

Family witness statement - Cercone family (Caroline & Justin Cercone)

Your Honor,

Thank you for the opportunity to speak today. I would like to thank all the courageous men and women who have spoken the truth about the horrendous evil that has taken place in the Buffalo Diocese for decades, but most especially the courageous survivors, the whistleblowers and the journalists who put their necks on the line for exposing the horrendous evil we are hear to discuss today. It was their involvement and stories that encouraged my son to expose the evil done to him.

My husband and I and our children were parishioners of St. Mary's in Swormsville starting 2009. Both my husband and I were educated on child sexual abuse. My husband was a teacher, thus a mandatory reporter. I was a school secretary before switching to the legal field and becoming an attorney. We both worked in Catholic schools in Philadelphia, and we were trained by the sexual abuse awareness programs in Philadelphia and Buffalo. In Philadelphia, we were at a parish during their sex abuse scandal that had three priests accused, two of which were there when we were there, who were subsequently removed and defrocked. We moved back to our hometown WNY with our two oldest children here with us today. We thought we left the parish trauma of sex abuse in Philly, only to be horrified we walked into our own a living hell.

We believed in safeguards for our children. We never dropped our children off to be alone with a priest. We exercised our faith and participated in church services together. My son was a public school student who participated in the Faith Formation Program and altar serving with his sister. We thought we were doing everything we were supposed to - to be responsible parents who wanted to raise our children with faith. However, we were gravely wrong.

Starting in 2016, when our son was in middle school, he was molested by Robert Yetter. It took place in the confessional room of the church. Yetter helped design this new confessional room in the new church which was built in 2010. I remember him telling the congregation about this wonderful new confessional room and that he and the committee designed for the new parish. This was a room, not the "box" with a physical divider between the priest and penitent. St. Mary's was going to be more "enlightened" and not have the confessional boxes used in the new Church. Interestingly, Church history teaches us that the physical partitions we now call "the box" were created in the 16th century as a solution to inappropriate sexual propositions made by priests. **And at the**

time it struck me as odd because for one of the largest parishes in the diocese, it was unusual we only had one confessional. Parishes half its size had 2 -4 confessionals. Yetter was instrumentally involved in the creation of this torture chamber right under everyone's noses.

We would take our children to Mass or Confession services at St. Mary's. When the abuse started, I was standing outside the door of the confessional room for the short period of time when my middle schooler gave his confession and received his penance. I was completely unaware what was happening when I stood anywhere from 10-30 feet away with his sisters. During my son's confession, his penance consisted of predatory molesting as the penance for being a "bad boy." The situation was similar to a parent stepping out of an examination room while a doctor conducted part of my child's physical - it lasted only a few minutes and I was not far away. My physical presence close by did not prevent this evil being done to my son. In fact, it probably made it more exciting for Yetter. My son mistakenly, and in the mind of a child, thought that because he was getting older, the penances just got worse, so he just survived the trauma. I would even ask him if he did his penance when he was finished, thinking it was to say a prayer, not be sexually violated. He would respond stoically with "yup."

Later, as part of the Faith Formation program at St. Mary's, middle school children at that time had to attend the youth group two-times a year as part of the program. It was also mandatory you had to sign up online in Sign-up Genius to attend. This online platform made either the parent's name or the child's name visible to everyone who had access. Yetter likely had access, as we all could in the program, and he could see who was attending. He was able to make a surprise appearance to call out students to go to Confession in the church completely unsupervised. One of the times, my son signed up for to attend the youth group event to play kickball, but somehow he was pulled out to go to Confession alone with Yetter without our consent. That was not what I had signed my son up for. It was also one of the most terrifying times of the abuse, as the youth group room was in a separate but connected building and Yetter was alone with my son in the confessional room in the church with no other adult in the church.

When I asked my son why he never told me or thought to tell me, he reminded me of the Catholic theology he was taught about confession. The priest sits *in persona Christi*, which is Latin for "in the Person of Christ." The priest represents Christ or God in the Confessional. So, my son did not think he could question "God" in this secret encounter. If "God" said he needed to endure his penance of sexual molestation, that's what he did.

Yetter stole my son's innocence and committed a felony we were never able to prosecute. My son got a front row seat to the charade of a spiritual fraud. Yetter would preach about things he did not adhere to, and his "Mass" deception allowed him to commit serious evil and keep his power within the diocese for too long. My son prayed for the evil to stop. It only stopped when the media and whistleblowers became involved and publicity forced action. Yet, at the time of the abuse, my son concluded that either God did not exist OR If God existed, he must be evil.

The impact on my son has been catastrophic. He was plagued by nightmares. By winter of 7th grade, the abuse created what we know now was a psychosomatic illness. This mysterious illness that doctors could not put a name on was so severe he lost a lot of school in 7th grade. So much so that we were forced to homeschool him because without a doctor's diagnosis, he could not get school district home-tutoring. We went to doctor after doctor, specialist after specialist in both Buffalo and Rochester. He had testing after testing, and even exploratory procedures under anesthesia. Multiple doctors knew he was ill, but were unable to diagnose the issues in its entirety. Once we found out about the abuse he suffered, his doctors said things made sense now.

