

Section II

The Sexual Abuse of Billy

This Grand Jury investigation began with the tearful testimony of “Billy.” Billy was a 10-year-old student in Barbara Mosakowski’s fifth-grade class at St. Jerome School in Philadelphia when two priests molested and orally sodomized him during the 1998-99 school year. Billy had signed up to be an altar boy at St. Jerome Church because his brother, who was three years older, had been one. He also participated in the “maintenance department” of the school’s bell choir, meaning that he took the bells out of their cases before choir practice and put them away at the end.

Rev. Charles Engelhardt abused Billy in the church sacristy after Mass.

Billy’s first uncomfortable encounter with a priest took place after he served an early morning weekday Mass with Rev. Charles Engelhardt. While Billy was cleaning up in the church sacristy, Father Engelhardt caught him drinking some of the leftover wine. The priest did not scold the 10-year-old altar boy. Instead, he poured him more of the sacramental wine and began asking him personal questions, such as whether he had a girlfriend.

While discussing such matters, Father Engelhardt pulled pornographic magazines out of a bag and showed them to Billy. He asked the boy how it made him feel to look at pictures of naked men and women, and which he preferred. He also told Billy that it was time for him to become a man, and that “sessions” with the priest would soon begin. With

that enigmatic statement, Father Engelhardt let Billy go to school. At the time, the fifth-grader did not understand what the priest meant; he just put the episode in the back of his mind, and went about what he was doing.

About a week later, Billy served another early morning Mass with Father Engelhardt. When they were in the church sacristy afterwards, the priest instructed Billy to take off his clothes and sit on a chair next to him. As the boy nervously complied, Father Engelhardt undressed himself, and then began to caress the 10-year-old's legs. He repeated to Billy that it was time for him "to become a man," and proceeded, in Billy's words, both "to jerk [Billy] off" and to perform oral sex on him.

At Father Engelhardt's direction, Billy next fondled the priest's genitals, and then got on his knees and put the priest's penis in his mouth. Father Engelhardt called Billy "son," and told him he was doing a good job as he instructed the boy to move his head faster or slower. After ejaculating on Billy, Father Engelhardt told him he was "dismissed."

About two weeks later, Father Engelhardt asked him if he was ready for another session, but Billy emphatically refused.

Rev. Edward V. Avery learned that Father Engelhardt had abused Billy, and then did the same thing.

Father Engelhardt left Billy alone after his unsuccessful attempt to arrange a repeat "session," but the boy's ordeal was far from over. A few months after the encounter with Father Engelhardt, Billy was putting the bells away after choir practice when Father Edward Avery pulled him aside to say that he had heard about Father

Engelhardt's session with Billy, and that *his* sessions with the boy would soon begin.

Billy pretended he did not know what Father Avery was talking about, but his stomach turned.

Soon after the warning, Billy served a Mass with Father Avery. When Mass was ended, Father Avery took the fifth-grader into the sacristy, turned on music, and ordered him to perform a "striptease" for him. Billy started to undress in a normal fashion, but Father Avery was not satisfied and directed him to dance while he removed his clothes.

Father Avery sat and watched Billy with an "eerie smile" on his face, before getting up and undressing himself. When they were both naked, the priest had the boy sit on his lap and kissed his neck and back, while saying to him that God loved him and everything was okay.

Father Avery fondled Billy's penis and scrotum, and then had Billy stand so that he could perform oral sex on the boy. As the priest fellated the 10-year-old, he stuck his finger in Billy's anus, causing him to react in great pain.

After sucking on Billy's penis for a while, Father Avery announced that it was time for Billy to "do" him. He directed the 10-year-old to fondle his genitals and then put the priest's penis in his mouth and suck on his scrotum. The session ended when Father Avery ejaculated on Billy and told him to clean up. The priest told Billy that it had been a good session, and that they would have another again soon.

They did, a few weeks later, following an afternoon weekend Mass. As Billy was cleaning a chalice, Father Avery again directed the 10-year-old to strip for him. When Billy did as he was told, the priest fondled and fellated him again and, this time, licked

his anus. He made Billy “jerk him off” as he performed oral sex on the boy. After Father Avery ejaculated, he left Billy in the sacristy.

