests. But the settlements were not made when the abuse was first suffered or reported.

After closed-door negotiations with Raul Bencomo over the first nine Gauthier victims the defense in June 1984 agreed to \$4.2 million settlements.³⁸⁴ The church had spent \$20 million on Gauthier's case.³⁸⁵

Settlement was paid to one of the families of Fontenot's victims.³⁸⁶

The archdiocese settled Cinel's Danish lawsuit for an undisclosed sum of money.³⁸⁷

Jason Berry mentions a 1988 lawsuit alleging St. Joseph Seminary, a Benedictine abbey sixty miles from New Orleans, had a seminarian at nineteen who had been molested since age thirteen.³⁸⁸ Raul Bencomo sued the seminary, the archdiocese, and priests, settling the case out of court.³⁸⁹

Jonathan Franklin worked in several dioceses across the country and was accused of abuse in Louisiana in 1966 and the case was settled in 2005.³⁹⁰ He died by suicide before a Florida trial was to begin.³⁹¹

Virgil Maxey Wheeler backed out of a seven-figure settlement and his estate is handling questions about his assets.³⁹²

The archdiocese paid \$5 million to settle cases against the Marrero youth homes in 2009.³⁹³ The archdiocese and Catholic Charities paid \$5.182 million to adults in twenty lawsuits who said they were “beaten, berated and sexually molested” at two Catholic orphanages, Madonna Manor and Hope Haven.³⁹⁴ Reports of abuse at those schools had started as early as 2005.³⁹⁵ Allegedly one nun used a “collapsible *415 military shovel” to keep children in line.³⁹⁶ Plaintiffs included James Harvey and Ted Lausche. Archbishop Aymond said the lawsuit involved actions by three priests, several nuns and other laypeople.³⁹⁷ This story says that in 2003, the archdiocese had paid \$1.007 million for sex abuse cases from the 1950s.³⁹⁸

A woman who accused Jesuit Ben Wren of raping her at Loyola University received a settlement in 2018.³⁹⁹

New Orleans settled a lawsuit that priest Kenneth Hamilton and deacon Lloyd Glapion abused a boy during the 1980s at a Treme parish.⁴⁰⁰ The amount of the settlement was not disclosed; the case had been filed in 2015 for abuse at St. Augustine Catholic Church.⁴⁰¹ The archdiocese and the Divine Word order, to which Hamilton belonged, were also sued and the plaintiffs' names were not identified in the news.⁴⁰²

Michael Fraser was sued in 1998 for molesting a seventeen-year-old parishioner in 1991 at St. Tammany Parish; that lawsuit was settled in 2004.⁴⁰³

A church attorney acknowledged in 2020 that the archdiocese had settled four cases against Lawrence Hecker, and the plaintiff in one case said Hecker had fondled his genitals in Gretna in 1968.⁴⁰⁴ The first complaint about Hecker occurred in 1988.⁴⁰⁵

The archdiocese gave the father of an accuser of Lawrence Hecker a confidential \$37,000 2018 settlement that did not admit liability; the 2018 date is due to Pennsylvania's grand jury investigation into Catholic abuse in that year.⁴⁰⁶ There was also publicity about Deacon George Brignac at that time. Some of the accusers settled out of court, including a 2019, \$30,000 payment.⁴⁰⁷ The total settlements in the *416 Brignac cases were just over \$3 million.⁴⁰⁸ The archdiocese paid an \$88,500 settlement for Brignac in 2002, and a \$550,000 settlement to an altar boy Brignac raped.⁴⁰⁹ Morris Daniels settled his lawsuit with the archdiocese over abuse by Brignac at Holy Rosary School.⁴¹⁰ The amount was “substantial,” but not released.⁴¹¹ Up to 2017, church files show no records on Hecker.⁴¹²

In 2020, Ricky Monsour discussed publicly how Carl Davidson had raped him in 1980 when he was seventeen and a star in his school's choir, which Davidson directed.⁴¹³ Monsour received a \$106,000 settlement from the church in 2004.⁴¹⁴ Davidson was sent to counseling and allowed to work another thirteen years as a priest, and it was not until Boston in 2002 that the archdiocese removed him from the ministry, and not until 2004, when Monsour went public, that they admitted he had been removed because of abuse.⁴¹⁵ Monsour spoke up in 2020, to do more so that the church's treatment of survivors would be better. Monsour explained that back in 1980, when Monsour woke up, Davidson had “already pulled my underwear off ... He was trying to get inside of me.”⁴¹⁶ Monsour turned down a scholarship to the priesthood because of the abuse.⁴¹⁷

One of Monsour's classmates, who had also been abused, took the scholarship, became a priest, and told Aymond about Davidson in 1989.⁴¹⁸ They sent him for treatment and took him back for more ministry. Monsour's schoolmate left the priesthood in 1991 and told the church in 2002 that he would go public with the news about Davidson.⁴¹⁹ The archdiocese eventually removed Davidson from ministry and reported him to the police. No criminal charges were ever filed against Davidson. Monsour says the church told him he had to be *417 quiet because he had accepted the settlement.⁴²⁰ Monsour learned of a third Davidson victim, Kevin Bourgeois, when the archdiocese included Davidson on its list in 2018.⁴²¹

Monsour's nephew, a lawyer, got \$150,000 for Bourgeois and \$10,000 for counseling.⁴²² That settlement required Bourgeois to stay silent, but he wanted to talk about it.⁴²³

From the Netherlands, Joseph deWater denied all accusations from boys when he learned the church was investigating him for abuse.⁴²⁴ A gymnasium was named in his honor at one school where he taught and coached, and he said the only part of the accusations that he agreed with were that he bought swimsuits for the boys.⁴²⁵ Altar boy Mark Lambour says deWater tried to molest him in the church.⁴²⁶ Lambour did not tell his family “because he was afraid his father would try to kill the priest if he found out.”⁴²⁷ Lambour gave up on the church's processes because he thought they did not work, but decided to participate when he heard others had complained about deWater.⁴²⁸

The Guardian keeps pulling up more details, writing a story explaining that six times Archbishop Aymond disagreed with his committee that identified abusers.⁴²⁹ The names of the priests are William O'Donnell, Joseph Benson, Luis Henao, Brian Highfill, Paul Hart, and Luis Fernandez.⁴³⁰

Archbishop Aymond authorized settlement payments of \$125,000 and \$100,000 to two victims of William O'Donnell and approved an \$87,500 payment for a claim against another priest, Jerry Dabria.⁴³¹ Two of the claims were against William O'Donnell and Joseph Benson, whose names have never been linked to the scandal, and Luis Henao, *418 who retired before the 2018 release of names.⁴³² Brian Highfill, Paul Hart and Luis Fernandez have recently gotten scrutiny. The archdiocese cut the benefits of Henao and Fernandez under a bankruptcy order. O'Donnell was reviewed after retirement of claims raised in 2016.⁴³³ The board said the allegations were not “frivolous.”⁴³⁴ Aymond, however, did not believe the charges against O'Donnell.⁴³⁵ The church's board recommended that Joseph Benson be removed from ministry. Although Henao had fifteen accusations of grooming and inappropriate behavior, and he and six others were reported by the board to Archbishop Alfred Hughes, no legal action was taken against them.⁴³⁶ Aymond said adulthood was at sixteen so there was no abuse in Paul Hart's intercourse with a seventeen-year-old girl.⁴³⁷ Church members consulted with canon lawyer Robie Robichaux, who was also accused of abuse. These six-- O'Donnell, Benson, Henao, Highfill, Hart, and Fernandez--received better treatment from the archbishop than they did from his committee.

