



Written by [R. Cort Kirkwood](#) on May 9, 2025

Feds Investigating Wash. State Bill Requiring Priests to Break Seal of Confessional

The U.S. Justice Department is investigating Washington’s “anti-Catholic” law that requires priests to violate the seal of the confessional by reporting penitents who seek absolution for child abuse.

Law professor Jonathan Turley called the bill unconstitutional on its face.

And the Evergreen State’s Catholic bishops have said they will not obey it. They warn that a priest who reveals what he hears in confession faces excommunication.



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The Justice Department announces First Amendment investigation into Washington State’s new anti-Catholic law, Senate Bill 5375

📄: <https://t.co/bXGLhNPI90>
pic.twitter.com/y5Y4m8qCnU

— DOJ Civil Rights Division
(@CivilRights) [May 5, 2025](#)

The Law

The attack on the Church began when far-left Democratic Governor Bob Ferguson signed [Senate Bill 5375](#), which adds clergy to the list of “mandated reporters” of child abuse.

“Members of the clergy are mandated reporters of child abuse and neglect,” the law says. But it apparently exempts lawyers: “Except for members of the clergy, no one shall be required to report child abuse or neglect when that information is obtained solely as a result of a privileged communication.”

The bill defines clergymen as follows:

[Any] regularly licensed, accredited, or ordained minister, priest, rabbi, imam, elder, or similarly situated religious or spiritual leader of any church, religious denomination, religious body, spiritual community, or sect, or person performing official duties that are recognized as the duties of a member of the clergy under the discipline, tenets, doctrine, or custom of the person’s church, religious denomination, religious body, spiritual community, or sect, whether acting in an individual capacity or as an employee, agent, or official of any public or private organization or institution.



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[The state constitution guarantees](#) “absolute freedom of conscience in all matters of religious sentiment,” but adds that “the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace and safety of the state.”

Clergy Reaction

Archbishop Paul Etienne of the Seattle Archdiocese explained that priests cannot obey this law, citing the Acts of the Apostles.

“After the apostles were arrested and thrown into jail for preaching the name of Jesus Christ, St. Peter responds to the Sanhedrin: ‘We must obey God rather than men,’” ([Acts 5:29](#)) [Etienne said](#):

This is our stance now in the face of this new law. Catholic clergy may not violate the seal of confession — or they will be excommunicated from the Church. All Catholics must know and be assured that their confessions remain sacred, secure, confidential and protected by the law of the Church.

The archbishop said the state was “specifically targeting religious conduct” by “requiring priests to violate an essential element of the rite, the confidential communication between the priest and penitent in which the absolution of sin is offered.”

He also cited the Church’s Canon Law:

[Canon 983](#): The sacramental seal is inviolable; therefore, it is a crime for a confessor in any way to betray a penitent by word or in any other manner or for any reason.

[Canon 1386](#): A confessor who directly violates the sacramental seal incurs a *latae sententiae* [automatic] excommunication reserved to the Apostolic See; he who does so only indirectly is to be punished according to the gravity of the offence.

“Once the state asserts the right to dictate religious practices and coerce information obtained within this sacrament — privileged communication — where is the line drawn between Church and state?” [Etienne asked](#). “What else may the state now demand the right to know?”

[Added Bishop Thomas Daly of Spokane](#), “I want to assure you that your shepherds, bishop and priests, are committed to keeping the seal of confession — even to the point of going to jail. The Sacrament of Penance is sacred and will remain that way in the Diocese of Spokane.”

Turley’s Take

Jonathan Turley called the law “facially unconstitutional as an attack on the free exercise of religion.” It conscripts priests to become agents of the state.

“Putting aside the unconstitutionality, it is a law that is ripe for abuse,” [Turley wrote](#):

The state would be using the church as an agent to compel confessions on the threat of damnation and then turn over the evidence to the police. Worse yet, if the priest does not give a type of ministerial Miranda, the confessant may not realize the danger. However, it is rather hard for a priest to say that a person must confess their sin while reminding them of the right to remain silent.



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And, as [Turley noted](#), lawyers are exempt from the law. Upshot: If a priest hears about child abuse in a confession, that information is not privileged. But if a lawyer hears about it from a client, it is.

“The Democrats effectively declared war on religion, and particularly the Catholic faith, with this abusive law,” Turley wrote. “The matter is now set for a showdown in the federal courts and, hopefully, an expedited process for judicial review and appeals.”

Feds Step In

The Trump Justice Department apparently agrees. It is investigating.

The law “demands that Catholic Priests violate their deeply held faith.... [This is] a violation of the Constitution and a breach of the free exercise of religion [that] cannot stand under our Constitutional system of government,” [said Assistant Attorney General Harmeet K. Dhillon](#) of the Justice Department’s Civil Rights Division:

Worse, the law appears to single out clergy as not entitled to assert applicable privileges, as compared to other reporting professionals. We take this matter very seriously and look forward to Washington State’s cooperation with our investigation.

[As Archbishop Etienne observed](#), “Why is this privileged communication between priest/penitent the only one singled out? Why not attorney/client? Doctor/patient? Spouses?”

Because, as Turley wrote, far-left Democrats have “declared war on religion, and particularly the Catholic faith.”



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