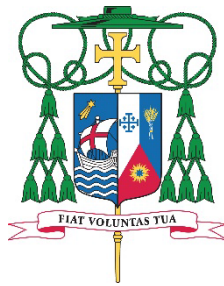


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## **Proposed Legislation Threatens Seal of Confessional**

**January 25, 2023**

The Most Rev. Oscar A. Solis  
Bishop of Salt Lake City

Greetings of Christ's peace and love!

I would like to call your attention to the fact that the Utah legislature is proposing legislation that will impact a spiritual tradition long practiced by our Catholic Church.

The Catechism of the Catholic Church (#1457) explicitly calls every faithful person to receive the Sacrament of Confession at least once a year, or whenever a faithful Catholic needs to seek forgiveness from God through reconciliation (Code of Canon Law Canon 989). If we have committed grave sins, we are not supposed to participate in the Eucharist without first going to Confession.

The Sacrament of Confession, also known as the Sacrament of Penance, is central to the practice of our Catholic faith. For two millennia we Catholics have taken this opportunity – a divine gift given by Jesus – to reveal our conscience to God through the priest, who embodies Christ in this moment of grace. The sacrament helps us prepare to receive the Eucharist and to participate fully in our faith. We confess and seek absolution of our sins from a priest because Jesus gave his disciples authority to forgive sins, and it is through the priest's ministry that God offers us his mercy.

What is said in the confessional is in private, between the penitent and God. Church law requires all priests to maintain complete secrecy about what is heard during Confession (Code of Canon Law Canon 983 §1). The certainty of confidentiality and the knowledge that Confession is a sacred conversation with God encourages Catholics to seek out and receive God's mercy and to undertake reconciliation not only with God but also with their communities and victims.

However, the Utah Legislature again this year is considering legislation that would require priests to report to law enforcement if they are told of child abuse during the Sacrament of Confession. When a similar bill was proposed in 2020, I asked all parishioners in our diocese to help defend our religious rights and oppose that bill; this year, I am again asking Utah Catholics to speak out in defense of our faith.

There is no doubt that we must protect innocent children and prevent child sexual abuse. However, there is no proof that forcing Catholic priests to break the Seal of the Confessional will help achieve that, and legislation that would require a priest to do so violates our right to practice our religion.

The First Amendment of the Constitution of the United States prohibits lawmakers from infringing on the free exercise of religion. For centuries the Catholic Church has required priests to

maintain the Seal of the Confessional, and breaking this seal means automatic excommunication for a priest. Placing a priest in the position of losing his vocation or facing criminal charges seems to be a blatant violation of our First Amendment protections. The clergy-penitent privilege is rooted in the imperative need for the penitent to disclose to a priest in total and absolute confidence any wrong or sinful act or thought, and to seek guidance and God's absolution. It is the sacred duty of a priest to keep in confidence any information he hears from Confession; otherwise, he will violate the trust and privacy of the penitent.

Proponents of the legislation ask why priests should be treated differently than therapists or teachers or other professionals. The very simple answer is that those other professionals, and their clients, are not practicing their religion. In the confessional, the priest sits as our living conduit to our God. Government demanding that priests break the sacred trust of the Sacrament of Confession will effectively deter people from participating in this sacred conversation with our Savior, even if priests willingly defy the law and refuse to break the seal.

A priest hearing a confession of criminal wrongdoing may require the penitent to self-report to law enforcement, seek counseling, offer to talk with the person outside of the confessional and accompany him or her in the act of self-reporting, or require some other similar act of restorative justice through penance.

There is no evidence that forcing priests to disclose cases of abuse learned from the confessional would have prevented a single case of child abuse. On the other hand, there is every reason to believe the elimination of the privilege would mean that perpetrators would simply not bring it to Confession.

I applaud the motivation for the proposed legislation. All people of good will want to ensure the safety of children and protect them from abuse. But bills requiring priests to reveal what is said to them in the purely religious act of Confession will do little more than deny people the free exercise of their religion, subsequently denying victims a crucial opportunity to receive help and healing.

The proposed legislation is an intrusion into our fundamental right to the free exercise of our religion and goes against the long-standing tradition of our Catholic Church and other faith denominations who take very seriously the seal of confidentiality as a sacred trust that cannot be violated even at the cost of liberty and death.

Therefore, I respectfully ask our legislators to oppose any legislation that curtails religious liberties, and I encourage all the Church faithful to talk to their respective representatives, give them a call, send a letter or email and make them aware of the centrality of the Seal of the Confessional to our faith.

Furthermore, the Catholic Church believes that sexual misconduct of any kind by Church personnel is an affront to human dignity of the person and the mission of the Church. The spiritual well-being of all victims, their families and others in the community is always of particular concern to the Church. The Diocese of Salt Lake City takes allegations of sexual misconduct involving minors and vulnerable persons seriously. Any allegation received is immediately reported to law enforcement agencies and sent to the diocese's Protection of Children and Young People Independent Review Board for further necessary actions.

Over the past 30 years, the diocese has developed and implemented a safe environment program, publicized standards of conduct for its priests and deacons as well as diocesan employees, volunteers and any other Church personnel in positions of trust who have regular contact with children

and young people. In 1990, the diocese also implemented written policies and procedures regarding reporting and handling of sexual misconduct claims. Updated policy reflects the mandates of the United States Conference of Catholic Bishops' Charter from 2002.

We have posted on the diocesan website the complete list of all priests against whom credible allegations of sexual abuse involving minors have been reported since 1950, to provide the transparency that will help repair at least some of the wounds left by the wrongful actions of priests who abused their sacred trust.

The diocese also has publicized ways to report such crimes and encourages anyone who has been a victim of abuse or exploitation by clergy, religious or lay Church personnel to make such a report. The victim assistance coordinator is available to assist in making a report; the contact number for this coordinator is 801-328-8641, ext. 344.

We continue to pray for the victims and their families and ask their forgiveness for our failure to protect them. We remain committed in addressing clergy abuse allegations within the diocese with the hope of eliminating this scourge that hurt so many children, remove from ministry those who committed the crime, and help those victims betrayed by men they believed they could trust in their healing process.

Sincerely yours in Christ,

A handwritten signature in black ink, appearing to read "Oscar A. Solis".

Most Reverend Oscar A. Solis, D.D.

Bishop of Salt Lake City