

PROGRESS MADE ON BILLS AIMED AT CONFESSIONAL

Several states are now reconsidering bills that would end the exemption for the priest-penitent privilege. In every instance, the Catholic League has been integrally involved in challenging any legislation aimed at breaking the confessional seal.

The most dramatic success occurred in Maryland, Iowa and West Virginia. Led by Cardinal Theodore McCarrick of the Archdiocese of Washington, Catholics in Maryland pressured lawmakers to pull a bill that would require priests to report cases of child abuse learned in the confessional. William Donohue wrote to every member of the Maryland legislature about this issue. State legislators in Iowa and West Virginia dropped a similar bill even before a scheduled debate was to begin.

Progress was also made in Kansas and Kentucky. Bills in both states ran into enough opposition that lawmakers withdrew the legislation at least for the time being. It is not certain whether the bills will be reintroduced.

Nevada is also reconsidering what to do. State Senator Dina Titus introduced legislation designed to end the priest-penitent privilege but was quickly persuaded to rethink her proposal after receiving a letter from Donohue. She wrote to Donohue thanking him for his "thoughtful message," saying she has cancelled a hearing on her bill. Titus wrote that "we want to preserve the sanctity of the confessional."

Florida and New Hampshire remain trouble spots though no bill has been approved that would compromise the confessional.

The Catholic League has been arguing that such laws are patently unconstitutional. It is not likely the courts would

permit such an extravagant abuse of power by the state, no matter how noble the cause. "Separation of church and state," we told the media, "has no meaning if the state is allowed to trump the doctrinal prerogatives of a religion, and this is especially true *when there is no evidence to suggest that the only way an important state objective can be realized is by allowing the state to encroach on religion.*"

If the goal is really to protect children, then this can certainly be accomplished without fiddling with the priest-penitent privilege. Indeed, if protecting the kids is the real goal, then why are not lawmakers demanding that all professionals who learn of cases of child sexual abuse report them to the authorities?

We will continue to monitor this issue.