

Note: Cistone often uses a familiar equivalent in this memo for the survivor's first name. Where he does, we have used the redaction Jim. Where Cistone uses the survivor's full first and/or last name, we use the redaction James.

COMMONWEALTH'S
EXHIBIT
20

MEMO TO FILE

CONFIDENTIAL

RECEIVED
OCT 15 1992
WJL

FROM: Rev. Joseph R. Cistone
ITEM: Interview with Rev. Edward V. Avery
DATE: October 7, 1992
RE: Rev. Edward V. Avery (1970)

Rev. William J. Lynn, Secretary For Clergy, and Rev. Joseph R. Cistone met with Father Avery today at the office for the Secretary for Clergy to discuss James's interview of September 28, 1992 and his letters to Msgr. John J. Jagodzinski and Father Avery. What follows is the account of Father Avery's recollection of his association with James and the issues of concern raised.

Father Avery was shocked by the letter and this subsequent interview. He knows James's family very well. He met them while assigned to East Greenville and described the children as fabulous kids. Jim's whole family vacationed with Father Avery's family down the shore. Father Avery mentioned taking kids to his place at the shore; the fathers would drive and the mothers cooked the meals. He also mentioned the incident at Smokey Joe's.

He thought Jim to be a potential vocation. He kept in contact with Jim during high school. When Father Avery was assigned to Saint Agatha/James, he continued to have groups of kids gather with him. Jim did visit him there but not often. He did help teach Jim to drive; however, he taught others to drive as well.

Father Avery spoke of Jim's desire to be a doctor. He needed help to get into school. He was interested in helping Indians and Father Avery took Jim, along with some of the Hmong people, on a trip to Minneapolis, Minnesota to meet some Indians.

Jim had asked to live at St. Ignatius rectory, where Father Avery had been assigned; however, he only stayed a week.

Father Avery spoke of the fact that Jim began going with a divorcee. Father Avery and Jim's family were upset by this arrangement. Father Avery said that Jim killed her. He then explained that the woman was killed in a car accident in which Jim was the driver. Both had been drinking wine, but neither were drunk. Another car hit them on her side and she was probably killed instantly. Jim was taken to Doylestown Hospital. His dad called Father Avery immediately and Father Avery spent the night at the hospital with Jim. As he remembers it, Jim was not seriously injured and was released the next day. Father Avery helped to get him a lawyer. When asked for a clarification of the time of this accident, Father Avery said with certainty that this was subsequent to the trip to Vermont, which Jim had said was the last time he was with Father Avery.

AD 000102

No. 0551 - 00219



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Father Avery spoke about Smokey Joe's, where he was D.J. for many of the Penn student activities. Father Avery noted that he never let kids drink with him. He does remember the one incident at Smokey Joe's. Jim left him at the stage. Jim met some girls who gave him drinks and he evidently got drunk. At the end of the night, Father Avery had no idea where he went. Father Avery packed the truck himself and, later, found Jim on some stairway.

Later in the interview, in response to Jim's testimony, Father Avery spoke of this incident again. Father Avery noted that Jim did visit him at Saint Agatha/James. Jim would take the train into the city. Father Avery said he supplied music for the Penn students all the time. On this particular occasion, no beer was passed up for Jim, only for Father Avery. The waitress was a Jewish girl whom Father Avery knew very well. He said that Jim reminded the girl of her younger brother. Father Avery was worried when he could not find Jim. Father Avery doesn't remember Jim passing out, only that he found Jim on some stairwell after he himself loaded up the van.

Father Avery does not remember much about the events afterwards, since he had so much to drink himself. He does remember that Jim was very sick and was throwing up. The other guys who were with him put Jim in the van. Father Avery said he had no choice but to take him back to the rectory, since Jim was too sick to go home. Father Avery noted that his room was on the fourth floor and he had a single bed in his room. He does not remember where Jim slept, perhaps on the floor.

Regarding his own disposition at the time, Father Avery noted that he was sound asleep and doesn't remember anything about the night. He is sure he was under the influence of alcohol, but not out of it, since he was on full-time duty for the hospital. He does not recall the incident of which Jim spoke of while in bed.

Father Avery described Jim as a typical teenager showing off. He said the Pennsylvania Dutch kids do drink and, if they drank, it was their problem. If he ever caught kids with alcohol he would confiscate it. Father Lynn questioned the discretion of bringing minors into such an establishment as Smokey Joe's and Father Avery agreed. However, Father Avery did note that he would not have allowed anything to jeopardize the institution's legal responsibilities regarding teenage drinking.

Father Avery spoke of a particular Senior week down the shore. Jim asked to use the house and told Father Avery that adults would be there. Father Avery did not want them to be there unsupervised; however, they did use the place without supervision. When Father Avery went down, he had to push open the door to the loft, since one of Jim's friends was lying across the loft door, very drunk.