There was a delay in putting Highfill on the list. Complaints against him were from U.S. Air Force members while Highfill was an Air Force chaplain. One man said Highfill had abused him in 1982.⁴³⁸ Five other victims said the Air Force was investigating Highfill for two abuse cases.⁴³⁹ And a woman said Highfill abused her when she was sixteen.⁴⁴⁰ Highfill “gave her sensual backrubs, then body rubs, then molested her” in 1975.⁴⁴¹ NOLA reported Highfill was suspended in 2018 after Mike Brandner turned over his brother Scot Brandner's love letters that Mike had gotten after Scot committed suicide.⁴⁴² Aymond thought the letters were “inappropriate,” but did not prove sexual abuse, so he did not put Highfill on the list.⁴⁴³ AA Doe filed a lawsuit in 2019.⁴⁴⁴ Thomas Furino says “Highfill sent his life into a 40-year tailspin” by giving him back and body rubs, and also alcohol and nerve *419 pills.⁴⁴⁵ He woke up and Highfill was abusing him.⁴⁴⁶ Aymond delayed even after Las Vegas had raised questions about Highfill, and he was added to the list in summer 2020.⁴⁴⁷ Highfill died in 2022 and was never prosecuted. The lawsuits against him were stopped by the bankruptcy.⁴⁴⁸

There were 130 or so abuse-related settlements in a ten-year period starting in 2010.⁴⁴⁹ Aymond settled 132 cases during a ten-year period from 2010 and said it would cost less than \$7.5 million for the rest of the damages.⁴⁵⁰ In contrast their lawyers have gotten \$25 million.⁴⁵¹

In 2018, New Orleans listed fifty clergy abusers. They have paid \$500,000 in settlements.⁴⁵² They have paid millions of dollars of abuse over the decades and have \$8.5 million set aside for future claims.⁴⁵³

In addition to Michael Guidry's criminal conviction, mentioned above, the family also filed and then settled a civil suit against Guidry for an undisclosed amount of money.⁴⁵⁴

New Orleans received renewed attention to its abuse when it finally publicly listed its molesters in 2018. First on the list was Deacon George Brignac.⁴⁵⁵ Brignac was arrested three times in the 1970s and 80s, but was never convicted, so he returned to the church where he abused again.⁴⁵⁶ He was not convicted because “his defense attorney persuaded a judge that three young boys at St. Matthew had conspired to exploit Brignac's self-imposed vow of celibacy.”⁴⁵⁷ Ten victims *420 accused Brignac of sexual abuse in 2018. One victim said, “if you crossed through that walkway, you were getting felt up.”⁴⁵⁸ Although many of these claims would be too late to file, rape does not have a statute of limitations.⁴⁵⁹

In 2018, one man revealed that he had received a \$550,000 settlement for Brignac's abuse.⁴⁶⁰ New victims told stories about Brignac and asked for settlements. The lawyer for the church, Wendy Vitter, who later became a federal district judge, told them their cases were too old.⁴⁶¹ One of the victims had complained of abuse in 2003, but the priest in charge dismissed the claim.⁴⁶² Vitter gave one man a \$100,000 settlement, but insisted it be confidential, although the church's rules do not require confidentiality.⁴⁶³ At least seventeen men made claims.⁴⁶⁴ Claims were settled between April 2013 and May 2019.⁴⁶⁵ One claim worth \$85,000 settled in 2013, while the others ranged from \$25,000 to \$495,000.⁴⁶⁶

The latest *Guardian* story reports that the archdiocese, over ten years starting in 2010, paid at least \$332,500 for out-of-court settlements on five complaints against Lawrence Hecker.⁴⁶⁷ “Those agreements were among 132 abuse-related settlements totaling \$11.6 million that the archdiocese paid out over that timeframe.”⁴⁶⁸

In contrast to the settlement amounts, the archdiocese's lawyers have made \$25 million in payment to lawyers and consultants in bankruptcy, with \$13 million to the lawyers.⁴⁶⁹ Their rates have recently increased from \$400 and \$300 an hour to \$490 and \$400, and from \$250 to \$300.⁴⁷⁰ This contrasts with survivors living on \$900 a month.⁴⁷¹

We wait to see what damages the survivors will receive, if any. Right now, everything is in bankruptcy.

***421Part VI: Bankruptcy**

Bankruptcy? Abuse survivors are “not going to get their day in court the same way, ... [y]ou change from that winner-take-all payment protocol to a kind of sharing situation.”⁴⁷²

Because of the increased number of lawsuits, the Archdiocese of New Orleans filed for bankruptcy on May 1, 2020.⁴⁷³ Gregory Aymond remains the current archbishop. The archdiocese used COVID as a reason in addition to the abuse lawsuits.⁴⁷⁴ The bankruptcy halted open lawsuits against the archdiocese. Thirty-four lawsuits were paused because of the filing.⁴⁷⁵ U.S. District Judge Carl Barbier refused a plaintiff's request to send his case to state court, ruling that the cases had all been stopped by bankruptcy. The judge also thought all the cases should stay together, instead of being separated by types of courts.⁴⁷⁶ The bankruptcy court stopped accepting abuse lawsuits on March 1, 2021, telling survivors they had to file suits through the bankruptcy court by that date.⁴⁷⁷ Nearly four hundred suits were filed against New Orleans before the bankruptcy deadline ended.⁴⁷⁸ The bankruptcy court will decide what to do with those cases. It can also send information about them to the state for prosecution or to the church to police clergy misconduct.⁴⁷⁹

The abuse victims opposed the bankruptcy and filed a petition asking that the archdiocese not be allowed to seek it because it had filed in “bad faith.”⁴⁸⁰ One group, the Unsecured Creditors Committee, argued that the church was seeking a “tactical advantage” in the abuse litigation by filing for bankruptcy.⁴⁸¹ Survivors lawyer, Jeff Anderson, said there “is no question that the archdiocese is using Chapter 11 as a *422 [...] shield to prevent survivors from being able to come forward.”⁴⁸² The bankruptcy judge is Meredith Grabill.⁴⁸³ “All of the abuse litigation was moved in May from state court to federal court,” where bankruptcy allows the archdiocese not to produce documents or to testify.⁴⁸⁴ The survivors point out that the archdiocese has \$200 million in property assets, \$50 million in net assets, and \$25 million in cash.⁴⁸⁵

Survivors of priest Lawrence Hecker, who is still alive, asked the bankruptcy judge to unseal confidential files about Hecker.⁴⁸⁶ The lawsuit was one of many stalled by bankruptcy. The lawyers asked Judge Grabill to release the files immediately.⁴⁸⁷ District Judge Nakisha Ervin-Knott had previously sealed those documents.⁴⁸⁸ Hecker was accused of abuse in 1968 but was not turned over to the state until much later.⁴⁸⁹ The church says they learned of Hecker's abuse in 1988 and made four settlement claims regarding him.⁴⁹⁰ Hecker retired from the ministry in 2002.⁴⁹¹ The archdiocese did not release his name until the 2018 list, and the church supported him financially.⁴⁹² Many of those payments were stopped post-bankruptcy.⁴⁹³

Plaintiffs have repeatedly asked Louisiana judges to recuse themselves because of their connections to Catholicism.⁴⁹⁴ *The Guardian* summarizes the questions about the New Orleans judges as follows:

Before Friday's filing, the New Orleans federal court judges Wendy Vitter, Jay Zainey, Sarah Vance, Ivan Lemelle, Lance Africk and Greg Guidry, and magistrate Michael North had all recused themselves from litigation associated with the local archdiocese.

