News
The Washington Capitol

The Washington Capitol is pictured in Olympia April 11, 2020. Washington state's government and its Catholic bishops reached an agreement Oct. 10 in a lawsuit over the state's mandatory reporter law they said could force priests to violate the seal of confession. (OSV News Reuters/Jason Redmond)



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A federal court in Washington state has approved a settlement agreement between the state and its three Catholic dioceses that would not mandate clergy to report sex abuse revealed during confession. The court ruled Oct. 10 that the contested law violated religious freedom, issuing a final blow to Washington after its bill was temporarily blocked by the same court in July.

Washington's agreement to strike the controversial law requiring priests to break the seal of confession was approved Oct. 14.

Clergy abuse survivors have accused the state of bowing to pressure from the institutional church instead of protecting children, while church lawyers argued that clergy-penitent confidentiality is sacred and essential to the sacrament, stressing that breaking the seal is an excommunicable offense under canon law.

"Going forward, the clergy in Washington state are not going to be put through this impossible choice of having to violate the seal of confession or comply with state law," said William Haun, senior counsel at the Becket Fund for Religious Liberty and one of several attorneys for the Washington dioceses.

In an interview with the National Catholic Reporter, Haun called it a "landmark settlement" between the church and state representing the church's legal right to free exercise. "The constitution really means what it says: The church has independent authority over sacraments," Haun said.

The legal dispute over the Washington bill, signed in May by Democratic Gov. Bob Ferguson, a Catholic, catapulted into the national spotlight when the U.S. Justice Department sued the state for targeting "the free exercise of religion." In July, a federal court in Washington issued a preliminary injunction blocking the law after U.S. District Judge David Estudillo ruled that the state could not compel priests to report abuse discussed in the confessional while providing exemptions to attorneys and other professionals. This month, the state submitted two court filings that kept much of the existing law intact but did not require priests to report what they hear in confession, reported MSNBC.

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Mary Dispenza, a supporter of the law and a member of the Survivors Network of those Abused by Priests, or SNAP, called the court decision "a betrayal" after the Catholic Accountability Project, a Seattle-based advocacy group for clergy sex abuse survivors, and others worked to pass the Washington law. "To have, once again, the power of the Catholic Church override the voice of the people is unconscionable," she told NCR. "We're talking about children's lives, and to not report any crime against them is a crime in itself."

Seattle Archbishop Paul Etienne, whose archdiocese sued the state along with the Dioceses of Spokane and Yakima, told his priests they would face excommunication if they broke the seal. Winona-Rochester, Minnesota, Bishop Robert Barron criticized the bill for mistreating Catholic clergy. If forced to choose between obeying the state and upholding the seal, priests "would have to go to jail and violate the law," said Jesuit Fr. John Baldovin, professor of historical and liturgical theology and the Boston College Clough School of Theology and Ministry.

Describing the confessional as "the safest place on earth," Baldovin argued that Catholics would likely stop attending confession if the sacrament was no longer confidential or if people thought revealing their sins would place them in "legal jeopardy." If a penitent admits committing sexual abuse, a confessor should urge the person to publicly reveal their crime and contact law enforcement, Baldovin said.

He suggested alternative options for state governments seeking to combat sexual abuse, such as lifting or extending the statue of limitations so survivors can seek legal remedies. And Haun stressed that the state's Catholic dioceses already have reporting procedures, background checks and child protection measures in place.

Yet opponents of the church's position have not given up their fight. Dispenza said that the work of the Catholic Accountability Project continues and that she would seek, if possible, to appeal the ruling. However, the court-approved settlement agreement stipulates that Washington will not seek to appeal. Although the state has been unsuccessful in court, Dispenza believes that her work over the last several years has "awakened" people to the issue of secrecy when a penitent confesses sex abuse.

"I think we've opened the conversation where people are questioning the seal of confession more than ever before," she said. "The dialogue has begun. We can keep it going."

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