

September 20, 2021

Archbishop José H. Gómez  
President of the USCCB, Archdiocese of Los Angeles  
3424 Wilshire Blvd.  
Los Angeles, CA 90010-2241

Bishop James V. Johnston, Jr.  
Secretariat of the Child and Youth Protection Committee  
Bishop of the Diocese of Kansas City-St. Joseph  
20 West 9th St., Suite 200  
Kansas City, MO 64105

Dear Archbishop Gomez and Bishop Johnston,

Starting in January 2020, both of you have received by carbon copy the complaint to the National Review Board about the violation of Article 3 of the Dallas Charter (see enclosed). You did not respond.

In March 2020, Dr. Francisco Cesareo, former chair of the National Review Board, forwarded the matter to Bishop Timothy Doherty for action. He did not respond. You did not respond.

In October 2020, I re-sent the complaint and widened the scope of the recipients. Neither you nor the others responded.

In August 2021, I re-sent the original complaint but added two more complaints to it. This time I sent it to the Pope, the Congregation for Bishops, the Congregation for Priests, the Congregation for the Doctrine of the Faith and the Apostolic Nuncio as well as most of the original recipients. Ms. Suzannie Healy did respond. You, however, did not respond.

Ms. Suzanne Healy, new chair of the NRB, mistook this August 2021 communication as a Vos Estis, which it was not. However, she made it clear that the NRB would not now or ever address the issues. At least she did respond unlike all the hierarchy of the church.

You, Archbishop Gomez and Bishop Johnston, are not honest or transparent in any way. It is obvious as this moves past 1-½ years of your silence, that you fear these complaints, only making it more certain that I will not cease efforts to reveal the reason for your cover-up.

That having been said, please find the remainder of the complaint letter which is taken directly from the August 11, 2021 communication. You will find three complaints needing action. All of the complaints have national repercussions. Your silence is not acceptable.

I wish to address the following three issues:

1. Violations of Article 3 of the Dallas Charter of 2002 regarding silencing of victims.
2. Illegal use of the Internal Revenue Service to falsify yearly USCCB compliance audits as well as other financial reporting.
3. Improper and potentially illegal staffing of Diocesan Review Boards.

This letter is sent to you, Ms. Healy, because of your prior communication with me and that of your predecessor, Dr. Francisco Cesareo. The USCCB, however, remains silent.

### **Part I: Continuing violations of Article 3 of the Dallas Charter since its promulgation in 2002**

I filed a complaint with your predecessor, Dr. Francesco Cesareo, concerning violations of article 3 of the Dallas Charter. Dr. Cesareo referred the matter to Bishop Timothy Doherty of Lafayette, Indiana. No response and no action came from Bishop Doherty and the officials of the USCCB including Bishop James V Johnston, Jr., Secretariat of Child and Youth Protection Committee.

Attached is a copy of the January 14, 2020 complaint including a memorandum from Canon Lawyer Thomas P. Doyle, a copy of the response by Dr. Cesareo dated March 3, 2020, and a copy of the ensuing October 3, 2020 complaint sent to the officials of the USCCB. Except for Dr. Cesareo, no one at the USCCB has taken any action or even acknowledged the complaint. In your position as Chair of the National Review Board, I petition you to seek action from the USCCB.

The failure of the USCCB to address the violations of the Dallas Charter was sent at the end of May to Vatican officials in a Vos Estis complaint filed on behalf of Mr. Michael Boyd. Bishop Richard Stika of the Diocese of Knoxville violated Article 3 of the Dallas Charter when he silenced Mr. Boyd against Boyd's wishes in a 2019 legal settlement. I received your letter of June 10, 2021 indicating that you had sent your copy of this Vos Estis to appropriate Vatican officials. I appreciate your prompt communication with me; however, these issues remain unresolved.

1. Who will assure that Mr. Boyd receives an apology from Bishop Richard F. Stika for violation of the Dallas Charter article 3?
2. Who will assure that the non-disparaging clause in Mr. Boyd's settlement is removed and he is freed from any silencing by the Diocese of Knoxville?
3. Who will assure that the USCCB makes a nationwide statement removing all silencing restrictions on victims who were bound to silence against their will since at least 2002 if not before?
4. As all three dioceses of Tennessee are in violation of article 3, who will assure that these violations are revealed and publicly corrected for all victims with illegal silencing agreements in settlements?

#### **Action items:**

1. The National Review Board and the USCCB must verify that the violations of article 3 of the Charter will be added to and spotlighted in all upcoming audits of dioceses/eparchies.
2. The violations in all three dioceses of Tennessee - Knoxville, Nashville, and Memphis -will be apparent in the report of the next compliance audit and note made that these violations date back to the very beginning of the Dallas Charter of 2002.
3. The National Review Board and the USCCB must issue a letter to be read at all Masses and printed on all diocesan websites and in all diocesan newspapers nationwide concerning the violations of article 3 of the Charter and all victims released from silencing should they or their families wish to speak. The Tennessee dioceses were finally compelled to remove silencing of victims in all future settlement following the January 14, 2020 complaint. However, they have not apologized for 20 years of violations and have not moved to see that these forms of silencing are retroactively removed. The faithful remain uneducated on this matter and must be informed.