From then on, Billy avoided serving Mass with Father Avery by trading assignments with other altar boys. But, like many children who are sexually abused, he was too frightened and filled with self-blame to report what had been done to him.

Sixth-grade teacher Bernard Shero raped Billy in the back seat of a car.

Billy had a slight break over the summer between fifth and sixth grades. He went to the New Jersey Shore with his family and, for that period, did not have to serve Mass with Father Engelhardt or Father Avery. But when he returned to school in the fall, he found himself in the sixth-grade classroom of Bernard Shero. Shero, according to Billy, was “kind of a creep.” He touched students when he talked to them, and would put his arm around students and whisper in their ears. Billy testified that Shero’s conversations with students were inappropriate, and that he would try to talk to Billy about intimate things.

One day, Shero told Billy he would give him a ride home from school. But instead of taking Billy straight home, he stopped at a park about a mile from the boy’s house. When Billy asked why they were stopping, Shero answered, “We’re going to have some fun.” The teacher told Billy to get in the back seat of the car. He directed his student to take his clothes off, but then became impatient and started helping Billy to undress. Shero then fondled Billy’s genitals and orally and anally raped the now 11-year-old boy. Shero was only able to get his penis part-way into Billy’s anus because the boy

screamed in pain. The teacher then had Billy perform the same acts on him. As Billy did so, Shero kept saying, "It feels good."

After raping Billy, Shero told him to get dressed. He then made the fifth-grader walk the rest of the way home.

Billy suffered physical and emotional harm as a result of the abuse.

Although Billy was too frightened to directly report the abuse as a child, he experienced otherwise unexplained physical problems that corroborated his testimony before the Grand Jury. In the fifth grade, when Fathers Engelhardt and Avery were having their "sessions" with him, Billy complained to his mother of pain in his testicles. In the sixth grade, when Shero raped and orally sodomized him, he went through an extended period when he would gag and vomit for no reason. His mother took him to doctors for both conditions, but there was never a diagnosis. Billy's mother turned over to the Grand Jurors her records of her visits to doctors with Billy.

Billy's mother also told us of a dramatic change in her son's personality that coincided with the abuse. His friends and their parents also noticed this personality change. Billy's mother watched as her friendly, happy, sociable son turned into a lonely, sullen boy. He no longer played sports or socialized with his friends. He separated himself, and began to smoke marijuana at age 11. By the time Billy was in high school, he was abusing prescription painkillers, and eventually he graduated to heroin.

It was at an inpatient drug treatment facility that Billy first told someone about his abuse. Billy's mother testified that she probably should have suspected something before

then, because she found two books about sexual abuse hidden under Billy's bed when he was in high school. She asked him about the books at the time, but he covered up for his abusers by telling her that he had them for a school assignment.

The Philadelphia Archdiocese had assigned Father Avery to St. Jerome even though Msgr. William Lynn, Cardinal Anthony J. Bevilacqua, and other high-ranking officials knew he had abused another boy and could not be trusted around adolescents.

In at least one instance, the blame for the abuse Billy suffered did not lie with the perpetrators alone. The Secretary for Clergy, Monsignor William Lynn,¹ who is now the pastor at St. Joseph Church in Downingtown, had recommended Father Avery for assignment to a parish with a school. He then failed to supervise or restrict his contact with adolescents in any way. Msgr. Lynn did this even though he knew that Father Avery had sexually abused another boy and could not be trusted around children.

While we cannot know Msgr. Lynn's motivation for this abhorrent decision to allow a known child molester unfettered access to children whose parents had entrusted them to the Archdiocese's care, we know that it gravely endangered the welfare of the parish children – a danger that was tragically realized in Billy's case.

Seven years before Father Avery abused Billy, the Archdiocese learned he had abused someone else.

Seven years before Father Avery abused Billy, Msgr. Lynn, Cardinal Anthony J. Bevilacqua, and other Archdiocese officials learned that the priest had molested another

¹ At the time, Lynn's title was "Father" Lynn. Cardinal Bevilacqua granted him the title of "Monsignor" shortly after. Because Lynn held that title throughout most of the events referred to in this report, we refer to him exclusively as "Msgr. Lynn" to avoid confusion.

altar boy. “James” was a 29-year-old medical student, with a wife and child, when he wrote to the Archdiocese in the spring of 1992 to report that Father Avery had abused him in the 1970s and 1980s. He enclosed a copy of a letter that he had just sent to Father Avery, in which he told the abusive priest:

I’ve been carrying a burden for all these years that is not justly mine to bear. . . . It all began when I was a young boy and you came to my church. I thought you were funny and you let me help you at dances and other functions. You made me feel valued, included, and special. I trusted, respected, and loved you, and you taught me many things about construction, driving, and gave me my first beer. I truly believed you had my best interest at heart, that you cared about me in a fatherly way.

