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PAPERMILL DEATH OF TOM MONFILS STILL HAUNTS GREEN BAY 30 YEARS LATER



Tom Monfils worked in construction before he took a job at the James River paper mill in Green Bay in 1983.
PROVIDED BY CAL MONFILS

QUESTIONS, THEORIES AND HEARTBREAK LINGER ON

Kelli Arseneau Green Bay Press-Gazette | USA TODAY NETWORK

On a Sunday night in November 1992, employees at a Green Bay paper mill worked with police investigators to drain a massive vat of toxic pulp, where they made a horrific discovery. There at the bottom was the James River Corp. employee they had been looking for since he went missing the previous day.

Tom Monfils, who was 35, failed to show up at his work station the morning of Nov. 21. A supervisor ordered mill employees to drain the pulp vat around 8 p.m. Nov. 22 as it became evident Monfils had never left the mill. His car remained in the parking lot, his street clothes hung in his locker, and he never showed up at his home or other locations he frequented.

The vat was a two-story tank that contained a mud-like mixture of water, chemicals and paper pulp. Its large propellers at the bottom constantly stirred the mixture. Monfils' body was floating, anchored to the bottom of the vat with a jump rope around his neck tied to a 49-pound weight.

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Editor's note: For an extended version of this article, please check out our website or mobile editions.

To this day, all of the "Monfils Six" have maintained their innocence, and they've attracted a following of people who believe the men were wrongfully convicted. Two books have been published, claiming they were innocent. Among their defenders is Monfils' younger brother, Cal Monfils.



Monfils verdict featured in the Green Bay Press-Gazette. GREEN BAY PRESS-GAZETTE ARCHIVES

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Monfils

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Soon, more troubling details surrounding Monfils' death emerged — including that he had made repeated phone calls over multiple days telling Green Bay police he feared for his life, desperate pleas that failed to protect him.

An autopsy determined Monfils was murdered. In September 1995, six of Monfils' fellow paper mill workers — Keith Kutska, Mike Piaskowski, Michael Johnson, Michael Hirn, Dale Basten and Rey Moore — were convicted of first-degree intentional homicide as party to the crime after a joint trial and sentenced to life in prison.

Thirty years after Monfils' death, only Kutska remains in prison. The other five men have been released — one exonerated, the others on parole. One man has died.

Their belief stems from a slew of developments over the last three decades, including a key witness' claims that he lied at the trial, allegations that the lead detective's aggressive investigative tactics led to false information presented as evidence, and family anecdotes that point to suicide as the possible true cause of Monfils' death.

A fatal mistake

The James River paper mill, as it was called in 1992, is located at 500 Day St. just north of downtown Green Bay, along the Fox River. It's a 121-year-old mill and — now owned by Georgia-Pacific — is in the process of being shut down for good. The mill has one working machine, which will cease operations next fall.

But in the early 1990s, the Day Street Mill was bustling with more than 1,000 workers running multiple paper machines from shift to shift. It supported generations of family members, many of whom worked alongside each other.

Monfils had worked at the mill since 1983. Before that, he served in the U.S. Coast Guard and worked a job in construction. His father, Ed, and uncle also worked at mill. Ed Monfils retired in January 1992, 10 months before his son's death.

Tom Monfils knew lots of people at the mill and was a bit of a "social butterfly," Cal Monfils, his younger brother, told the Green Bay Press-Gazette in an interview this month.

Cal Monfils no longer believes his brother was murdered, but prosecutors convinced a jury that some of those co-workers turned on him and took matters to a tragic end.

On Nov. 10, 1992, Kutska, who worked alongside Monfils for nearly a decade, took about 10 to 15 feet of electrical cable from the mill.

At 4:45 a.m. that day, Monfils called the Green Bay Police Department and reported that a theft was happening at the paper mill. He asked to be kept anonymous and expressed concern that Kutska was "known to be violent."

The police department operator called the paper mill security guards to alert them about the potential theft. Because no officers were dispatched to the mill, the operator did not make a written report of the call. The call was, however, recorded per police department policy.

