



Focus on Religious Freedom

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Washington State Law Denies the Seal of the Confessional: Spokane Bishop Daly says priests will face jail rather than comply

On May 2, 2025 Washington state governor, Bob Ferguson, signed a bill into law which requires all members of all clergies to report instances of child abuse and neglect with no exception for information learned in the confessional. The Canon Law of the Catholic church holds that the seal of the confessional cannot be broken and any such action would be punishable by excommunication. The state of Montana is considering a similar law denying the sacredness of the seal of the confessional.

Per the National Catholic Register of May 7, 2025, "It's long-standing and settled law in the U.S. that priest-penitent discussions are privileged private communications that can be withheld from legal authorities."

The first clash with the civil courts regarding information learned in the confessional was *People v. Philips*, dating back to 1813. In that case it was decided that the secrecy of the confessional is the essence of the practice and removing it would annihilate this part of the Catholic religion.

As reported by the Catholic News Agency on May 6, the Department of Justice is now investigating the Washington law : "Harmeet Dhillon, the assistant attorney general of the DOJ's Civil Rights Division, sent a letter to the governor and called the mandate a "legislative attack on the Catholic Church and its sacrament of confession, a religious practice ordained by the Catholic Church dating back to the Church's origins." "Not only does this new law put state authorities in direct conflict with the free exercise of a well-established religion, but your law demands that priests disobey one of the Catholic Church's first authorities related to confession," she wrote. "This state command runs afoul of the First Amendment."

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Code of Canon Law. Title IV – The Sacrament of Penance 983 §1. The sacramental seal is inviolable; therefore it is absolutely forbidden for a confessor to betray in any way a penitent in words or in any manner and for any reason.