Then one night after I had helped you at a dance and had quite a lot to drink I awoke to find your hand on my crotch. I was terrified. . . .

I’ve never told you until now because I’ve been afraid and I’ve always blamed myself for what happened. I always thought there was something I did or said or a way I acted that made you think it was alright to do what you did. I would think that you’ve been such a good friend to me that maybe these activities were alright.

I knew one thing, I didn’t want you to touch me that way and I didn’t want sex with you or any other man. I was determined after that night that I would never be hurt by you again. I would always be safe from that kind of intrusion. I became distant and depressed, my ability to trust men shattered. I am only now undergoing the long recovery process from wounds I suffered at your hands. I have let too much of my life be controlled by this terrible wrong you committed.

YOU HAD NO RIGHT TO HURT ME THE WAY YOU DID.

YOU HAVE NO RIGHT TO HURT ANYONE ELSE THIS WAY.

I AM NOT RESPONSIBLE FOR WHAT YOU DID TO ME.

ALL THE RESPONSIBILITY IN THIS MATTER IS YOURS.

I WILL NO LONGER CARRY THIS BURDEN FOR YOU.

MY ONLY RESPONSIBILITY IS TO GOD, MYSELF, AND FAMILY.

James told the Archdiocese that he sought neither money nor scandal. He merely wanted to make sure that Father Avery was not still a threat to others.

On September 28, 1992, Msgr. Lynn and his assistant, Father Joseph R. Cistone, who is now the Bishop of Saginaw, Michigan, interviewed James. James told them that he had met Father Avery in 1976, when he was an altar boy and the priest was assistant pastor at Saint Philip Neri Parish in East Greenville. Father Avery would take James and other altar boys to his beach house in North Wildwood and give them alcohol. Father Avery gave James his first drink at age 12.

James told Msgr. Lynn and Father Cistone that Father Avery first touched him on an overnight with a group of altar boys at the priest's house on the Jersey Shore. Father Avery had entered the loft where the boys were sleeping, and had "wrestled" with them and "tickled" them. Several times, Father Avery put his hand on the boy's crotch.

In September 1978, Father Avery was transferred abruptly to Saint Agatha-Saint James Parish. James's mother, Mary, described how, "One Sunday Father Avery was saying Mass and that Wednesday he was gone, transferred for some unknown reason."

After his transfer, Father Avery, who moonlighted as a disc jockey at bars, weddings, and parties, continued to invite James to assist him on disc jockey jobs. During James's freshman year in high school, he took the boy to Smokey Joe's, a bar on the University of Pennsylvania campus. There, the boy and the priest were served large amounts of alcohol. James told Msgr. Lynn that the priest took him back to his rectory for the night. When the then-15-year-old awoke, he was in Father Avery's bed with the priest, and Father Avery had his hand on James's genitals.

James related to Msgr. Lynn a similar incident that occurred on a ski trip to Vermont when James was 18 years old. Again, Father Avery slept in the same bed with James and fondled the boy's genitals.

Msgr. Lynn and Father Cistone next interviewed Father Avery, who told them that he was drunk the night of the Smokey Joe's incident – as was the 15-year-old – and did not recall much. He acknowledged that it “could be” that he did what was alleged, but claimed that he could not remember. He told Msgr. Lynn that if he touched James in Vermont while sleeping in the same bed, it was “strictly accidental.” He would later admit to a District Attorney's Office detective, however, that he did fondle James's genitals on the Vermont trip.

Father Avery also informed Msgr. Lynn in 1992 that he had adopted six Hmong children – three girls and three boys. Archdiocese officials did nothing over the years to investigate the welfare or safety of these children entrusted to the accused child molester.