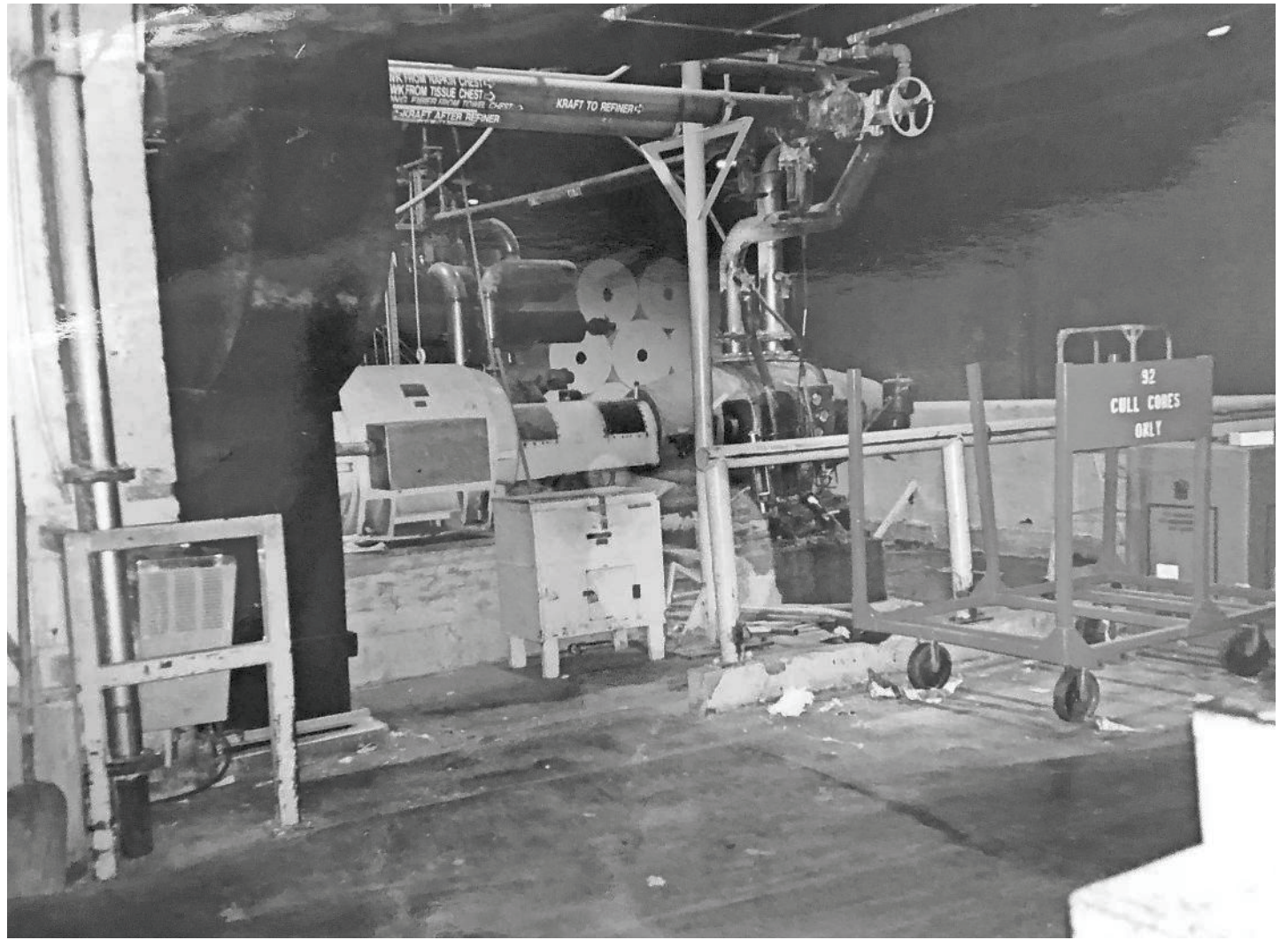
At the end of Kutska's shift, security at the James River mill stopped him on his way out the door and asked to search his bag. Kutska refused to allow it and was suspended from work for five days without pay.

Monfils called the police again two days later, on Nov. 12. He expressed fear of what might happen to him if Kutska found out he was the one who made the call. Monfils told a detective Kutska was "crazy and a biker type," and the detective reassured Monfils there was "no way in hell" the recording of his call would be released, according to court records.

Kutska returned to work Nov. 17 after his unpaid suspension. That day, he called the police department and asked who had reported him to James River security. Kutska learned of the time the phone call was made, and told a group of workers, including Monfils, that he was going to get ahold of the tape and find out who reported him to police.

That night, after 10 p.m., a frightened Monfils called the police department again and asked to speak to the "highest guy up." He was forwarded to acting shift commander Lt. Kenneth LaTour, and again relayed the story and said he feared Kutska would one day "take (him) out" and Monfils would not return home. LaTour said he was "not one hundred percent sure" the tape could not be released as public record, but told Monfils to call James Lampkin, who worked in the police department's communication department, to "put (his) fears to rest."

