

CALIFORNIA CONFESSIONAL BILL IS ABSURD

Lawyers have attorney-client privileges, journalists are allowed to keep their sources confidential, and priests have “penitential communication” privileges. In all three cases, it has long been deemed necessary to afford these rights lest injustice prevails. But now the latter right is under attack in California.

In February, California State Senator Jerry Hill introduced Senate Bill 360 that would require the clergy to report suspected child abuse or neglect to the authorities, without regard to the circumstances. It is obviously aimed at destroying the seal of confession in the Catholic Church.

The bill was given a hearing before the Senate Appropriations Committee on May 16 and, thanks in part to pressure from the Catholic League, Hill was forced to amend his bill. His bill now protects the seal of confession for most Catholics, but not all. The exceptions are when a priest hears a confession of a co-worker or when hearing the confession of another priest. This is unacceptable.

Priests are already required to report suspected child abuse cases to law enforcement, save for communication learned in the confessional. Neither Sen. Hill nor anyone else has explained what broke.

News Flash: Almost all cases of priestly sexual abuse took place in the last century, mostly between 1965 and 1985. The data are not contestable. If Hill were right—that there is an existential crisis in the Catholic Church—he should be able to provide evidence. He cannot. Neither can anyone else.

There are approximately 50,000 members of the Catholic clergy in the U.S., and the average number of credible accusations

made against them in any given year over the past decade has been in the single digits. If Hill wants to learn where a crisis exists, he ought to review the data for the sexual abuse of minors in the public schools. His head would explode.

Senate Bill 360 says that "the clergy-penitent privilege has been abused on a large scale, resulting in the unreported and systemic abuse of thousands of children across multiple denominations and faiths." This is preposterous. There is absolutely no evidence to support such an outrageous claim. On this basis alone, the bill should be defeated.

Does anyone really think that a child abuser is going to confess his sin in the confessional? The idea is absurd. Father Roger Landry, a well respected priest and writer, knows his way around this issue.

"No abuser, not to mention others guilty of serious crimes," he says, "would come to confession if he knew that the confessor was basically a state informant who would betray his confidence." There is no plausible rebuttal to Landry's observation.

Hill is not only wrong, he is wasting lawmakers' time on the taxpayers' dime. He is not going to win, even if his bill passes the legislature.

In 2014, the Catholic League signed an amicus brief in support of a Louisiana priest, Father Jeff Bayhi (and the Diocese of Baton Rouge), for refusing to disclose to the authorities a conversation he had in the confessional.

We lost in the State Supreme Court, but that decision was overturned by the State District Court in February 2016; Father Bayhi was not required to break the seal of the confessional. In October, 2016, the Louisiana Supreme Court upheld that ruling.

The secrecy of the confessional is integral to the Sacrament

of Penance and Reconciliation, and has been treated as such since the Fourth Lateran Council in 1215. Canon law says the seal is "inviolable." In other words, it is non-negotiable.

We asked everyone on our email list to contact California State Senator Anthony Portantino, chairman of the Senate Appropriations Committee; he presided over the May 16 hearing on this bill. Many did and as a result we at least forced some concessions. This issue is not over.