Msgr. Lynn summarized his interviews with James and Father Avery in a memo to Cardinal Bevilacqua and, according to procedure, recommended that Father Avery be sent for evaluation at Saint John Vianney Hospital, an Archdiocese hospital in Downingtown. The Cardinal approved the recommendation in late 1992.

Father Avery was evaluated and treated at an Archdiocese hospital; even it recommended that any future ministry by the priest not include adolescents.

After four days of evaluation from November 30 through December 3, 1992, the Anodos Center, a part of Saint John Vianney Hospital in which sexual offenders in the clergy are evaluated and treated, recommended in-patient treatment for Father Avery.

Msgr. Lynn reported to Cardinal Bevilacqua that the center had found Father Avery's account of his involvement with James vague and inconsistent, that he seemed to have a mood disorder, and that he likely abused alcohol.

On December 15, 1992, the Cardinal, who had allowed Father Avery to remain the active pastor of a parish for ten and a half months after James reported the sexual abuse to the Archdiocese, approved the recommendation for in-patient treatment at the Anodos Center.

After Father Avery spent six months at Saint John Vianney, during which time James came to the hospital to confront the priest, it was determined that treatment should continue. Msgr. Lynn's memos to the file, which up to that point had thoroughly documented the relevant facts and all the recommendations that he had provided to the Cardinal, became sparse.

The Archdiocese maintains what it calls "secret archive files," which should include all information relating to complaints against priests, such as those involving sexual abuse of minors. This file for Father Avery contained only a few scrawled notes in Msgr. Lynn's handwriting from the time the priest was at St. John Vianney. The notes stated that treatment is to be continued; that Avery "got into shame" after meeting with James at the treatment center; that the priest was "in denial;" that there was a question of whether there were other victims; and that Father Avery was "upset" and "angry."

The next memo in the secret archive file, dated August 24, 1993, was written by Msgr. Edward P. Cullen, the Cardinal's number two man and the vicar for administration, who went on to become the Bishop of the Allentown Archdiocese. In this memo, Msgr.

Cullen passed along Cardinal Bevilacqua's instructions to Msgr. Lynn. The Cardinal wanted his Secretary for Clergy to falsely explain Father Avery's resignation to his parish as a matter of health, rather than inform parishioners of the truth – that the priest had molested at least one altar boy, and could not be trusted around adolescents.

Msgr. Cullen's memo stated:

Cardinal Bevilacqua responded by saying that the Regional Vicar [Charles Devlin] should handle this matter. Monsignor Devlin should note that Father Avery resigned (if, in fact, you have his letter of resignation) and that the fundamental reason for his resignation is related to his health. Cardinal Bevilacqua further thought it would be helpful if Monsignor Devlin had a letter from Father Avery . . . which would be addressed to the parishioners thanking them for their support and indicating that his decision to resign was essential for his health.

The next day, August 25, 1993, the Cardinal received Father Avery's resignation as pastor at St. Therese of the Child Jesus in Philadelphia. In his letter, the priest noted that he had met with Msgr. Lynn, and he maintained the ruse that he was resigning "because my present state of health needs more attention."

In Cardinal Bevilacqua's testimony before the previous grand jury, he tried to explain this deception of parishioners by claiming that the mention of health referred to a bipolar condition and alcoholism. Saint John Vianney had, however, informed the Archdiocese months before that Father Avery was "NOT bipolar."

Msgr. Cullen testified before the previous grand jury that Cardinal Bevilacqua was insistent, in all cases involving the sexual abuse of minors by priests, that parishioners not be informed of the truth. In accordance with that policy, Msgr. Lynn lied to a parishioner in a March 1993 letter, claiming that, while Father Avery was at Saint John Vianney, "there have never been anything but compliments heard in this office

about Father Avery.” He wrote to another parishioner in July 1993 about the reason for Father Avery’s absence: “Let me assure you that is what they are – rumors.” Msgr. Lynn told that parishioner that Father Avery had requested a health leave.

Father Avery was discharged from Saint John Vianney on October 22, 1993. In a memo to Msgr. James E. Molloy, then the assistant vicar for administration, Msgr. Lynn listed the treatment center’s recommendations. These included “a ministry excluding adolescents and with a population other than vulnerable minorities; a 12-step Alcoholics Anonymous meeting for priests; and any further involvement with the Hmong be in an administrative or pastoral capacity.” Saint John Vianney also advised that an aftercare team was necessary to keep watch over Father Avery.

