

January 14, 2020

Dr. Francesco Cesareo
Chairman, National Review Board of the United States Conference of Catholic Bishops
3211 Fourth Street NE
Washington DC 20017

Dear Sir:

As an advocate for clergy sex abuse victims in Tennessee, I am filing a formal complaint against Bishop Richard F. Stika of the Diocese of Knoxville, Tennessee, a suffragan diocese of the Metropolitan See of Louisville, Kentucky under Archbishop Joseph E. Kurtz. The complaint is inclusive of any member and all parties in the Diocese of Knoxville who knew or should have known about the following violation of the Dallas Charter of 2002, issued by the United States Conference of Catholic Bishops (USCCB)

Mr. Michael Boyd filed a lawsuit against the Diocese of Knoxville and other employees/past employees regarding clergy sex abuse. The abuse occurred on the campus of the Cathedral of the Sacred Heart of Jesus and its attached Sacred Heart School in Knoxville. The sexual abuse was perpetrated by Bishop Anthony J. O'Connell of the Diocese and the Vicar General and pastor of the Cathedral, Monsignor Xavier Mankel as well as others. The basis of the lawsuit was the conspiracy to cover up the abuse by parties at the Cathedral and at the school.

On or about mid-November 2019, the Diocese of Knoxville presented the lawyers of Mr. Michael Boyd with settlement papers whose contents violated the Dallas Charter of 2002, specifically Article 3 of the Charter which reads:

ARTICLE 3. Dioceses/eparchies are not to enter into settlements which bind the parties to confidentiality, unless the victim/survivor requests confidentiality and this request is noted in the text of the agreement.

COMPLAINT:

The particulars of the complaint are as follows:

1. Bishop Richard F. Stika and responsible parties of the Diocese of Knoxville presented a settlement to the lawyers of Mr. Michael Boyd which contained a non-disclosure agreement. This NDA was rejected by Boyd's attorneys who deemed it to be an aggressive silencing maneuver by the bishop and the diocese and moved to protect Boyd with a mutual non-disparaging agreement. Both the non-disclosure agreement and the non-disparaging agreement violate Article 3 of the Dallas Charter and place Bishop Stika and the Diocese of Knoxville in noncompliance with the Charter.
2. A formal public reprimand should be issued to Bishop Richard F. Stika and the Diocese of Knoxville for inclusion of these two agreements: non-disclosure and non-disparaging.

Bishop Stika and the Diocese of Knoxville, failing to be proactive in eliminating barriers to Boyd's free speech, broke faith with the victim, with the people and with the USCCB.

3. The annual audit of the Diocese of Knoxville by the USCCB should render the Diocese of Knoxville noncompliant with the Dallas Charter of 2002 for audit year 2019 due to inclusion of these silencing maneuvers in this settlement.
4. All legal settlements finalized by the Diocese of Knoxville since 2002 should be investigated for this violation of Article 3. This includes all settlements arbitrated through lawyers as well as entered into by the victims alone with the Diocese. Audits since 2002 which failed to note the inclusion of silencing (confidentiality) agreements should be declared null and void and the status of the Diocese of Knoxville declared as noncompliant since 2002.
5. Since the attorney hired by the Diocese of Knoxville for Mr. Boyd's case, Gino Marchetti, has been the attorney for several decades for the Diocese of Nashville, Tennessee, similar measures noted above in #1-4 should be undertaken in regard to Bishop J. Mark Spalding and the Diocese of Nashville due to the likelihood of this violation by the Diocese of Nashville and Mr. Marchetti.
6. Given the serious nature of this offence and the fact that the Diocese of Memphis, Tennessee, has close affiliation with the other two dioceses of Tennessee and is also part of the Metropolitan See of Louisville, Kentucky, SNAP of Tennessee requests on behalf of victims that this investigation and consequences also extend to Bishop David P. Talley and the Diocese of Memphis.

REQUEST FOR RECUSALS:

I request that Bishop James V, Johnston, Jr., Chairman of the USCCB Committee on the Protection of Children and Young People, recuse himself from this process. Bishop Johnston was chancellor of the Diocese of Knoxville for part of the tenure of pedophile Bishop Anthony J. O'Connell. Johnston continued as Chancellor for the 2nd bishop of Knoxville, Joseph E. Kurtz, until 2008 when Johnston was appointed Bishop of Springfield-Cape Girardeau, Missouri. This is a conflict of interest as Bishop Johnston would have been a responsible party in cases to be examined in complaints #1-4 above.

I further request that Archbishop Joseph E. Kurtz, recuse himself from this process as well since he was bishop of the diocese of Knoxville immediately after Anthony J. O'Connell. Archbishop Kurtz also has a conflict of interest because he would have been a responsible party in these cases discussed in complaints #1-4 as well.

SERIOUS QUESTIONS THAT ARISE:

1. Is the audit system employed by the USCCB adequate to police the activities of the dioceses/eparchies in regard to legal activities and settlements?
2. What mechanism is employed to examine the settlements and other legal proceedings of the dioceses/eparchies?

3. How much scrutiny is given to the settlements entered into by dioceses/eparchies to ensure compliance with the Dallas Charter of 2002?
4. What steps will be taken to discover violations of Article 3 in other US dioceses/eparchies? How many other violations exist which render the Dallas Charter impotent and useless?

CONCLUSION:

The memorandum by canon lawyer, Thomas P. Doyle, presents a clear explanation of the violations and consequences. The breach of faith with the Catholic people of the Diocese of Knoxville is egregious and unforgivable. Diocesan clergy sex abuse policies and procedures are based on the Dallas Charter of 2002, but how reliable are the actions of Bishop Richard F. Stika and the Diocese of Knoxville in regard to the protection of children and youth if they violate the Dallas Charter so blatantly? This many years after promising to protect our children and youth, can Bishop Richard F. Stika and the Diocese of Knoxville be trusted to follow the dictates of the USCCB? How effective is the USCCB in policing these errant bishops?

The trust of the people in the Catholic bishops and the dioceses they lead is plummeting every day. Quick and decisive action is needed by the National Review Board to show intent to correct this situation across the United States. I would hope that the USCCB would condemn such flagrant violations by the Diocese of Knoxville and other US dioceses/eparchies.

I request your immediate attention to this serious matter.

Sincerely,

Susan E. Vance

SNAP of Tennessee (Survivors Network of those Abused by Priests), 8324 Burchfield Drive,
Oak Ridge, TN 37830

Enclosures: Memorandum by Thomas P. Doyle, J.C.P. (1), December 31, 2019 press release of the Diocese of Knoxville (2)

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

Archbishop Christophe Pierre, Apostolic Nuncio, Apostolic Nunciature, 3339 Massachusetts Ave., NW, Washington DC 20008

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., Chairman 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

Bishop Richard 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

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