As my son's physical health improved, his mental health plummeted. Intense anxiety and dark depression became the next battle during his high school and early college years. It culminated with a lot of acting out and unstable behavior, including dropping out of college and needing to be hospitalized 3 times. He finally told us about the abuse in early 2022 - only about a few weeks before attempting suicide on March 17, 2022. He hoped this release of the truth would help him feel better, but he was left feeling both unsettled and worthless still. His father and sisters found him, and we struggle with those memories as well.

That was the worst day of our family's lives and each member of our family is still triggered by details that remind us of that day. We started living a nightmare and now have nightmares like our son did that still continue to this day. For me personally, they are flashback nightmares about being at St. Mary's and are often triggered by updates on this court proceeding in the paper and the public's debate about it all. The abuse, court case, and healing process has been mentally, emotionally and physically taxing on all of us.

The trauma taught us the real meaning of compassion. Compassion comes from the Latin for "to suffer with." Joe's trauma eventually caught up with all of us in the family. We are

a family with five children. Except for the baby, we all needed trauma therapy, and therapy is not fully paid for by our insurance. For 6 people that became both expensive and time consuming. The financial burden at times since 2016 has been crushing with lost wages, medical and educational expenses, but the emotional toll is far worse. Our family will never be the same.

Finally, I want to say what I wish another parent could have told me: I do NOT believe that the evils discussed today have been fully eradicated from the Diocese. Yetter may be dead, and so my son is safe from him. This is not something from decades ago but occurred after the current “Protecting God’s Children” program and protocols in place. The alleged protocols are not enough. Standing outside of a confessional room with a minor inside for a few minutes is not enough to stop abuse and imposition of a living hell in that child’s life- because that is exactly what our life has been at times because of the abuse. NO minor should be left alone in any room with a priest, including a confessional, even but for a few minutes. We are no longer parishioners in the diocese. However, I have a friend who is a current parishioner of St. Mary’s - she told me that the confessional room, the place of abuse for my son, at St. Mary’s is still used for minors. She even personally requested more precautions of the parish in this regard sharing our story anonymously, and she was not taken seriously. My friend told me that her conversations largely fell on deaf ears, and the deaf ears included the laity in decision making positions regarding children. It is just as much about protecting children TODAY from wolves in sheep’s clothing abusing children right under your noses, with the parent just outside the door standing with other parishioners. That’s the real issue. Not what building is saved or sold. It’s about innocent children.

Therefore, we respectfully request the following be considered by the Court and those working towards settlement: First, please consider garnishing funds from the priests’ retirement funds. I believe the majority of diocesan priests were either contributors of the abuse or participated in the silence that concealed the abuse. Like other court proceedings with “fathers,” the courts impose garnishments of child support every day. These men should bear a burden to pay.

...Especially after watching the diocese incur legal fees of millions of dollars expected to be paid from money **they did not earn. It is unconscionable.** *To read about the legal and clerical circus regarding the controversy surrounding the FOIL requests has astounded me as an attorney. If the diocese cared about protecting children, the redacted*

documents would have been provided for and would have cost a fraction of what was billed -pennies on the dollar in legal fees.

It's ridiculous. Behavior is a language and that behavior screams guilt and protection of the guilty. The diocese wants to continue to whitewash their own sins and dismiss the elephant in the room conveying that this is something of the past. If all the abusers have been removed and defrocked or are dead, would you spend so much time and money to fight what is a legal requirement under the Freedom of Information Law?

Second, please consider giving more weight and responsibility to the parishes who failed their children, such as St. Mary's in Swormsville. Especially the places of abuse since the American Catholic Church abuse crisis became public in the early 2000s. There is no excuse for the continued horrific handling of this scandal.

Why do we ask for these considerations? When we started to tell our family's story, we were provided with anecdotes from other Catholics. They had shared some knowledge of inappropriateness about Yetter and about sexual propositioning by other priests in confessions with minors. While the abusers committed the evil, there were plenty of others who failed to act and were secret keeping. There is a moral obligation to speak up that was not done by too many people, parishioners included.

Both Catholic theology and the law share the same basic idea: part of moving forward requires acknowledgement of wrong and retribution for wrongdoing. We cannot undue the past, but we do something in the present to make the person who was wronged whole and to show remorse for wrongdoing.

Until the Diocese and parishes involved are held accountable and are transparent about the past in the present, children will remain at risk in the future. We are here today for my son who we are exceptionally proud of, the survivors, and for the children of the Diocese who need a voice for their protection because the grown-ups in the Church are failing them.

[Turn to survivors] And finally, as parents of a survivor, we want to tell you because maybe your parents never knew or are no longer here, that the abuse was never your fault. We are grateful for your courage, we are proud of you, you are loved and from the bottom of our hearts: Thank you.