They are among New Orleans's 14 federal district judges and five magistrates, who mostly handle pre-trial matters.

***423** Vitter was the archdiocese's general counsel before her 2019 appointment to the bench. She had helped negotiate settlements with clerical molestation claimants. Less than eight weeks before being confirmed as a federal judge, Vitter signed off on paying \$30,000 to a Hecker accuser to settle his claims privately and out of court, according to records obtained by the Guardian.

Zainey has acknowledged a role in a private media relations campaign that executives of the National Football League's New Orleans Saints helped the archdiocese mount before and after the release of its abusive clerics list. Lemelle has served on the board of directors for a non-profit that supports various archdiocesan ministries. Vance's husband is an attorney representing the archdiocese in its bankruptcy, work that has generated more than \$10m in billings for his office, according to public filings.

Guidry, meanwhile, upheld a \$400,000 fine against one of Hebert's attorneys, Richard Trahan, who was ruled to have violated the bankruptcy's confidentiality rules by warning a local Catholic school principal - his cousin - that a priest named Paul Hart who had been assigned to his campus had previously admitted to sexually molesting a teenage girl.

Guidry later recused himself amid scrutiny of his donations to the Catholic church as well as his close professional relationship with an attorney representing archdiocesan-affiliated organizations in insurance disputes.

Trahan asked another New Orleans federal judge appointed during Donald Trump's presidency, Barry Ashe, to consider overturning Guidry's decision about the fine. On Wednesday, Ashe upheld the fine, and Trahan said he intended to seek relief from the US fifth circuit court of appeal.

Meanwhile, North ruled against an earlier request from Hebert's legal team to unseal a deposition taken from Hecker in late 2020. North later recused himself; his wife has served on a board that manages an archdiocese-owned healthcare system that the church has agreed to sell in a deal that is probably worth millions.⁴⁹⁵

Greg Guidry was overseeing the bankruptcy proceedings. He recused after stories reported his \$50,000 donations to the church and a "close professional relationship" with an archdiocesan lawyer.⁴⁹⁶ Guidry provided pro bono services and was a board member for the archdiocese's charities. Guidry had upheld keeping the clerical documents secret and upheld the

\$400,000 fine of Richard Trahant.⁴⁹⁷ He asked federal appellate Fifth Circuit Judge, Jennifer Walker Elrod, *424 about staying on the case; she and the Fifth Circuit are on the appeal of Trahant's fine.⁴⁹⁸

There were 450 lawsuits by March 2021.⁴⁹⁹ Judge Grabill stopped the mediation meeting with survivors and removed survivors from the committee because of Trahant.⁵⁰⁰

The bankruptcy also froze the investigation into secret work the NFL's New Orleans Saints did in helping the archdiocese to quiet the scandals.⁵⁰¹ Critics say Saints assisted the “pattern and practice of concealing its crimes.”⁵⁰² Plaintiff's lawyers have asked for communications between the Saints and the archdiocese to be revealed to them.⁵⁰³ The Saints' owner, Gayle Benson, is close friends with Archbishop Aymond, and has given millions of dollars to church charities.⁵⁰⁴

Plaintiffs' attorney Richard Trahant was fined \$400,000 by the bankruptcy judge for telling his cousin, the principal of a Catholic school, to watch out for abuser Paul Hart, whose name had been released by the archdiocese.⁵⁰⁵ Trahant also gave Hart's name to a journalist. Hart's name had not been on the list of abusers released by the archdiocese. Hart had admitted abusing children after a girl filed a lawsuit accusing him of touching her, but he was found not guilty because the adult age was 16.⁵⁰⁶ Judge Grabill ordered an investigation of a leak for Trahant's telling the cousin and the reporter; confidentiality was supposed to govern a bankruptcy case.⁵⁰⁷ The judge was clear that Trahant knew the confidentiality rules and had ignored them. The judge also removed four creditors, who were Trahant's *425 clients, from the Committee for Unsecured Creditors.⁵⁰⁸ They were replaced with three other victims.⁵⁰⁹

Grabill noted that Trahant had never moved the court for relief from the protective order that required confidentiality.⁵¹⁰ Trahant's disobedience of the order and his obscuring of his action justifies “a finding of bad faith and warrants sanctions.”⁵¹¹ The \$400,000 amount of the sanction was “approximately 53% of \$760,884.73, the total amount of attorneys' fees and costs that were incurred by professionals of the Debtor and the Committee in responding to the Motion to Compel and investigating the breach of the Protective Order.”⁵¹²

Journalist James Gill commented on the fine:

If her order withstands the appeal that Trahant promises, there is no telling how many of our favorite anonymous blabbermouths will lose their nerve. Judges will welcome such a development, but confidentiality rules have too often served to protect malefactors, most spectacularly the child rapists and molesters of the Catholic priesthood Trahant, as befits a plaintiffs' attorney, has a nice line in moral indignation, professing himself outraged to be the whipping boy when a bunch of pedophiles have escaped all retribution. He has a point, for it was the church that dummied up for years rather than admit the awful truth.⁵¹³

CHILD USA, an institution that protects children's civil rights, explains that bankruptcy hurts the victims of abuse.⁵¹⁴ In addition to the broad ruling about confidentiality, Chapter 11 imposes an automatic stay, which stops everything, as we see in this case.⁵¹⁵ All the civil lawsuits are stopped. Victims are stopped from pursuing their cases and learning all the terrible conduct of their oppressors that they would have learned if their lawsuits had proceeded. CHILD USA recommends that victims be allowed to continue their discovery in their cases:

This would improve the accuracy and quality of bankruptcy claims and reorganization plans, as well as identify unknown predators, provide victims *426 better access to justice, and more effectively educate the public on how institutions enable abuse.⁵¹⁶

Today, advocate Kathryn Robb argues, bankruptcy has become the “greatest legal shield for bad actors and negligent institution.”⁵¹⁷ Some courts had opened to them. “Then bam!” Bankruptcy quashes their hope for justice.⁵¹⁸ One lawsuit that

related to this case is on hold due to the bankruptcy filing. The emails showed that the archdiocese and the New Orleans Saints were in contact about limiting the effects of the abuse.⁵¹⁹ This lawsuit will be discussed later in the article.⁵²⁰

Judge Guidry reviewed the order removing four people (James Adams, Jackie Berthelot, Theodore Jackson, and Eric Johnson) from the Official Committee of Unsecured Creditors and dismissing their lawyer, Richard Trahan. Three new people were named to the committee in their place.⁵²¹ Guidry ruled the former committee members lacked standing as they had no pecuniary harm and their interests in recovery are still protected by the committee.⁵²² Guidry also ruled the order on Trahan was final and dismissed the archdiocese's motion to review it.⁵²³

Judge Guidry also affirmed the bankruptcy judge's orders. He said Trahan was provided “ample due process,” and that the court did not abuse any discretion in awarding sanctions.⁵²⁴ He concluded “[t]his Court has no reservations in finding that Trahan's conduct was contemptuous, wasteful, and warranted the imposition of sanctions.”⁵²⁵

After Guidry recused from the cases, Judge Barry Ashe withdrew Guidry's March 27, 2023, order and provided his own, more detailed ***427** analysis.⁵²⁶ He, too, affirmed the bankruptcy court in a very detailed analysis of everything Judge Grabill had explained. Judge Ashe emphasized that he wanted attention paid to the substantive aspects of the case, and not to Trahan's and the victims' motions.⁵²⁷ He concluded:

As the record and undisputed facts establish, Trahan, an experienced attorney, knew he was bound by the protective order and made the deliberate choice to violate it and, in doing so, failed to honor the privacy choices of certain sexual abuse victims he did not know but whose interests he professes to zealously advocate. This Court cannot condone an officer of the court's deliberate decision to violate a court order, no matter how noble his motivation, so it has no reservation in upholding the bankruptcy court's finding that Trahan's conduct was contemptuous, wasteful, and warranted the imposition of sanctions.⁵²⁸

Ashe rejected Trahan's motions for rehearing and to vacate and concluded throughout that Judge Guidry's failure to recuse was “harmless error.”⁵²⁹

The four fired members of the Committee also moved for reconsideration, asking to vacate Guidry's opinion after he recused himself, but Judge Ashe denied their motion.⁵³⁰ Judge Guidry's recusal was again harmless error, and Ashe noted that the Fifth Circuit would review the decision anyway to ensure that the members got due process.⁵³¹

Judge Grabill granted the motion of the Official Committee of Unsecured Creditors to end pension benefits to credibly accused persons.⁵³² Gustavo Henao and the archdiocese opposed the motion.⁵³³ The plaintiffs' lawyers found five clergy in the church's records on this issue who were abusers not listed on the church's list of abusers.⁵³⁴ The archdiocese had requested permission to continue to ***428** pay wages and benefits, “[b]ut buried in one paragraph” was “a request to continue paying retirement benefits to ‘[i]ncardinated priests of the Archdiocese, whose retirement from active service is duly accepted by the Archbishop.’”⁵³⁵ The court's order said there should be no payments to those “against whom there have been substantiated allegations of abuse of a minor or vulnerable adult [.]”⁵³⁶ She also ordered the archdiocese to produce numerous ministerial personnel documents.⁵³⁷ When the Committee alleged there were five abusers who were not on the archdiocese's list, the court ordered the archdiocese to add their names to the list, and to exclude them from wages and benefits and retirement benefits except those required by [§ 1114 of the Bankruptcy Code](#), which covers medical benefits.⁵³⁸ The judge ordered medical benefits to be reinstated for everyone, as they had been withheld originally.⁵³⁹ Usually, the church had provided “a monthly stipend, rent assistance, medical co-payments, and health as well as auto insurance to retired priests[.]”⁵⁴⁰ Gerard Howell and Paul Calamari pushed Judge Grabill to return health insurance to the abusers.⁵⁴¹ Howell wrote a letter saying he was on the “brink of homelessness” because of the payment cuts.⁵⁴² Howell called Grabill's original ruling “draconian.”⁵⁴³

Judge Grabill held hearings early in 2023 trying to establish that the bankruptcy would end by 2024.⁵⁴⁴ They may have to figure out the value of church properties so that settlement amounts for the victims can be figured out. The February 2023 story says the archdiocese received \$40 million a month in receipts and more than \$935 million ***429** since the bankruptcy started.⁵⁴⁵ Its assets are estimated to top \$555 million, which is more than the \$243 million assets reported in the first

bankruptcy proceedings; its net worth is \$115 million.⁵⁴⁶ Its real estate is about \$122 million, higher than an earlier bankruptcy estimates of \$70 million.⁵⁴⁷ The newspaper reports those figures do not include 187 separate apostolates (i.e., nonprofits like Catholic Cemeteries and Catholic Charities) that have Aymond as their only member.⁵⁴⁸ The archdiocese says it wants bankruptcy to make the survivors whole. Bankruptcy proceedings usually have the bankruptcy estate pay legal fees of both debtor and creditors.⁵⁴⁹ We keep waiting to see what the survivors of abuse will receive from the church's millions of dollars.

A.A. Doe sued John Asare-Dankwah, the archdiocese, Archdiocese of New Orleans Indemnity and Blessed Trinity Catholic Church for rape when he was ten years old.⁵⁵⁰ The priest was suspended after the rape allegation was made.⁵⁵¹ The suit also alleges the priest abused the boy while telling him homosexuality was a sin.⁵⁵² The judge released the audit that showed Asare-Dankwah had misappropriated money from St. Peter, even though the church did not want that report released.⁵⁵³ Doe's lawyer complained that the church should not be trying so hard to hide the financial abuse.⁵⁵⁴ With bankruptcy holding everything up, Doe dismissed the church parties, archdiocese and parish, and now the case is just *Doe v. Priest Asare*, with Asare making several counterclaims. This case is apparently staying alive and is not going back to state court, but it will be tried in federal court.⁵⁵⁵ Perhaps this case is one way through bankruptcy? We will see.

***430** The archdiocese asked court permission to sell two properties, an office building and a parking lot, in November 2022.⁵⁵⁶ Before that request, they had sold the St. Elizabeth Ann Seton School Kenner for \$1.9 million.⁵⁵⁷ As all these cases continue, the archdiocese decides whether it should sell its properties to fund the payments to victims.⁵⁵⁸ It is asking for the bankruptcy court's approval to sell seven properties and four vacant lots to get \$10.4 million.⁵⁵⁹ If the court approves this question on September 21, 2023, the properties will go on the market.⁵⁶⁰ Among the seven properties are the Sacred Heart of Jesus Church, the St. Jude Community Center and the Catholic Bookstore Uptown.⁵⁶¹ The properties have been priced to sell.⁵⁶² The archdiocese's total properties are valued at \$77 million in one place.⁵⁶³

Part VII: The Fbi

Starting in 2022, the FBI began investigating New Orleans clergy abuse.⁵⁶⁴ The argument is that New Orleans trafficked children across state lines for illicit sex. The FBI relies on the Mann Act, which makes it a crime to transport anyone over state lines for illegal sexual activity. There is no statute of limitations on the Mann Act. Usually, state investigators focus on child abuse as it happened in their state, but this is a different kind of investigation.⁵⁶⁵ Bankruptcy may prevent the ***431** lawsuits from proceeding, but it does not block a criminal investigation.⁵⁶⁶

The FBI is investigating a claim that a pastor at St. Peter Claver's misappropriated almost \$400,000.⁵⁶⁷ This is the same pastor, John Asare-Dankwah, that was dismissed in 2008 for raping a 10-year-old.⁵⁶⁸

A federal investigation may reopen many old cases that can no longer be prosecuted under state law.⁵⁶⁹ Victims of Patrick Wattigny have been questioned, Tim Trahan mentions his abuse on a trip to Miami, and Mark Vath says Paul Calamari abused him at camp in Mississippi.⁵⁷⁰ Louisianan Cinel had that home in Mississippi.⁵⁷¹ Attention remains focused on Hecker, and anger mounts about Bankruptcy Judge Grabill's refusal to open archdiocesan files about Hecker.⁵⁷²

The investigation is of cases where a New Orleans priest brought a student to Colorado, Florida, Texas, and Mississippi.⁵⁷³ Lawrence Hecker, who was mentioned above, is one of the priests being investigated.⁵⁷⁴