Monfils responded, "I definitely haven't got much sleep in the last couple of days."



The area between the No. 7 and No. 9 paper machines where investigators said the six men confronted and beat Monfils. The water fountain is located on the left, behind the yellow guard rail. PROVIDED BY MIKE PIASKOWSKI



Keith Kutska on Oct. 27, 1995. GREEN BAY PRESS-GAZETTE ARCHIVES



Tom Monfils' widow, Susan Monfils, is shown on Oct. 4, 1995. GREEN BAY PRESS-GAZETTE ARCHIVES

LaTour did not refer the information from his call with Monfils to anyone in the police department and made no written report of the conversation, according to documents in a lawsuit the Monfils family filed against the police department. A U.S. Court of Appeals found the department negligent and awarded the family \$2 million in 1997.

On Nov. 18, the day after he talked to LaTour, Monfils made a phone call to Lampkin, who told him the tape would not be released because it would have to cross Lampkin's desk first.

On Nov. 19, Kutska called another police department official, who said he could have a copy of the call if he brought in \$5 and a blank cassette tape. At the mill, Kutska told workers he would be picking up the tape.

This seemed to further frighten Monfils. Around 10 a.m. Nov. 20, Monfils again called Lampkin, who told him the tape would not be released. Lampkin transferred the call to Deputy Chief of Detectives James Taylor, who also spoke to Monfils and assured him the tape would not be released.

But Taylor took no actions to ensure the tape did not get released. According to court documents, the tape was in fact sitting on a desk in the records office about 30 feet from Taylor, awaiting release, at the time he assured Monfils that Kutska would not get a hold of the recording.

That evening after work, Kutska obtained the tape and called Piaskowski, playing it for him over the phone. Kutska explained to Piaskowski that he had spoken to the union and that to file union charges against Monfils, Kutska needed two or three witnesses to identify Monfils' voice on the recording, since Monfils did not say his name in the call. Piaskowski agreed to be one of those witnesses.

On the morning of Nov. 21, Kutska showed up to work with a copy of the tape with Monfils' voice on it. Around 7 a.m., Kutska and another millworker, Randy LePak, entered "coop 7," paper machine No. 7's control room, where Piaskowski and Monfils were stationed. Kutska played the recording and asked Piaskowski to "name this tune."

Monfils, who was sitting in the corner of the room reading a newspaper at the time, admitted to Kutska that he had made the call.

Kutska played the tape for approximately 20 mill workers that morning, stirring up anger. Shortly after 7 a.m., he played the tape for a group that included

Piaskowski, Hirn, Moore, Basten and Johnson at "coop 9," the control room for paper machine No. 9. Kutska implied Monfils' accusation of theft was false, and he told Moore and Hirn to "give Monfils some shit" for snitching on his fellow union member, according to court records.

Monfils left his post at coop 7 to perform a "turnover," which was a periodic task that involved taking a roll of paper off a machine and replacing it with a new one, scheduled for 7:34 a.m. Around this time, a confrontation allegedly took place at a water fountain between coops 7 and 9. The prosecution argued at trial that, during this confrontation, Monfils was attacked and left unconscious and severely injured.

Piaskowski declined to be interviewed for this story, but he told the Press-Gazette in a written statement that the "bubbler confrontation" theorized by investigators never occurred.

At 7:45 a.m., Kutska and Moore entered coop 7 and were followed shortly afterward by Piaskowski, according to court documents. Kutska told Piaskowski to alert a supervisor that Monfils was missing from his work station.

Piaskowski told a supervisor and said there was "some shit going down." A search for Monfils ensued.

Sometime after 8 p.m. Nov. 22 — 36 hours later — workers found Monfils' body at the bottom of the pulp vat. The jump rope tied around his neck was attached to two PVC pipes, constructed by Monfils for exercise breaks during his workday.

It wasn't until Dec. 9 that police announced at a news conference that Monfils had been murdered and a homicide investigation was under way.

An autopsy found Monfils had injuries that occurred before he went into the vat — that he had been beaten to the point of unconsciousness, then thrown into the pulp pit. His cause of death was ruled to be suffocation after ingesting paper pulp and strangulation from the rope around his neck.

The investigation began immediately. But no one was arrested until almost 2½ years later.

Investigation

That weekend was the start of deer hunting season. Cal Monfils had been up north hunting all weekend. He didn't find out his brother was missing until he returned home around 8 p.m. Nov. 22.