Despite the treatment center’s report, Msgr. Lynn concluded his memo by recommending that Father Avery be assigned as an associate pastor at Our Lady of Ransom, a parish in Philadelphia with an attached elementary school. Msgr. Molloy forwarded Msgr. Lynn’s memo to Cardinal Bevilacqua.

Cardinal Bevilacqua assigned Father Avery to live at St. Jerome and allowed the known abuser to perform Masses with altar boys.

Cardinal Bevilacqua followed Msgr. Lynn’s inexplicable recommendation to assign Father Avery to reside at a Philadelphia parish with an attached elementary school, though the Cardinal chose Saint Jerome instead of Our Lady of Ransom. In a December 7, 1993, letter to Rev. Joseph B. Graham, the pastor at St. Jerome, Msgr. Lynn wrote that Father Avery had been asked to help in the parish as much as he was able. Msgr. Lynn

did not mention in his letter that Father Avery's interaction with children at St. Jerome should be restricted or supervised in any way.

Msgr. Lynn ignored repeated warnings that Father Avery was not complying with supposed restrictions on his activities.

After assigning Father Avery to live at St. Jerome, a parish with an elementary school, the Archdiocese hierarchy did virtually nothing to minimize the continued danger that the priest posed to children. Archdiocese officials followed few, if any, of the therapists' recommendations.

Saint John Vianney personnel repeatedly told Msgr. Lynn that Father Avery's aftercare team was not in place and was not meeting as it should. In fact, the team that the Archdiocese supposedly relied on to supervise Father Avery (Father Joseph Sweeney, Father Graham, and Msgr. Lynn) did not meet for more than a year after the priest's release from the treatment center. Father Graham, the pastor, denied even knowing he was on such a team.

A chaplain at the hospital, Father Michael Kerper, warned Msgr. Lynn frequently that Father Avery was neglecting his duties and was instead booking numerous disc jockey engagements. Msgr. Lynn's notes record that even Father Graham called to complain that Father Avery was doing too much disc jockeying.

In February 1995, Father Kerper took it upon himself to inform Msgr. Lynn that Father Avery had booked party engagements for 25 of the next 31 Saturdays. Msgr. Lynn brushed off the Saint John Vianney chaplain and disregarded the implications of Father

Avery's access to young people – even though he knew these activities involved precisely the kind of situations the priest had exploited to sexually molest James.

Msgr. Lynn and his colleagues also appear to have ignored Father Avery's continued involvement with the Hmong, despite Saint John Vianney's explicit recommendation to limit his contacts with that community. According to Cardinal Bevilacqua, restrictions on an abusive priest's ministry are normally documented in his file. There is nothing, however, in Father Avery's file to suggest that his access to the Hmong children whom he adopted, or his non-pastoral relationships with the Hmong, was ever restricted or even monitored.

Archdiocese documents indicate that, in 1996, Msgr. Lynn was aware that Father Avery was still deeply involved with the Hmong community – three years after therapists had urged that he be kept away from “vulnerable minorities.” There is no indication that church officials ever checked on the welfare of Father Avery's “adopted” children – even though Msgr. Lynn and the Cardinal were the only people in a position to protect those children, having concealed from the community that the man entrusted with their welfare was an accused child molester.

Msgr. Lynn protected Cardinal Bevilacqua while endangering parish children.

Between 1994 and 2002, the only thing that concerned Msgr. Lynn sufficiently to suggest a meeting with Father Avery was the priest's repeated requests to attach Cardinal Bevilacqua's signature to endorsements for various certifications and programs. The Cardinal did personally endorse Father Avery for certification by the National

Association of Catholic Chaplains, which asked the Cardinal to vouch for the priest's "high standards of professional competence and moral and ethical conduct." But the next time such an endorsement was needed, Msgr. Lynn interceded to protect Cardinal Bevilacqua.

In September 1997, Msgr. Lynn met with Father Avery to tell him that the Cardinal could not complete a questionnaire for his admittance to a doctoral program at Chestnut Hill College, explaining that "Cardinal Bevilacqua must be careful as to what kinds of endorsements he gives." Msgr. Lynn was not, however, telling Father Avery that the Archdiocese would not vouch for his good character – only that the Cardinal's name could no longer appear on written endorsements. Msgr. Lynn furnished the necessary character reference himself, citing honesty as one of Father Avery's strengths, and Father Avery enrolled in the college program.