Part VIII: The Archdiocesan and Diocesan Lists

Archbishop Aymond recently stated that Catholic schools, parishes, and charities must help bear the cost of the archdiocesan sexual abuse claims, now about 500 in number.⁵⁷⁵ This story reiterated that Aymond had estimated the costs of bankruptcy at \$7.5 million, but they have already paid lawyers \$26 million.⁵⁷⁶ The archdiocese listed assets of \$580 million, liabilities of more than \$454 million, and \$121 ***432** million of real estate.⁵⁷⁷ At the time the archdiocese filed for bankruptcy, there were 30 lawsuits against it. The following year the number rose to 450 cases, and the new state prescription law raised the total to almost 500.⁵⁷⁸ Aymond says he is looking for deals that will not allow parishes and others to be sued again.⁵⁷⁹

Abusers' names were published in Louisiana in response to Pennsylvania's 2018 grand jury reports on abuse in the Catholic Church. In November 2018, New Orleans Archbishop Gregory Aymond published "the names of Archdiocesan clergy (priests

and deacons) who have been removed from ministry for an allegation of sexual abuse of a minor.”⁵⁸⁰ “This report also includes deceased Archdiocesan clergy and religious order priests.”⁵⁸¹ Fifty-seven names were identified and given to the district attorney.⁵⁸² The Diocese of Alexandria published its list on February 6, 2019, and the accompanying letter was written by Bishop David Talley “with a view to publish a list of the names of those clergy (bishops, priests and deacons), living and deceased, who we believe could be credibly accused of sexual abuse of minors.”⁵⁸³ Shreveport also published a list, although there were questions about it because Shreveport was originally part of Alexandria.⁵⁸⁴ There were seventeen names on its list.⁵⁸⁵ Baton Rouge published thirty-seven names of clergy accused of sexual abuse on January 31, 2019, with later updates of more names.⁵⁸⁶***433** Houma-Thibodaux Bishop Shelton J. Fabre released a list “of any priest with a credible allegation of child sexual abuse since our inception in 1977.”⁵⁸⁷ Bishop Douglas Deshotel of the Diocese of Lafayette released his list of “priests [and deacons] against whom credible accusations have been made regarding sexual abuse of a minor or vulnerable adult.”⁵⁸⁸ It was revised on January 21, 2022.⁵⁸⁹ The Diocese of Lake Charles, with Bishop Glen John Provost, released its list of clergy members who were credibly accused of sexual misconduct in April 2019.⁵⁹⁰ Lake Charles was part of Lafayette until 1980.⁵⁹¹ A reporter commented that Lake Charles' list was much more detailed than Lafayette's and that people learn much more from Lake Charles than from Lafayette.⁵⁹² Of course, Gilbert Gauthé, the first Louisiana abuser, was from Lafayette.⁵⁹³

In August 2023, the *Guardian* received access to a plaintiffs' memorandum that shows New Orleans has a list of 77 accused priests and deacons.⁵⁹⁴ However, 56 others are on similar lists but not on the New Orleans list. Four priests who were found to be credibly accused by the archdiocesan board that reviews abuse were not listed.⁵⁹⁵ “169 priests and deacons as well as four non-clerical workers acknowledged by the New Orleans archdiocese were named in abuse claims filed as part of the organization's bankruptcy case.”⁵⁹⁶ “From the 310 Catholic priests, deacons, and acknowledged non-clerical workers” on a suspected molester list or listed in bankruptcy court, the archdiocese says only 24.8% are credibly accused, and only 77 are on the archdiocese's official list.⁵⁹⁷

***434** There is a lengthy *Guardian* story about ways in which Archbishop Aymond did not tell us everything about the abusers he knew, and sometimes did not list them even when his Board told him he should.⁵⁹⁸ The story questions his transparency even though that is supposed to be the goal of the church today. Aymond has been archbishop since 2009. Six times, the *Guardian* says, he did not follow what the board recommended.⁵⁹⁹ The *Guardian's* information comes from a 48-page memo prepared by attorneys for victims of clerical sexual abuse that was given to law enforcement late in 2022.⁶⁰⁰ Aymond insists he had good reasons to list some abusers on the list, but others not listed were not credibly accused.⁶⁰¹

In August 2023, abuse survivors picketed a Mass led by Archbishop Aymond and asked him to resign because of his poor treatment of abuse.⁶⁰² They were in part responding to the *Guardian's* stories about the archdiocesan cover-up abuse.⁶⁰³ In the past, victims had protested at the New Orleans Saints practice facility in January 2020, and at an all-priests meeting in October 2020.⁶⁰⁴

Following are the lists of priests accused of misconduct in Louisiana. As the previously explained, there are many disagreements about who should be listed and where.⁶⁰⁵

The first New Orleans list “includes Louisiana priests accused of abuse and other diocesan clergy members facing similar allegations. This list does not include diocesan staff or volunteers facing abuse claims.”⁶⁰⁶

435The Archdiocese of New Orleans, LA.*⁶⁰⁷

The original fifty-seven names on this list have been marked with an “x”.⁶⁰⁸ Four names were added in June 2019.⁶⁰⁹ Robert Poandl, Christopher Springer, Lawrence Dark and Archibald McDowell were all members of religious orders assigned to the archdiocese.⁶¹⁰ Poandl was accused or convicted in other states.⁶¹¹ Dark and McDowell's names were revealed by the Congregation of Holy Cross.⁶¹² Springer was on Baton Rouge's list.⁶¹³ They are marked “y” below. Then Richard McCormick's name was added in December 2019.⁶¹⁴ He is marked “z”. The Salesians removed him from ministry in 2009 because they settled an abuse case in New York.⁶¹⁵ Florida and Massachusetts also received complaints, and the Salesians paid another settlement in Indiana.⁶¹⁶ McCormick was arrested in Massachusetts and convicted of rape.⁶¹⁷ There were no allegations of Louisiana abuse, but he was from there because he had had pastoral assignments to Louisiana.⁶¹⁸ The archdiocese added seven Franciscan clergy's names to the list after their religious order reported them.⁶¹⁹ They are marked as b. Only Frank ***436** Davied is believed to have molested a child in New Orleans. The other six are Ray Chappa, Finbar “Barry” Coyle, Joachim

Lux, Carter Partee, Juvenal Pfalzer and Randolph Thompson.⁶²⁰ They are all marked as “b”.⁶²¹ Another man's name, Robert Cooper, was added to the list in 2020, after Tim Trahan had reported abuse allegations against him.⁶²² The archdiocese had paid for Trahan's therapy thirteen years earlier but had not added Cooper to the list.⁶²³ Trahan's going public about the abuse forced the church to add the Cooper name to the list.⁶²⁴ J. Luis Fernandez also abused Trahan and was suspended but not added to the list. Like Fernandez, Joseph deWater was suspended but not added to the list.⁶²⁵ Cooper had fondled Trahan and sent suggestive letters to another student, Curt Bouton.⁶²⁶ Cooper is listed as a. Cooper continued to teach and serve after the allegations were made.⁶²⁷ The names on the list can be found in Appendix A.

Saint Joseph Abbey acknowledged New Orleans' publication of names and listed allegations from the New Orleans list who had been accused of abuse at St. Joseph.⁶²⁸ They did note that the “allegations against these individuals involve incidents occurring more than 50 years ago.”⁶²⁹ Following are descriptions of the four abusers they identified:

Father Jerome Ducote⁶³⁰ is alleged to have abused a minor in the early 1960's. The allegation was reported in 2002. He was born on October 3, 1929, ordained to the priesthood on August 3, 1954, left the monastery in 1969, and was dispensed from the priesthood in 1970. He died on August 28, 2006. He had internal assignments at Saint Joseph Abbey.