He received word of Tom's death

hours later, in the early hours of the morning.

Tom was the third child of six kids born and raised in Green Bay. Cal, the youngest child in the family, was 25 years old when his brother died.

"Growing up, me and my brother were very close, even though he was 10 years older than me and he went off to the Coast Guard," Cal Monfils said. "But when he came back, we did a lot of things together."

Monfils left behind his wife, an 11-year-old daughter, Theresa, and a 9-year-old son, John.

The investigation into Monfils' murder proved difficult. Police could find no blood stains, a murder weapon or concrete evidence that a struggle had taken place the day Monfils died. Instead, they had to rely heavily on interviews with people who were at the mill that day.

Investigators followed mill workers closely, monitoring movements and conducting interviews. Police parked outside their homes, dug through their trash and recorded phone conversations.

In January 1994, Detective Sgt. Randy Winkler, who had been one of multiple investigators throughout, stepped in as lead investigator on the case, which had up to that point had few developments.

Kutska was the obvious main suspect from the beginning, given Monfils' fearful phone calls about him. But a group of men all had alibis for Kutska, that they had been with him that morning when he played the tape.

Winkler said he conducted more than 500 interviews. He and the other investigators came to the conclusion that the six men must have worked together to kill Monfils and hide the evidence.

Some of the biggest pieces of evidence for this theory hinged on testimonies from two millworkers: David Wiener and Brian Kellner, although each of those men became subjected to scrutiny about their credibility.

Six months after Monfils' death, Wiener contacted police after he recalled a "repressed memory" from the morning Monfils went missing: Basten and Johnson walking toward a pulp vat connecting the No. 7 and No. 9 coops, about 6 feet apart, hunched over and seemingly carrying something between them.

Then, on Nov. 28, 1993, Wiener shot and killed his younger brother after an

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Monfils

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argument. He was charged and convicted of second-degree reckless homicide.

The other major piece of the puzzle for the prosecution's theory was testimony from Kellner, a good friend of Kutska who also worked at the mill.

After an hours-long interrogation by Winkler in November 1994, Kellner signed a statement saying that one night that summer, while he was out drinking with Kutska at the Fox Den Bar in Oconto County, Kutska drunkenly performed a reenactment of Monfils' beating, using the bar owners and others in attendance as actors.

The statement also mentioned that another time, Kutska accidentally dropped a tool on Kellner's head while they were working and made a joke about Kellner having a "Monfils lump." That was before the autopsy revealed Monfils had a wound on his head.

But as the 1995 trial approached, Kellner told Kutska's attorney that the police statement he signed was not entirely correct. He said Kutska had only tossed out theories about what might have happened to Monfils during the bar reenactment and the tool incident.

"His statement at that time was true to the best of his knowledge, I believe," Winkler told the Press-Gazette in an interview this month. "I'm sure after, (when) he was confronted by some of the suspects and other people that he worked with, yeah, he wanted to change the truth ... but, you know, it wasn't possible anymore."

On April 12, 1995, police arrested Kutska, Piaskowski, Johnson, Hirn, Basten and Moore — as well as LePak and Charles — at the paper mill. LePak and Charles did not face criminal charges.

The joint trial of the "Monfils Six" began Sept. 27 of that year.

Six defendants, one trial

Leading the prosecution was Brown County District Attorney John Zakowski, with Assistant District Attorney Larry Lasee. The six defendants were each represented by one or two defense attorneys. Outagamie County Judge James Bayorgeon presided over the case.

Because of so much publicity surrounding the case, the Green Bay com-

munity carried strong opinions. To ensure impartiality, a jury was brought in from Racine County.

The entire trial lasted six weeks. The jury was sequestered in a Brown County hotel.

In the state's opening statements, Lasee told the jury: "If details are extremely important to you, you're going to be disappointed. There are gaps."

During three weeks of arguments, the prosecution painted a picture of an angry mob of union brothers who beat Monfils to unconsciousness and covered up that crime by tossing him to his death in the vat. But, as Lasee promised, the state lacked any single pieces of undoubtedly incriminating evidence. There was no physical evidence that a beating took place, no witnesses who saw the beating, no witnesses who saw any of the men appearing bloody or disheveled after the beating allegedly took place, and no one who saw a body — except possibly Wiener's recollection of what may have been a body, if his memory was accurate.

The state instead had to rely on testimonies from witnesses and the defendants themselves.

When it came time for the defense arguments, each of the six men's lawyers argued that their clients were innocent and that someone else must have murdered Monfils. Kutska argued that he had thought playing the tape for the other workers would lead them to ostracize Monfils, not cause any physical harm.

