



Archdiocese of Philadelphia  
Office of the Cardinal  
222 North 17th Street  
Philadelphia, PA 19103-1299

June 20, 2005

His Excellency  
Archbishop William J. Levada  
Congregation for the Doctrine of the Faith  
00120 Vatican City State

Your Excellency,

As a follow up to my letter of November 12, 2004 and in accordance with *Sacramentorum sanctitatis tutela* I submit to you the case of Reverend Edward V. AVERY. I urgently request that Father Avery be dismissed from the clerical state *ex officio et in poenam*.

In September of 1992 Father Avery was accused of sexually abusing a minor male on several occasions between 1977 and 1983 in violation of *CIC* (1917), c. 2359§2. At the time the alleged abuse began the boy was thirteen years of age. Although Father Avery has denied the allegations, I have had them carefully investigated and I find the evidence that Father Avery sexually abused a minor male to be compelling. Details of the allegations and Monsignor Avery's response can be found in the attached report.

On June 2, 2003 my predecessor, Cardinal Anthony Bevilacqua, issued a decree opening a preliminary investigation into the accusations against Father Avery. After a careful investigation and having heard experts in the law and others possessing expertise concerning these issues, including the Archdiocesan Review Board mandated by the *Essential Norms* n. 4a, I issued a decree on December 5, 2003 declaring that there is credible evidence Father Avery committed a delict by sexually abusing a minor. By the same decree I also directed that the acts of the preliminary investigation be referred to the Congregation for the Doctrine of the Faith as mandated by *Sacramentorum sanctitatis tutela*, art. 13. In addition, I issued a decree restricting Father Avery's public priestly ministry pending the outcome of his case as provided for in *CIC*, c. 1722.

There has been some delay in transmitting the case to you because Father Avery asked for time to consider petitioning for a dispensation from the obligations arising from Sacred Orders so as to be returned to the lay state. Although Father Avery has been asked on multiple occasions if he intends to submit this petition, he has not been able to reach a decision.



Father Avery was ordained as a priest of the Archdiocese of Philadelphia by Cardinal John Krol on May 16, 1970. Father Avery is currently sixty two years of age and his health is good. He is living in a private home within the Archdiocese of Philadelphia. There are no known pending criminal or civil cases against Father Avery in the secular courts. The Archdiocese of Philadelphia continues to provide Father Avery with his salary and other benefits. His full *curriculum vitae* can be found on the enclosed Table.

I do not consider a trial or administrative penal procedure necessary in this case. I have had the accusations against Father Avery carefully investigated. As can be seen from the attached supporting documentation, a considerable amount of information was gathered during the initial investigation. It is unlikely any new pertinent information would be uncovered during a penal process. Father Avery's canonical advisor has had the opportunity to examine the acts of the case and they have had the opportunity to offer a response to the accusations.

I have carefully considered all of this information in formulating my recommendations. Given the nature and credibility of the testimony against Father Avery, most notably the nearly contemporaneous report of the abuse which the accuser made to a friend, I am morally certain that Father Avery committed the delict of sexual abuse of a minor. It is also significant that the accuser has no apparent motive to be dishonest and he is not seeking financial gain. Although there are indications that Father Avery was drinking alcohol at the time of some of the alleged incidents, there is no evidence that the use of alcohol seriously mitigated Father Avery's responsibility for his actions.

Dismissal from the clerical state is the most appropriate penalty in Father Avery's case. I do not consider Father Avery suitable for public ministry. The accusations against him reveal a disturbing willingness to use his position of trust as a priest to take advantage of a vulnerable minor male. In 2003 a psychological evaluation of Father Avery was conducted by Ronald J. Karney, Ph.D. of Kelly Counseling & Consulting, Glenn Mills, PA. Father Avery released this report to the Archdiocesan Review Board, which found the allegations credible. He has not released his psychological report for inclusion with these documents and so secular law prevents their transmittal. I can state, however, that our interpretation of the reports from the professional personnel who examined Father Avery suggests that his returning to active ministry would be an embarrassment to the Church, and would constitute a danger to children.

Also, because Father Avery has expressed an unwillingness to live a supervised life of prayer and penance which would permanently restrict him from publically ministering the sacraments (as provided for in the *Essential Norms* n.8b), dismissal from the clerical state is the most appropriate penalty in Father Avery's case.

Father Avery's dismissal from the clerical state is urgent because there is a great danger of additional public scandal so long as Father Avery remains a cleric. The accusations against Father Avery were given prominent coverage in Philadelphia's primary newspaper. Father Avery's personnel file was also among those subpoenaed by civil authorities in an investigation of sexual



abuse being conducted by the District Attorney of the City of Philadelphia. There is a great danger, therefore, that Father Avery's misconduct could come under additional public scrutiny. The scandal Father Avery gave to the person he victimized, to the victim's family, and to the community would be greatly mitigated by Father Avery's removal from the clerical state, as would the wider scandal that will inevitably arise should his misconduct once again come under public examination.

In summary, I find compelling evidence that Father Avery committed a delict by sexually abusing a minor. I urgently request that Father Avery be dismissed from the clerical state *ex officio et in poenam*.

Sincerely yours in Christ,

*Justin Card. Rigali*  
Cardinal Justin Rigali  
Archbishop of Philadelphia