***437** Father Justin Faler⁶³¹ is alleged to have abused two minors in the late 1950's. The allegations were reported in 2002 and 2006. He was born on August 1, 1919, ordained to the priesthood on June 2, 1945, and died on April 11, 1979. In addition to internal assignments at Saint Joseph Abbey, he had pastoral assignments at Annunciation in Bogalusa, St. Benedict in St. Benedict, St. Christopher in Metairie, and St. Jane de Chantal in Abita Springs.

Father Gerald Hindman⁶³² is alleged to have abused a minor in the early 1960's. The allegation was reported in 2004. He was born on November 17, 1920, ordained to the priesthood on June 2, 1945, and died on April 28, 1999. In addition to internal assignments at Saint Joseph Abbey, he had pastoral assignments at the Metropolitan Tribunal of New Orleans and as Chaplain at St. Paul's High School.

Father Anthony Tassin⁶³³ is alleged to have abused a minor in early 1960's. The allegation was reported in 2006. He was born on January 14, 1925, ordained to the priesthood on May 29, 1950, left the monastery in 1969, and was dispensed from the priesthood in 1971. He died on July 26, 2012. He had internal assignments at Saint Joseph Abbey.⁶³⁴

The Diocese of Alexandria, Louisiana published a list of thirty-two accused members.⁶³⁵ The list can be found in Appendix B.⁶³⁶ The Diocese of Shreveport, Louisiana is unique because of its history with the Alexandria Diocese.

Prior to 1986, the parishes that make up the Shreveport Diocese were part of the Alexandria Diocese. All priests accused of abuse who served in these parishes are listed under the Alexandria Diocese. According to a Shreveport Diocese administrator, there have been no credible allegations of abuse against any of the diocese's clergy members since June 1986.⁶³⁷

***438** Seventeen Shreveport priests were accused in 2019 of sexual abuse before 1986, but the files remain in Alexandria due to their prior administrative connection.⁶³⁸ Although an administrator said there is no abuse past 1986 in Shreveport,⁶³⁹ *ProPublica* has listed abusers credibly accused in the diocese.⁶⁴⁰ It overlaps with the list from Alexandria. *Bishop Accountability* lists only Seby Shan Chemmampallil in Shreveport.⁶⁴¹ He is a recent offender, removed from ministry in 2021

for physical contact with minors and abuse of animals.⁶⁴² The list of accused abusers from the Shreveport Diocese can be found in Appendix C.

As for the Diocese of Baton Rouge, Louisiana, *The Advocate* named forty-five clergy from the Diocese's Official List.⁶⁴³ The diocese's initial list was thirty-seven and then expanded to forty-five, and later to forty-five in total after journalists and the diocese added to the list.⁶⁴⁴ These are people “credibly accused” of abuse.⁶⁴⁵ The list can be found in Appendix D.

A compilation of lists of accused abusers from other dioceses is as follows. The list for the Diocese of Houma-Thibodaux, Louisiana can be found in Appendix E.⁶⁴⁶ Those clergy accused of abuse in the Diocese of Lafayette, Louisiana can be found in Appendix F.⁶⁴⁷ *439 Notably, Lafayette originally released 38 names in 2019, which have been marked with an “x.”⁶⁴⁸ For the Diocese of Lake Charles, Louisiana, the list of those accused is comprised of seven clergy members from the diocese and seven members of religious orders.⁶⁴⁹ The complete list can be found in Appendix G.

Part IX: Conclusion

You might think that if abuse starts early, it will end fast and soon. Protectors of the abusers have long argued that abuse is something that happened long ago, that it has been over for a long time, and that it violates their religious freedom to even talk about it. Louisiana proves otherwise. Gilbert Gauthier turned our attention to Louisiana in the 1980s. But what we have learned from Jason Berry and other reporters is that the church too often protected abusers from too much legal liability. They sent abusers to other parishes or to recovery centers, and only a few reluctantly wound up in jail. Louisiana's short prescription ended many abuse cases, with only a few being let through on *contra non valentem*.

The state gradually recognized the problems with keeping victims out of court and allowing abusers to go free. They have increased the length of the prescription, and recently opened a three-year window that allows *any* victim of abuse to file suit. The church is opposing the new prescription, and we await the results of the law's constitutionality from the Louisiana Supreme Court.

Bankruptcy, however, has opened another means to stop the lawsuits authorized by the legislature. We wait to see if bankruptcy will allow the church to pay millions of dollars to its lawyers and not much to its victims, as it does today.

And what will the FBI decide? Finally, more criminals? We end as we began, with the hope that the prosecution of Lawrence Hecker will lead to more successful criminal prosecutions and civil liability of the abusers of our children.

An Update

The news about child sexual abuse in Louisiana keeps developing.

New Case Law

*440 92-year-old Lawrence Hecker's rape trial has been delayed because of questions about his competence.⁶⁵⁰ His lawyers have argued that he is no longer mentally competent to stand trial.⁶⁵¹ His trial will be delayed until his competence is assessed by doctors.⁶⁵² This news is reminiscent of the Massachusetts and Wisconsin decisions not to try 93-year-old Theodore Cardinal McCarrick for sexual abuse because he was incompetent, suffering from dementia.⁶⁵³ Delaying prosecutions can shut down responsibility for the abusers because they become too incompetent to try if everyone stalls the prosecutions for many years.

In *Bienvenu v. Defendant 1*, the Louisiana Supreme Court addressed the constitutionality of the statute of limitations (“prescription”) reforms, a topic identified at the end of Part II.⁶⁵⁴ The Court concluded that *La. Stat. Ann. § 9:2800.9*, which revived all child sexual abuse claims for three years, even if they had been blocked by prescription years before, violated the due process provisions of the Louisiana Constitution.⁶⁵⁵

Bienvenu involved a group of plaintiffs who were abused by Father Kenneth Morvant between 1971 and 1979, when they were 8 to 14 years old, facts that were “sickening and despicable.”⁶⁵⁶ In 2018, one man told a news station that he had been abused by Morvant; eleven men said they were molested by him.⁶⁵⁷ In 2019, five men, all referred to as “John Doe’s,” sued the church arguing that the now-deceased Morvant had raped and molested them when they were altar boys.⁶⁵⁸

Justice Genovese wrote the majority opinion for four justices, where he was joined by Justices Crichton, Griffin and Hughes. Genovese acknowledged that the legislature’s intent was very clear in *441 Act 386; it was to open the courts to all child abuse cases, no matter when the prescription had limited them.⁶⁵⁹ Nonetheless, he concluded that the church defendants had a vested property interest in being free from the lawsuit, and that the words of the Louisiana Constitution, “No person shall be deprived of life, liberty, or property, except by due process of law,” meant that the defendants could not be deprived of their property right in not having a lawsuit.⁶⁶⁰ Therefore, the Louisiana statute was unconstitutional. Defendants have a “vested property right that cannot be divested by the legislature.”⁶⁶¹ In other parts of the opinion, the court spoke of defendants’ “absolute property right,”⁶⁶² noting the “Legislature is without the authority to revive a prescribed claim.”⁶⁶³

The majority *remanded* the case, allowing the plaintiffs to argue about whether *contra non valentem* applied to this case. If plaintiffs could prove *contra non valentem*, they could still have their case heard. As we learned above, under *contra non valentem*, prescription should be extended under the following circumstances:

1. Where there was some legal cause which prevented the courts or their officers from taking cognizance of or acting on the plaintiff’s action;
2. Where there was some coupled with a contract or connected with the proceedings which prevented the creditor from suing or acting;
3. Where the debtor himself has done some act effectually to prevent the creditor from availing himself of his cause of action; and
4. Where the cause of action is not known or reasonably knowable by the plaintiff, even though his ignorance is not induced by the defendant.⁶⁶⁴

