

**THE PROTESTANT EPISCOPAL CHURCH
IN THE UNITED STATES OF AMERICA**

.....
In Re

**The Right Reverend
STEVEN ANDREW MILLER,**

Respondent
.....

VERIFIED COMPLAINT

To: The Most Reverend Frank T. Griswold, D.D.
Presiding Bishop of the Episcopal Church
The Episcopal Church Center
815 Second Avenue
New York, New York

MOST REVEREND SIR:

We the undersigned, each being a Priest, Deacon or adult communicant in good standing of the Episcopal Church, pursuant to the provisions of Canon IV.3.23(a)(2), make the following charges against the Rt. Reverend Steven Andrew Miller, Bishop of the Diocese of Milwaukee:

1. At all times herein relevant, Respondent, the Rt. Rev. Steven Andrew Miller, was the Bishop of the Diocese of Milwaukee, Wisconsin.
2. At all times herein relevant, the Rev. Martha Ann Englert, was a Priest canonically resident in the Diocese of Milwaukee, Wisconsin, and Rector of Grace Church in Madison, Wisconsin.
3. At all times herein relevant, the Rev. Roman Shemayev, was a Priest canonically resident in the Diocese of Milwaukee, Wisconsin, and Associate Rector of Grace Church in Madison, Wisconsin.
4. Beginning in December of 2005 and continuing to date, Respondent, the Rt. Rev. Steven Andrew Miller, engaged in a course of conduct directed toward the Rev. Martha Ann Englert, which course of conduct included abusing the authority of his office and misusing the processes provided in Title IV of the Canons of the General Convention; and the violation of the Canons of the General Convention.
5. On or about December 22, 2005, the Respondent, the Rt. Rev. Steven Andrew Miller, summoned the Rev. Martha Ann Englert, the Rev. Roman Shemayev and the Rev. Pat Size, the Hispanic Minister at Grace Church in Madison, to the Diocesan Headquarters in Milwaukee, to be interrogated by a panel appointed by the Respondent, as part of the Respondent's personal "investigation." That investigatory panel included the Canon to the Ordinary and

the Chair of the Diocesan Commission on Ministry. Such investigation was not in accordance with the provisions of the Canons of the Episcopal Church, and was not within the authority of the Respondent under Title IV.

6. Canon IV.3.5 provides in pertinent part that

*“... the Bishop shall concisely and clearly inform the Standing Committee in writing as to the nature of and facts surrounding each alleged Offense but **without judgment or comment upon the allegations...**” (Emphasis added).*

7. By letter dated January 24, 2006, the Respondent, the Rt. Rev. Steven Andrew Miller, violated the express provisions of Canon IV. 3.5 by advising the Standing Committee of the Diocese of Milwaukee, acting in its capacity as Diocesan Review Committee, that certain “facts” made known by him to the Standing Committee **constitute the canonical offense of Conduct Unbecoming a Member of the Clergy in violation of Canon IV.1.1(j)**. See Exhibit A annexed hereto. Emphasis added.

8. On February 11, 2006, the Respondent, the Rt. Rev. Steven Andrew Miller, issued a “Pastoral Direction” to the Rev. Martha Ann Englert, under threat of ecclesiastical discipline, which provided in part,

“...
“1. You are to respect the confidential nature of investigation by the Church Attorney.
“2. You are not to discuss the investigation, the Charge or the nature of the allegations generally with others. ...
“3. You are not to discuss with parishioners, Grace Church staff members, or others any information that they may have provided or may provide to the investigation.
“4. You are not to discuss with parishioners, Grace Church staff members, or others any information that you may have provided or may provide to the investigation.
...”

See Exhibit B annexed hereto.

9. That Pastoral Direction was enclosed with a letter from the Respondent to the Rev. Martha Ann Englert which provided in part,

*“As you know, certain allegations about your conduct were reported to me last year, and inquiry into those matters was made **on my behalf**. As you know further, on January 24, 2006, I notified the Standing Committee acting as the Diocesan Review Committee (the “DRC”) about these matters pursuant to Title IV, Canon 3.5. The DRC is obligated to proceed as if a Charge under the*

Canons has been filed. ...

See Exhibit C annexed hereto.

10. In that letter of February 11, 2006, notwithstanding his statement in his letter to the Standing Committee that certain “facts” made known by him to the Standing Committee constitute the canonical offense of Conduct Unbecoming a Member of the Clergy in violation of Canon IV.1.1(j), the Respondent falsely stated to the Rev. Martha Ann Englert,

“I affirm for you that I have not provided judgment or comment on the allegations.”

11. On April 29, 2006, the Standing Committee issued a Presentment against the Rev. Martha Ann Englert as sought by the Respondent Bishop alleging a violation of Canon IV.1.1(j) for alleged “Conduct unbecoming a member of the Clergy.”