### **Part II: Issuing by dioceses/eparchies of IRS form W-9 and IRS 1099 to victims who receive lawsuit settlements or other complaint settlements.**

Some dioceses/eparchies are requiring that IRS form W-9 be filled out by victims of clergy sex abuse in conjunction with monetary settlements. Some victims also are receiving 1099 forms at tax time or being told that they might receive a 1099 form with tax liability to be paid to the IRS.

Two cases in the Diocese of Knoxville raise serious questions about a seemingly new deceptive practice. In November 2019, the Knoxville Diocese did not require Mr. Michael Boyd to sign a W-9 tax form, and he did not receive a 1099 form at tax time. However, in June 2021, the Diocese of Knoxville required the plaintiff's lawyers to have a W-9 form filled out and submitted by Ms. Celeste Arnone. She was told that she could expect a 1099 tax form for the next tax year. This is in direct contradiction to the November 2019 settlement with Mr. Boyd. Why this new requirement? Ms. Arnone refused to submit the W-9, and the diocese eventually relented. Further research reveals that this practice is not isolated to Tennessee.

The following concerns arise regarding the W-9 and 1099 issue:

1. The W-9 form is for contractors, freelancers, and vendors. Why is the victim of abuse who signs a settlement agreement considered a contractor, a freelancer or a vendor?
2. Why would a settlement be subject to a 1099 IRS form when the settlement is portrayed as tax-exempt?

Survivors of clergy abuse and their advocates speculate that there is a hidden benefit to the diocese/eparchy in requiring a W-9 form. I request that the National Review Board consider the following as it pertains directly to USCCB and NRB issues:

**If the victim and his/her lawyer are classified as a vendor, contractor or freelancer, that victim or lawyer is misidentified in financial databases and can be hidden from the compliance audit for the USCCB and from the annual financial statements to the faithful of the diocese. In this way, payouts to victims are easily hidden, deliberately obscuring both the instances of abuse and the monetary toll on diocesan finances. Dioceses/eparchies can thereby “doctor” information to skew the USCCB compliance audit and falsify public financial reports.**

If there are ways to evade the truth by clever manipulation of spreadsheets and databases, who would be the wiser? Who would be called upon to independently verify what is submitted to the audit? Would any auditing company employed by the USCCB ever question or even know about this deception? These questions must be answered and definitive changes in policy initiated by the USCCB and the National Review Board.

### **Part III: Questionable practices in staffing Diocesan Review Boards.**

I request a critical evaluation of the Diocesan Review Board of the Diocese of Knoxville. The composition of the Review Board is most troubling. The current board is listed at this web address: <https://dioknox.org/diocesan-review-board>.

The following problems exist on the Diocese of Knoxville Review Board:

**Bishop Richard Stika** is a member of the Review Board. Usual practice would be for a review board to do its work and present a final disposition to the bishop. Bishop Stika does not follow this common sense practice but inserts himself into the workings of the board. This lessens confidence in the legitimacy of the review board process. Instead of receiving a consensus report from the board, Bishop Stika is present to hear the interview of victims as well as discussion. He notes the views of all present. He can see whose ideas mesh with his and whose do not. He can then mold and shape

a review board to have only members who agree with him and who are intimidated into silence should they not agree with him. Knoxville does not have a true review board. Rather It has members who are afraid to voice differing opinions lest they suffer the consequences.

**Edward (Ward) Phillips** is listed as “attorney at law.” This is deceptive. Mr. Phillips is the lawyer for the diocese. In essence, the diocese is asking victims to submit information and/or appear before this board, thereby compromising any lawsuit that they may wish to file in the future because opposing counsel already has unfair access to information. This is a conflict of interest. Moreover, it is a definitive move to garner information illegally.

**Father Doug Owens** is listed as “Pastor.” What is omitted is the fact that he is Vicar General of the Diocese and Moderator of the Curia. He is also the Diocesan contact to whom victims are referred by the Victim Assistance Coordinator. The power Owens wields in the diocese is deliberately minimized by the term “Pastor.” This is deceptive and, again, a conflict of interest.

**Christopher J. Manning** is listed as “Retired Detective/Police Lieutenant.” What is omitted is that he is also the father of one of the priests of the Diocese. It may be acceptable to the National Review Board to have parents of priests on the review board but this should be noted in official documentation. It is very telling that the father of a priest is on the board but no victim or victim’s family members are represented on the board. Apparently, a sense of fair play is not a requirement in the Diocese of Knoxville or elsewhere for that matter.