Louisiana Chief Justice Weimer dissented, arguing that the constitutional provision, “No person shall be deprived of life, liberty, or property, except by due process of law,”⁶⁶⁵ required a two-step analysis. The majority had taken the first step, finding a property interest, but should have asked in step two whether the legislature had given due *442 process of law to creating the extension. Weimer argued that the revival was rationally related to a legitimate government interest in protecting children and identifying abusers, and that the state had legitimate and compelling interests when it passed the revival law. He accused the majority of valuing property rights over fundamental rights like privacy, free speech, freedom of religion and freedom from racial discrimination.⁶⁶⁶

Justice Crain also dissented, arguing that the majority had elevated the church’s vested property right over the right to bear arms, free speech, and the exercise of religion.⁶⁶⁷ He reminded readers that under the older laws, the children had *one year* from the time of abuse to file a lawsuit against Morvant’s misconduct, where boys were given alcohol and gifts at night so they could be abused.⁶⁶⁸ Crain noted that the legislation passed unanimously and was signed by the governor. He objected to the majority’s ruling that the Constitution “absolutely prohibits” deprivation of defendants’ property.⁶⁶⁹ Justice McCallum dissented but did not write an opinion.

Justice Crichton concurred, but strongly advocated the possibility of using *contra non valentem* to keep the case alive, especially as plaintiffs were children when the abuse occurred.⁶⁷⁰ Justice Griffin concurred with Crichton and emphasized the importance of separation of powers while “acknowledge[ing] the horrific and egregious nature of the allegations.”⁶⁷¹

The separation of powers issue asked if the abuse extension could be determined by the legislature and prosecuted by the executive, as long as they acted with due process. The majority said they had not; the dissents said they had.

Attorney Cle' Simon is the son of Minos Simon, the lawyer mentioned above who represented church victims in the early cases. Cle' Simon is an attorney for the *Bienvenu* plaintiffs. He filed an application for the court to rehear *Bienvenu* because the court *443 “overstepped its power and erred in its interpretation of the law.”⁶⁷² The state's attorney general also filed an application for rehearing.⁶⁷³

The plaintiffs argued that the Supreme Court had committed three legal errors: supplanting the legislature's authority, contradicting an absolute vested right with the ability to undo that right through *contra non valentem*, and failing to provide any support for the argument that there was a due process violation on these facts.⁶⁷⁴ On Louisiana law, the application emphasized that it was a contradiction to say that the church's property rights had absolutely vested, and yet they could still be divested through *contra non valentem*. The “very ability of the property right to be vested and then divested is inherently contradictory.”⁶⁷⁵ This was proof that the defendants' prescription could not have vested absolutely, as the majority had claimed.

The Attorney General's application emphasized the separation of powers, and asked the Supreme Court to clarify that the legislature's job, not the judiciary's, is to set the prescriptions. The opinion “strikes at the very heart of the separation of powers.”⁶⁷⁶ The application also asked the court to adopt the due process analysis of the U.S. Supreme Court in *Washington v. Glucksberg* because the Louisiana court had not yet made clear how due process applied in Louisiana and how it should be analyzed.⁶⁷⁷

In response to *Bienvenu*, the Louisiana legislature passed a concurrent resolution expressing its intent that Acts 322 and 386 be “applied retroactively for the limited period of time contained in those Acts to permit child victims of sexual abuse who have attained the age of majority and would otherwise be barred from a cause of action against the alleged perpetrators under prior law, to assert claims in furtherance of the legitimate government interests” in the acts.⁶⁷⁸

More on the Abusers

Gerard “Jerry” Howell was listed above as a credibly accused abuser whose financial support from the church was cut by the bankruptcy *444 judge.⁶⁷⁹ In a private letter to Vatican Ambassador Christophe Pierre, Archbishop Aymond wrote the judge's conclusion was “unjust and painful.”⁶⁸⁰ Aymond's aide had told Howell that he could seek support from the Men of Melchizedek, an organization that supported priests. A similar group created by the Men's founder was shut down in Michigan for financial misconduct.⁶⁸¹

Some of Howell's victims have questioned how the church could offer support to him, given that Howell had been reported to district attorney Harry Connick Sr. in 1980. Connick never prosecuted him, and Howell returned to ministry for many years.⁶⁸²

Deacon Scott Peyton served at a church where a priest, Michael Guidry, abused Peyton's son Oliver.⁶⁸³ Scott and his family received \$350,000 in damages from the diocese of Lafayette.⁶⁸⁴ They supported Louisiana's lookback window, which was ruled unconstitutional in *Bienvenu*. Bishop J. Douglas Deshotel excommunicated Peyton. Peyton said “It's totally unnecessary And I'm afraid it will make abuse victims and their families afraid to come out.”⁶⁸⁵

Father Anthony Odiong was removed from his parish after allegations were made by several women that he had sexually and financially abused them. One woman said he “persuaded her to perform sexual acts on him during confession, at private masses in her home and in at least one motel room, saying it was her path to salvation.”⁶⁸⁶

The abuse and the cases continue.

*445 Lists of Abusers

Appendix A

Alvin Marie, Sister

Archer, Richard Raphael

Asare-Dankwah, John

Avallone, Paul S.D.B. x

Basty, John x

Benedict, James x

Bezou, Henry C.

Booth, Brother Everard J.

Botto, Brother Joseph

Boudreaux, Claude P. S.J. x

Brady, Daniel Patrick O.P. x

Brignac, Deacon George x

Brueschere, Brother Dave

Calamari, Paul x

Cambiaire, Pierre Celestin x

Carr, Cornelius 'Neil' S.J. x

Ceglar, Stanislaus S.D.B. x

Chappa, Ray b

Chotin, Joseph L.

Cinel, Dino x

Claudine, Sister Marie

Click, Patrick R.

Collery, James C.S.Sp. x

Cooper, Robert K. a

Cosgrove, Brother John L. Malachy

Coyle, Charles S.J. x

Coyle, Finbar "Barry" b [who is on Baton Rouge's list]

Csik, Paul S.D.B. x

Dark, Lawrence y

Davidson, Carl x

Davied, Frank L. b

DeRussy, Edward D.

deWater, Joseph

Dickerson, Donald J.

Ducote, Jerome O.S.B. x

Dyer, Bernardine George

Esposito, Anthony S.D.B. x

Fagione (Faggioni), Ernest S.D.B. x

Faler, Justin O.S.B. x

***446** Farino, Michael x

Feehan, Vincent x

Fendin, Charles

Fernandez, Luis J.

Findon, Charles A.

Fontenot, Bryan James O.P. x

Franklin, Jonathan W. x

Fraser, Michael B. x

Gandara, Brother Robert

Gertrude Marie, Sister

Glapion, Deacon Lloyd

Glasgow, Thomas Gaspard x

Guarise, Brother Justin

Hagan, Sister Alvin Marie

Hamilton, Kenneth

Harold, Brother

Hart, Paul S.

Hebert, Raymond P.

Hecker, Lawrence x

Henao, Luis E.

Highfill, Henry Brian

Hindman, Gerald

Hotard, Howard x

Howell, Gerard Joseph x

Hurley, Michael F. x

Isgro, Salvatore "Sam"

Keane, Patrick x

Kilgour, James x

Kinane, Gerard x

Kircher, James x

Kita, August x

Knoth, Bernard S.J. x

Ladet, Sister

Landry, Wesley Michael x

Langenstein, Brother Richard J.

