

Please hold the Senate's position on SB 5280 to protect children and 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 protect the clergy-penitent privilege and hold the Senate's position on SB 5280.***

- **The WSCC welcomes narrowing the clergy-penitent privilege to sacramental confession only.** We support mandatory reporting for situations outside of confession. For example, we support Amendment 575 offered in the House, which stated:
 - privilege exists only for one-to-one conversations, not group conversations
 - privilege exists only when both parties intend the conversation to remain private
 - privilege exists only for spoken word communications
 - clergy are mandatory reporters in *all* other circumstancesThe WSCC welcomes ideas to further define the clergy-penitent privilege while still protecting the sacrament of confession.
- **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. Abolishing the clergy-penitent privilege will prevent abusers from confessing and hinder priests' efforts to instruct offenders to turn themselves in.
- **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.
- **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.

Alongside you, the Catholic bishops support protecting children and making clergy mandatory reporters. At the same time, we urge you to hold the Senate's position on SB 5280, reject the House amendment, and vote to protect the clergy-penitent privilege in the final bill. Thank you.