During the same September 1997 meeting with Father Avery, Msgr. Lynn told the priest that he had received an e-mail from James. In fact, he had received the e-mail a year earlier. In September 1996, James wrote:

What in the end happened to [Father Avery]. I'm not asking for details. What I want to know is – is he rehabilitated or in a situation where he can't harm others? Will the diocese vouch for the safety of its children? For my peace of mind I have to know.

Msgr. Lynn wrote in his memo of the September 1997 meeting that he told Father Avery that he had responded to James "that the Archdiocese had taken proper steps in the matter, without stating where Father Avery was stationed."

Msgr. Lynn continued that he told Father Avery “he should be more low-keyed than he has been recently.” He then noted: “Father Avery, at first, did not seem to understand what I was talking about, but after we had been talking for a while it finally dawned on him what I was saying.”

Msgr. Lynn did not say in his memo what Father Avery had done recently to prompt this warning. In fact, Msgr. Lynn’s obscure language, the pride he seemed to take in relating to Father Avery that he had not told James that the priest was living in the rectory of a parish with a school, and the warning to the sexual predator to be “low-keyed” all seem like the product of someone trying to aid and abet an abuser in escaping detection. They are certainly not the product of someone trying to protect children from a predator in their midst.

In 1998, Msgr. Lynn wrote another memo to the file explaining why Cardinal Bevilacqua could not recommend Father Avery as a chaplain to the Veteran’s Hospital. The problem was that the Cardinal would have to write a letter saying there were no allegations against Father Avery, which obviously was not true. Msgr. Lynn also wrote that he still had “concern” about Father Avery because the priest “still seems to minimize his behavior.”

Again, Msgr. Lynn in the memo did not specify the “behavior” he was referring to. In any case, Father Avery stayed at St. Jerome, serving Mass with children and hearing their confessions. He also kept working as a disc jockey, because no one made him stop.

Msgr. Lynn wrote this memo a few months before Father Avery molested Billy.

The 1992 allegation against Father Avery was not officially deemed credible until 2003 – after a grand jury had launched an investigation.

In June 2002, 10 years after James first reported the abuse by Father Avery, he called Msgr. Lynn in frustration. James told Msgr. Lynn that Father Avery was still engaging in the same activities that led to his abuse. He informed Msgr. Lynn that Father Avery was working parties as a disc jockey, and expressed concern that the priest was around minors drinking alcohol. James told Msgr. Lynn he felt he was not being “heard as credible.” The victim offered more details of the priest’s past behavior with him and other boys, and he gave names of those who could corroborate his story.

James had explained to Archdiocese officials when he first came forward in 1992 that writing his letter confronting Father Avery was the most difficult thing he’d ever done. He had been unable to do it for more than a decade. He expected that when he finally mustered the courage to act he would find some resolution and be able to move on. He had presumed the Archdiocese would act on his information to keep Father Avery away from other boys.

James told Msgr. Lynn that he wanted Father Avery to “own up” to what he had done, and he wanted the Archdiocese to protect other children. Most of all, he said, he wanted to know he was believed. Yet Msgr. Lynn refused to tell this 29-year-old victim, who sought nothing but to place the responsibility for his molestation where it belonged, and to protect other children from experiencing the same trauma, that he was believed.

Meanwhile, Father Avery continued to minister at St. Jerome. He testified before the previous grand jury that he continued to celebrate Mass, with altar servers, usually

twice a weekend. He told the grand jury on April 25, 2003, that he was still permitted to hear confessions of the grade-school children. He said he was never told to restrict his activities with the children of the parish.

On June 2, 2003, a little over a month after Father Avery testified before the grand jury, Cardinal Bevilacqua finally launched an investigation into the 1992 allegations. Following a review of the investigation by an Archdiocesan review board, Cardinal Justin Rigali, who succeeded Cardinal Bevilacqua in 2003, found James's allegation "credible." Cardinal Rigali removed Father Avery from all assignments and prohibited him from performing public ministry on December 5, 2003. That was five years too late to protect Billy – and who knows how many other children.