Based on Press-Gazette reporting at the time of the trial, Hirn's attorney hinted that Kutska and Moore may have been involved in Monfils' disappearance. Piaskowski's attorney hinted that Kutska, Moore and Hirn may have been responsible. Moore's attorney argued that Moore did not know who Monfils was. Basten and Johnson suggested that the real killer may have been Wiener, the "repressed memory" witness who later killed his own brother.

After hearing closing arguments, the jury's deliberation took just 10 hours. The verdicts were delivered around 6:25 p.m. Oct. 28, 1995.

The front page of the Green Bay Press-Gazette the following morning said it all: "Guilty, guilty, guilty, guilty, guilty, guilty."

Aftermath and appeals

To this day, none of the "Monfils Six" has confessed to killing Monfils or

knowing anything about how he died.

Zakowski and Winkler, in interviews for this story, said they remain confident that the right men were brought to justice for Monfils' death.

"I think with time, that's only solidified the belief that the jury made the absolute right verdict, that they reached the only logical conclusion from the evidence," Zakowski, who is now a Brown County Circuit Court judge, told the Press-Gazette.

Cal Monfils said he feels the opposite. "Every day that goes by, it makes less sense," he said. "I don't blame the jury. They heard some questionable evidence, and there's also things that they should have heard that they didn't hear."

All six men worked with their lawyers to file appeals.

After exhausting his appeals, Piaskowski petitioned the federal district court. U.S. District Court Judge Myron Gordon granted the writ and ruled that there had been insufficient evidence to convict Piaskowski. The state appealed that decision, and in July 2001, the district court's decision was upheld by the U.S. Seventh Court of Appeals — meaning Piaskowski was in effect acquitted, and unable to be tried again.

After six years behind bars, Piaskowski was a free man. He walked out of the Dodge Correctional Institution to await family members on April 3, 2001.

But the others remained in prison, despite attempts to get their convictions overturned or sentences reduced.

Kutska tried in a 2015 hearing to present a case that Monfils died by suicide and that the injuries to his body occurred inside the vat. Cal Monfils testified at the evidentiary hearing about evidence he heard through his family that Tom may have died by suicide.

But the state argued that there was no new argument, and the theory of suicide had already been brought up in court and dismissed by the jury. A trial court denied Kutska's motion in January 2016.

"It's ridiculous to think that that was a suicide," Zakowski told the Press-Gazette for this story. "There were too many injuries to too many different parts of his body, including injuries to his groin and to his neck, which were consistent with being attacked."

Winkler echoed similar thoughts.

"That is so ridiculous. If you just look at the evidence — the fact that he had a weight tied around his neck, he was dumped in the bottom of the vat. He was

knocked unconscious before he went into the vat. It'd be an impossibility for him to commit suicide."

Cal Monfils said he believes his brother may have been dealing with undiagnosed mental health issues and was having marital problems at home at the time of his death. Further, Tom feared losing his job at the mill when people found out he had reported a problem outside of the union, Cal said.

"Work, that was kind of his life ... and that was never going to be the same, because he was always going to be the guy that got Kutska in trouble," Cal Monfils said. "Can you imagine what was going through his head at the time?"

Cal Monfils said he volunteered to testify at the evidentiary hearing and has been vocal in his beliefs not in any effort to "dishonor" his brother, but in hopes of simply uncovering the truth.

In September 2017, Basten was dying in prison. He was released on parole for health reasons and died the following June, at age 77.

Hirn was released from prison on parole in June 2018. Michael Johnson was released in June 2019, followed by Moore in July 2019. Kutska remains in prison, and has been repeatedly denied parole. He will be eligible again on May 1, when he is 72 years old.

Impacts

The Monfils case not only dominated news and conversations in Green Bay, but caught state and national attention and led to new legal policies.

In October 1993, the state Legislature passed the "Monfils Law," which tightened security for releasing records that may lead to a person being put in harm's way. And the federal court ruling from Monfils' family's lawsuit set a precedent that police may be forced to pay damages for endangering the life of an anonymous informer.

For years beginning in 2010, a crowd of people who advocate for the innocence of the "Monfils Six" held an annual "Walk for Truth and Justice" on the anniversary of when the six men were convicted. It was organized by the authors of the two books.

Thirty years later, Cal Monfils said his brother's death and conviction of six men afterward are on his mind often.

"There hasn't been a day since it's happened that I haven't thought about it," he said.

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