Laurdette, Sister
Lawrence, Ralph x
LeBlanc, Francis William
LeBourgeois, Louis
Lockwood, Deacon James x
Loeffler, James D.
Lux, Joachim b
***447** Martin Marie, Sister
Martinez, Samuel F.
Mary Omer, Sister
Masters, Andrew S.V.D. x
McCormick, Richard z
McDowell, Archibald y
Miller, William C.Ss.R. x
Nowery, C. Richard C.S.C. x
Ory, Brother Claude
Pankowski, Joseph S.D.B. x
Partee, Carter b
Pearce, J. Donald S.J. x
Pellettieri, Joseph C.Ss.R. x
Pfalzer, Juvenal b
Pimple, Alfred O.F.M. x
Poandl, Robert y
Prinz, Gerald x
Powers, John Aquinas

Putnam, Gorham Joseph x

Ray, Samuel H.

Repucci, Brother Stanley

Rogero, Elmo J.

Sanders, Patrick x

Sax, John C. x

Schmaltz, Bernard x

Seery, John x

Sokol, Alfred, S.D.B. x

Sokol, Joseph

Springer, Christopher y

Stephen Rose, Sister

Strassel, Malcolm x

Tassin, Anthony

Temme, Roger O.M.I. x

Thomann, John x

Thomson, Randolph b

Wattigny, Patrick

Weber, John Anthony x

Wheeler, Deacon Virgil Maxey Wheeler

Wren, Benjamin L. S.J. x

Appendix B

*448 Allen, Edward Terry

Allison, William G.

Andries, John Wesley

Boyer, Gielse

Bressler, William Cody

Conway, Paul

Couvillion, Francis O.

Dekeukelare, Charles, CICM

Donohoe, Francis Patrick

Fortier, Harvey J.

Franklin, John

Friend, Robert

Gagne, Edmond L.

Gauthé, Gilbert

Gremillion, Moise Richard

Hannon, Michael G.

Raymond, Jones M.

Lelieveld, Theodore M.

Lyons, Frederick J.

Mathews, Kenneth M.

McCarthy, Donald P.

Medina-Cruz, Jamie

Molenschot, Adrian

O'Hanlon, William

Robitaille, Yves

Rogers, Donald

Rogge, Norman S.J.

Senesac, Louis CSV

Sepsi, Victor

Teacle, H. Clinton

Tisch, Joseph

Tremblay, J.C. Leger

Valez-Lopez,

Antonio Van Hoorn, Leo

Viviano, Nino

Appendix C

***449** Allen, Edward

Allison, William

Bressler, William

Chemmpallil, Seby Shan

Conway, Paul

Couvillion, Francis

Donohoe, Francis

Fortier, Harvey

Franklin, John

Friend, Robert

Gremillion, Moise

Hannon, Michael

Mathews, Kenneth

Rogers, Donald

Senesac, Louis

Sepsi, Victor

Teacle, Clinton

Trembley, Léger

***450 Appendix D**

Archer, Richard Raphael, O.P.

Berube, John Joseph

Biggers, Clarence Joseph

Blanchard, Jody P.

Brady, Daniel Patrick

Cambiaire, Pierre Celestin

Camenzuli, Carmelo Ignatius

Chaloux, David William

Clark, David Joseph

Clement, James Preston

Coyle, Barry Finbar

Coyne, John

Dark, Lawrence, C.S.C.

Drinan, Daniel

Duhe, Thomas P.

Fontenot, Bryan James

Franklin, John (Jonathan)

Funnell, James

Gensler, George David

Gonzales, Antonio

Gray, Bryan Keith

Gyan, Eric

Hardman, John

Hecker, Lawrence

Hemond, Alphonse Rodrigue or Rodrigue Alphonse

Howell, Gerard "Jerry"

Hurley, Michael

Kearney, Myles Joseph

Labaky, Mansour

Landry, Clyde Bernard

Lawrence, Ralph

LeFrois, Joseph

Lemoine, Daniel Paul

Lockwood, James

Martrain, Nicholas Joseph

Moran, Salvador Nickie

Naughton, Thomas J.

Neubig, Henry

Nowery, C. Richard

Ortego, Jesse Ray

Pelletieri, Joseph

***451** Springer, Christopher Joseph

Strassel, Malcolm

Sugrue, Timothy

Sullivan, Joseph Vincent

Weber, John A.

***452Appendix E**

Cavell, Lawrence A.

Francisco, Alexander

Kinane, Gerard P. x

Kujawa, Patrick R.

LeBlanc, Etienne

Luce, Ramon

Melancon, Robert L.

Melendez, Carlos

Nguyen, Dac

Poche, Daniel

Prinz, Gerald

Schmaltz, Bernard

***453Appendix F**

Alexander, Joseph x

Arceneaux, Jules M. x

Arul, Susai x

Begnaud, Stanley x

Benedict, Michael x

Blanchard, Jody P.

Bourgeois, J.M.

Breaux, Lester (Deacon) x

Broussard, Felix David (Deacon) x

Broussard, Willis x

Chachere, J. Richard x

Coupar, David Anderson x

Curtis, George

Cyr, Armand

de Launay, Herbert x

deLeeuw, John x

DesJardins, Michael x

DesRosiers, N. Wilfred

Dorsey, Rene

Dutel, Gilbert

Engbers, John Anthony Mary x

Estilette, Grady J. x

Fontenot, Ronald Lane

Freyou, Leonard J. (Deacon) x

Gauthé, Gilbert x

Gautreaux, Deacon Shawn Jude

Gilbert, Aldeo x

Guidry, Michael S. x

Hanemann, Louis (Deacon) x

Hebert, Lloyd P. x

Herpin, L. Michael x

Larriviere, Marshall R. x

Limoges, Robert Marcel x

Morvant, Kenneth

Nunez, Albert G.

Parks, Steven

Pellettieri (Pelletieri), Joseph F.

Porte, Sister Cheryl

Potier, Keith Anthony x

Pousson, Donald Raymond

Primeaux, David x

***454** Pullman, Valerie x [priest]

Queren, James W.

Quick, Harry x

Richard, Mark

Rieboldt, Richard x

Robichaux, Robie x

Simoneaux, Jody J. x

Smit, Gerard/Gerald C. x

Toussaint, Jean-Baptiste x

Van Hal, Adrian Walter x

Van Merrianboer, Cornelius x

Veilleux, Rosaire x

Zaunbrecher, Charles J. x

***455 Appendix G**

Alers, Juan

Broussard, Mark A.

Chachere, Richard J.

Guillory, Kerry (Franciscan)

Harris, Brennan (Franciscan)

Mosca, Gregory (Benedictine)

Normantowicz, Brother Edmund

Palathingal, Simon (Salesian)

Park, Austin (Jesuit who appears on other lists)

Perrault, Louis (Holy Ghost, appears on other lists)

Pullman, Valerie (Sister)

Soileau, Charles

Smit, Gerard/Gerald

Walsh, J. Patrick (Jesuit, appears on other lists)

Footnotes

- ^{a1} Boyd Professor of Law, UNLV Boyd School of Law. Ph.D. (Religious Studies); J.D. I am grateful to Louisiana author Jason Berry for his assistance in telling the story of abuse in Louisiana, to CHILD USA CEO and Founder Marci Hamilton for her work supporting children's rights, to UNLV's Michael Pappas for comments on the paper, and to James Rich and Carla Bywaters for their advice on the paper.
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