AD 000103

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With regards to having kids down the shore, Father Avery said he did not serve beer. He would supply a keg of birch beer. He would rough-house with them in the loft, but only in a kidding fashion. He himself slept downstairs. His mother was also there and slept downstairs as well.

Regarding the trip to Minneapolis, Father Avery noted that they went so that Jim could meet the Indians. He did not drink with Jim. In fact, the Hmong people were with them and the Hmong do not drink. Fr. Avery said Jim's account was a "definite lie."

Father Avery did mention the incident concerning the magazines which James alluded to in his interview. Father Avery did not find them in the rectory. They were in the lower sacristy of Saint Agatha/James. He used to teach 600 Hmong to read and write Hmong so they could then learn to read and write English. He stored the textbooks in this lower room and found the magazines in among the books. He "hit the roof" when he found them and immediately went to Father Dan Devine about it. Father Avery said it was the first time in his life that he ever saw those types of books, i.e. pornographic literature. Father Karl Zeuner was also there at the time and Father Avery asked his advice as to what to do. Father Avery ripped them up and trashed them. He was embarrassed at the thought that he may have pulled them out in the presence of the people when distributing the textbooks. He also said he suspected they were put there by a man who used to work at the parish.

Father Avery recalled the ski trip to Vermont. His brother also drove. They stayed the first night at the home of the "Whites" who were friends of his. They spent the second night at the hotel. Jim's description of the beds and arrangements were accurate. Father Avery did share the one bed with Jim while his brother slept in the other. Regarding the incident Jim spoke of, Father Avery said: "that's a shock to me." "I thought he was a potential vocation. I was so good to him. I was so close to his father." He remembered the second night very well. Father Avery said he himself was really sick. He was up half the night. He had gotten sick on some red sauce from dinner. He had been skiing during the day. When skiing, he did drink to keep warm and, when the skiing ended, the alcohol would take some effect. However, he remembers being more sick from the sauce than drunk. If, while in bed, he touched Jim, it was strictly accidental, due only to his tossing and turning.

As the interview was coming to an end, Father Avery made several summary remarks. He last saw Jim after the accident when his girlfriend was killed. That's when Jim's personality changed. His father came down on Jim hard when he started going out with this divorcee. Jim was a problem kid his whole life and Father Avery thought Jim went against his parents.

AD 000104

No. 0551 - 00221



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Father Avery had a wedding at Sunneytown the same day Jim got married. Father Avery did not know of Jim's wedding. He left a note for Jim's parents at their home to say he had been in the neighborhood. Later that evening, Jim's father called Father Avery and told him of the wedding that day. When Jim's father died, Father Avery was not aware of it and did not go to the funeral. He learned of the death from Father George Moore afterwards.

Father Avery expressed an absolute denial of all accusations. He had helped the whole gang of kids, not just Jim. He thought it funny that Jim would pick these incidents, since there were no witnesses. If he had picked an incident down the shore, the other kids present would know that Jim was lying.

Father Avery did not know what else to say. He knows Jim well and knows the family well. The family never said anything to him about these incidents.

Father Lynn informed Father Avery that Jim was going to counselling for this issue and Father Avery responded with shock. When asked why he thought Jim would make false accusations, Father Avery responded he had "no idea...My hidden agenda was that he would become a priest."

Father Lynn asked "hypothetically" if Father Avery thought it could have happened under the influence of alcohol and that he might not remember. Father Avery said it "could be." Father Avery said: "I was definitely under the influence of alcohol; but, I'm not an alcoholic." Father Lynn asked if he thought these things could have happened and Father Avery responded: "I don't know."

Father Avery expressed great concern about this becoming a legal issue. He said: "This isn't a problem. I can assure you of that. Absolutely not." He noted that he has six adopted children, three of whom are girls. He repeated that he helped Jim get into Hahnemann, wrote letters of recommendation and gave him all kinds of help. Father Avery made note of all the kids he had associated with and helped and how one mistake negates all the good you've done.

He insisted that he does not allow kids to drink. He does not drink much himself, anymore. He does not usually take kids alone, one-on-one. Instead, he takes them in groups because he wants them to have fun.

Father Lynn informed Father Avery that we have a responsibility to respond to these issues. Once this interview is transcribed, Fr. Cistone will meet with Father Avery again to assure the accuracy of this account and have him sign the transcript. The matter will then be presented to the Cardinal for his review and action.

AD 000105

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Father Lynn noted that the prudent course would be for Father Avery to undergo an extensive psychological evaluation. Father Avery responded: "I'll definitely go for all of that to clear myself." Father Avery also noted that he was fully confident and will cooperate fully.

I HAVE REVIEWED THE ABOVE DOCUMENT AND AFFIRM THAT IT REFLECTS ACCURATELY THE ACCOUNT WHICH I GAVE IN THIS INTERVIEW.

[Faint signature]

Date 10-14-92

Joseph R. Costone

Date 10-14-92

AD 000105

No. 0551 - 00223

