



## Statement to Protect the Clergy-Penitent Privilege

I heard an elected official recently said: "If the state is the body, the church is the soul." That sums up well the desire of people of faith to work with the state, and vice versa, for the common good and thriving of our people.

As such, for those of you who live in the state of Washington, this column is a call to action.

Below is a piece that was written as an op/ed for a local newspaper but was not published. However, [this issue](#) is critical, and I'm posting it here for notice to all our people living in the state of Washington to take action: Contact your state representatives and ask them to protect the clergy-penitent privilege.

### *Mandate Clergy Reporting for Child Abuse While Preserving the Clergy-Penitent Privilege*

The state House is likely to vote on Senate Bill 5280 (SB 5280) soon, and the Catholic bishops of Washington urge our state's representatives to pass the bill and amend it to include the clergy-penitent privilege.

SB 5280 would require that clergy be mandatory reporters of child abuse and neglect. The Catholic Church already deems priests as mandatory reporters. The bishops support this aspect of the bill, with one exception – when individuals are confessing their sins during the sacrament of reconciliation. This is also known as the clergy-penitent privilege.

The Catholic bishops urge legislators to reincorporate the clergy-penitent privilege as they consider HB 5280. Confession, or the sacrament of reconciliation, is an act of worship and part of our Catholic liturgy. When a priest celebrates the sacrament of reconciliation, the priest is fulfilling the ministry of Jesus, the Good Shepherd, who seeks lost sheep. Jesus commanded his apostles and their successors to do so because the forgiveness of sins is necessary for salvation (John 20:21-23). The confidentiality of the sacrament must be preserved so that individuals are able to freely unburden their souls. This religious liberty must be protected, as it has been historically in our country.

Throughout history, priests have been martyred and imprisoned for refusing to break the seal of the confessional. For love of the faithful, priests will not break the seal of

confession. Priests who break the seal of confession are excommunicated from the Church – forbidden from celebrating or receiving sacraments.

The U.S. Constitution has protected the clergy-penitent privilege for over two hundred years, and removing the clergy-penitent privilege would be an unconstitutional violation of civil liberties. It would violate the First Amendment's Free Exercise clause because it would threaten priests with legal sanctions unless they violate their religious vows. Additionally, SB 5280 singles out the clergy-penitent privilege yet keeps other privileges intact, such as the attorney-client privilege. The bill attempts to interfere with our Catholic worship and unfairly targets religious liberty, both of which are bad precedents.

Preserving the seal of the confessional does not prevent a priest from promoting justice. In fact, confession is an opportunity to tell offenders to turn themselves in as a matter of restitution. Penance and restitution are integral parts of the sacrament of reconciliation.

The bishops acknowledge and apologize for the sins of abuse of children that occurred in the Catholic Church in the past. We understand that those harmed face a long road of healing. We deeply regret that abuse occurred, and we are committed to education, prevention, and most importantly healing for victim survivors and their families.

The Church has undertaken important reforms to become a leader in preventing the abuse of children. The U.S. Catholic Church established the Charter for the Protection of Children and Young People in 2002, also known as the Dallas Charter. It is a comprehensive set of procedures for addressing allegations of sexual abuse of minors and includes provisions for accountability, prevention of future acts, healing and reconciliation. An outside consulting firm also collects data and performs on-site audits of dioceses and parishes. Today, our Church continues to ensure that our schools, parishes, and ministries are safe places for our children, their families, and all.

Alongside legislators, the bishops of Washington state support passing SB 5280 and making clergy mandatory reporters. This is already a practice in the Catholic Church. However, we strongly urge the Legislature to amend the bill to preserve the clergy-penitent privilege that was originally in the bill.