

Please amend Senate Bill 5280 to protect the clergy-penitent privilege



SB 5280 would require clergy to be mandatory reporters. This is already practice in the Catholic Church. The Washington State Catholic Conference (WSCC), the public policy voice of the bishops of the state, supports SB 5280 with one exception: ***we urge you to amend SB 5280 to protect the clergy-penitent privilege in the final bill.***

- **The U.S. Constitution protects the clergy-penitent privilege.**
 - For over two hundred years, our judicial system has recognized that it would be unconstitutional for a state to intrude in a sacrament of the Catholic Church.
 - The United States Supreme Court has held that “suits *cannot be maintained* which would require a disclosure of the confidences of the confessional...” *Totten v. United States*, 92 U.S. 105, 107 (1875).
 - The Ninth Circuit, which includes Washington state, recognizes that no state or federal court has ever approved government invasion of the sacrament of confession.
- **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.
 - It would say that it’s good for lawyers to keep confessions secret for secular reasons, but it’s illegal for priests to keep confessions secret for religious reasons. That rule is unfair, it’s unjust, and it’s also unconstitutional.
- **The sacrament of reconciliation is an act of worship and part of our liturgy. This religious liberty must be protected.** 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.
- **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.
- **The Catholic Church has undertaken important reforms to become a leader in preventing the abuse of children.**
 - The Catholic bishops of Washington state acknowledge that wrongful acts of abuse of children occurred under our watch. The Church has undergone vast reforms, and we continue to work so that needed healing and restoration can be realized by impacted individuals.
 - The US 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 do all we can to ensure that our schools, parishes, and ministries are safe places for our children, their families, and everybody.
- **Over 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. People need a place to unburden their hearts. The sacrament of reconciliation gives priests the opportunity to counsel offenders to turn themselves in to receive redemption.

Alongside you, the Catholic bishops support making clergy mandatory reporters. At the same time, we urge you to amend SB 5280 and vote to protect the clergy-penitent privilege in the final bill. Thank you.