12. At the time of the issuance of the aforesaid Presentment against the Rev. Martha Ann Englert, on April 29, 2006 the Respondent, the Rt. Rev. Steven Andrew Miller, issued a “Inhibition” against the Rev. Martha Ann Englert which was uncanonical, improper, and unlawful; which prevented the Rev. Martha Ann Englert from exercising her fundamental rights; and which would have prevented her from defending herself. That “Inhibition” included the following:

“...
“4. *She shall not communicate with the parishioners or staff of Grace Episcopal Church, Madison (the “Parish”), provided that she may communicate with the Wardens and staff of the Parish to the extent reasonably necessary to comply with this Inhibition.*

“...
“6. *She shall not discuss this matter with any other person other than her Bishop and persons acting on behalf of the office of the Bishop, her spiritual director, her legal counsel, her Consultant appointed under Title IV, and any mental health professional from whom she seeks counseling.”*

See Exhibit D annexed hereto.

13. On Sunday, May 7, 2006, the Respondent, the Rt. Rev. Steven Andrew Miller, attended a special Parish meeting at Grace Church in Madison. At that meeting the Respondent, the Rt. Rev. Steven Andrew Miller, repeatedly stated his conclusion that the factual allegations contained in the Presentment constitute the canonical offense of Conduct Unbecoming a Member of the Clergy, and stated that the end result of the ecclesiastical process would be admonishment, suspension or deposition of the Rev. Martha Englert. He never advised the

persons attending that under the Canons, the Rev. Martha Ann Englert was presumed not to have committed any canonical offense; that the burden of proof was on the Church Attorney who had to prove the allegations by clear and convincing evidence; or that the Rev. Martha Ann Englert may be cleared of all charges.

14. At the request of Counsel for the Rev. Martha Ann Englert, on May 10, 2006, the Respondent, the Rt. Rev. Steven Andrew Miller, modified the Inhibition to delete Paragraphs 4 and 6, but a new Paragraph 1 was added which provided,

“She shall not appear in public wearing a clerical collar, other clerical dress or outward identification of herself as a priest of this Church, except in canonical proceedings before the Ecclesiastical Trial Court, and shall not hold herself out as a priest of this Church.”

See Exhibit E annexed hereto.

15. On May 25, 2006, the Respondent, the Rt. Rev. Steven Andrew Miller, again attempted to interfere with the defense by the Rev. Martha Ann Englert by issuing a “Pastoral Direction” to the Rev. Roman Shemayev, under threat of ecclesiastical discipline, which provided in part,

“You shall not state a position (whether publicly, in writing, or in conversation with parishioners or parish staff) on the Presentment dated April 29, 2006 (the “Presentment”) made against the Rev. Martha Englert by the Standing Committee of the Diocese of Milwaukee acting in its capacity as Diocesan Review Committee; the accuracy or merits of any allegation contained in the Presentment; or the possible outcomes of a trial before the Ecclesiastical Trial Court.”

See Exhibit F annexed hereto.

16. The aforesaid “Pastoral Direction” to the Rev. Roman Shemayev dated May 25, 2006 further provided,

“You shall either remove the letter from you dated May 15, 2006 on the Grace Episcopal Church Website, or modify the language to clarify that you wish to be caring equally for all members of the Grace community in compliance with this Pastoral Direction.”

It is respectfully submitted that the aforesaid conduct by the Rt. Reverend Steven Andrew Miller constitutes “Violation of the Canons of the General Convention”, and “Conduct Unbecoming a Member of the Clergy” in violation of Canons IV.1.1(e) and (j), and we, the undersigned, respectfully pray that this matter be presented to the Review Committee for investigation and Presentment. Each person signing this complaint does so after having investigated the matters set forth in the complaint and by signing this complaint asserts that they are true

to the best of each signer's knowledge and belief.

Complainants:

The Rev. Roman Shemayev, Priest of the Episcopal Church, Diocese of Milwaukee
The Rev. Canon Elizabeth Kaeton, Priest of the Episcopal Church, Diocese of Newark

Robert DeBroux, Senior Warden, Grace Episcopal Church, Madison
Margaret Sleeper, Junior Warden, Grace Episcopal Church, Madison
Kenneth Burns, Communicant, Vestry, Grace Episcopal Church, Madison
Judith A. Guttman, Communicant, Vestry, Grace Episcopal Church, Madison
Carrie Scherpelz, Communicant, Vestry, Grace Episcopal Church, Madison
William Greer, Communicant, former Vestry, Grace Episcopal Church, Madison
Cornelia Gordon Hempe, Communicant, former Vestry, Grace Episcopal Church, Madison
John A. Scherpelz, Communicant, Grace Episcopal Church, Madison
Angelique Garey, Communicant, Grace Episcopal Church, Madison
Jessica Citti, Communicant, Grace Episcopal Church, Madison
A. Henry Hempe, Esq., Communicant, Grace Episcopal Church, Madison
J. Ereck Jarvis, Communicant, Grace Episcopal Church, Madison
Mitch Nakame, Communicant, Grace Episcopal Church, Madison
Catherine M. Meland, Communicant, Grace Episcopal Church, Madison