Once a victim has spoken to the review board, his or her path to justice is stopped in its tracks. The power that was taken away from the victim by the sexual perpetrator has now been taken away yet again by the church through the unfair composition of the Diocesan Review Board. It is incumbent upon the National Review Board to correct this injustice.

#### **Action items:**

1. The National Review Board must examine the composition of all review boards nationwide. Submission of a list by the diocese to the NRB must include biographies of review board members which are publicly accessible to all. If the USCCB wants victims to appear before a board, it must not be an “inquisition” type set-up to trap victims. Victims and their families have endured too many insults by the Church; this is yet another insult to them. Bishop Stika has run into major public difficulty with his Diocesan Review Board as outlined in the May 17th article in *The Pillar*: “Knoxville Bishop Replaced Investigator in Seminarian Probe” <https://www.pillarcatholic.com/p/knoxville-bishop-replaced-investigator> Given this information, major problems exist and must be remedied in Knoxville and nationwide.
2. In analyzing what Knoxville has done with their Review Board configuration, NRB-mandated updates to policies and procedures for all Diocesan Review Boards are necessary. The degree of duplicity in the make-up of the Diocese of Knoxville Review Board should trigger massive changes initiated by the NRB. Closer examination of review board composition should be audited yearly. .

#### **CONCLUSION:**

I respectfully request that these issues be addressed by the National Review Board and recommendations be made to the USCCB to correct all three parts of this complaint. If the Bishops do not act and recommendations are not forthcoming from the NRB, a Vos Estis complaint will be filed with the Congregation for Bishops naming the entire membership of the USCCB as guilty parties to the complaint under VELM (Article 1, Section 1, Paragraph b) as follows:

b) conduct carried out by the subjects referred to in article 6, consisting of **actions or omissions intended to interfere with or avoid civil investigations or canonical**

**investigations**, whether administrative or penal, against a cleric or a religious regarding the delicts referred to in letter a) of this paragraph.

The USCCB has been totally unresponsive. Their actions or omissions are intended to interfere with or avoid civil investigations or canonical investigations. When violations of this magnitude are not addressed, the basic promise of the Pope and the universal church to stop the abuse of children and the sexual exploitation of adults is rendered null and void. The Dallas Charter of 2002 is rendered useless.

Anticipating decisive action and updated policies to correct these violations.  
Thank you.

Susan Vance  
8324 Burchfield Drive  
Oak Ridge, Tennessee 37830  
SNAP of Tennessee  
[susan8324@gmail.com](mailto:susan8324@gmail.com)  
865-748-3518  
[Rememberthesurvivors.com](http://Rememberthesurvivors.com)

Enclosures: (1) Original complaint of January 14, 2020 including the memorandum by Thomas P. Doyle, J.C.P. and December 31, 2019 press release of the Diocese of Knoxville, (2) Response letter from Dr. Francesco Cesareo, (3) Follow-up complaint of October 3, 2020. (4) August 11, 2021 letter to National Review Board, 3 complaints, (5) Response letter from Suzanne Healy, August 26, 2021

cc:  
His Holiness, Pope Francis PP.. 00120 Via del Pellegrino, Citta del Vaticano

Archbishop Joseph E. Kurtz, Archbishop of the Metropolitan See of Louisville, 3940 Poplar Level Road, Louisville, KY 40213-1463

Bishop Richad F. Stika, Bishop of the Diocese of Knoxville, The Chancery, 805 Northshore Dr. S.W., Knoxville, TN 37919

Bishop J. Mark Spalding, Bishop of the Diocese of Nashville, 2800 McGavock Pike, Nashville, TN 37214

Bishop David P. Talley, Bishop of the Diocese of Memphis, 5825 Shelby Oaks Drive, Memphis, TN 38184

Marc Armand Ouellet, P.S.S., Congregation for Bishops Palazzo della Congregazioni, 00193 Roma, Piazza Pio XII, 10

Ilson de Jesus Montanari, Secretary Congregation for Bishops Palazzo della Congregazioni, 00193 Roma, Piazza Pio XII, 10

Luis Francisco Ladaria Ferrer, S.J., Cardinal, Prefect Congregation for the Doctrine of the Faith Piazza della stessa Congregazione, 00120 Citta del Vaticano, Italy

Giacomo Morandi, Secretary Congregation for the Doctrine of the Faith Piazza della stessa  
Congregazione, 00120 Citta del Vaticano, Italy

Christophe Louis Yves Georges Pierre, Apostolic Nuncio 3339 Massachusetts Avenue, N.W,  
Washington, DC 20008-3687

Carlo Maria Viganò, Apostolic Nuncio Emeritus 3339 Massachusetts Avenue, N.W,  
Washington, DC 20008-3687

Zach Hiner, Executive Director, SNAP (Survivors Network of those Abused by Priests), PO Box  
56539 Saint Louis MO 63156