News
confessional

A confessional is seen in a file photo at the Memorial Church of the Holy Sepulcher on the grounds of the Franciscan Monastery of the Holy Land in Washington. (OSV News/Nancy Phelan Wiechec)



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A federal court in Washington state on Friday (July 18) temporarily blocked a new law that threatened clergy with jail if they did not break the seal of confession to report suspected child sex abuse.

The law, which had been set to take effect in nine days, says that clergy who decline to report abuse learned through confession could be charged with a “gross misdemeanor” and subject to fines or incarceration.

U.S. District Judge David Estudillo objected to singling out clergy for breaking a vow of silence while allowing other professionals to maintain a seal of silence. Under the law, lawyers, for example, could still claim attorney-client privilege in not reporting admissions of child sex crimes to authorities.

"Ultimately, Washington's failure to demonstrate why it has an interest of the highest order in denying an exemption to clergy while making such exemptions available to other professionals who work with underserved children," Estudillo said,

is likely fatal to the new law.

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Washington state confessions seal injunction 7.18.25.pdf

Signed May 2 by Democratic Gov. Bob Ferguson, a Catholic, the new law mandates that clergy inform authorities of suspected sex abuse cases, including alleged abuse discussed during the sacrament of reconciliation, or confession.

In a letter two days after Ferguson signed the bill, Seattle Archbishop Paul Etienne said that priests who violated the seal of confession would face excommunication, the canonical penalty for transgressing the privacy of the sacrament. Plaintiffs and supporters had described the law as forcing clergy to choose between serving jail time or facing expulsion from the Catholic Church.

Winona-Rochester, Minnesota, Bishop Robert Barron, founder of the Catholic media company Word on Fire, criticized the Washington bill July 11. "God knows that the Church has faced, over the centuries, more brutal persecution on the part of civil authority, but no Catholic priest in America should be subject to this sort of mistreatment," he wrote.

The state's Catholic bishops had sued in response to Ferguson's approval of the bill.

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Mark Rienzi, the president and CEO of the Becket Fund for Religious Liberty, which along with the law firm of WilmerHale represented the church in its lawsuit, said July 18 that the court's ruling proves that "government officials have no business prying into the confessional."

The three Catholic dioceses in Washington state — Seattle, Spokane and Yakima — had sought the preliminary injunction. Legal specialists said the law pits freedom of religion against the state's interest in prosecuting child sex abuse. Representatives for Washington state's bishops appeared in court for a hearing July 14.

The judge in the case, Estudillo, was appointed by President Joe Biden in 2021 and is the chief United States district judge of the U.S. District Court for the Western District of Washington. A native of Sunnyside, Washington, Estudillo is the ninth child

of immigrants from Mexico and studied law at the University of Washington.

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The law is also the subject of an investigation by the U.S. Justice Department, which described the bill as "anti-Catholic."

Supporters of the new law have said confession has been exploited by sexual abusers. Mary Dispenza, a former Catholic nun and a current member of the Survivors Network of those Abused by Priests, or SNAP, says confession rewards priests for secrecy and that silence protects perpetrators of sex crimes, not victims.

"I think this seal of confession is a practice. It's not a mandate from God, as the church would have you believe," Dispenza said.