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Official Statement of the Diocese of Baton Rouge  
With Respect To  
Supreme Court of Louisiana, Docket No. 2013-C-2879  
Court of Appeals – First Circuit, Docket No. 2013-CW-0316

By matter of policy, the Roman Catholic Diocese of Baton Rouge does not normally comment on pending legal cases, especially when the plaintiff files the case under seal. The Church respects the request for sealing of the record and will not make statements. However, in the instant case, even though the district court record is under seal, the opinion issued by the Court of Appeals for the First Circuit in Baton Rouge and the Writ opinion by the Supreme Court of Louisiana are not under seal.

Since those two opinions are public record and the media has contacted the Church for comment, we provide this statement of the position of the Catholic Church and Fr. Jeff Bayhi.

The issue as it relates to the “Church defendants” (Fr. Bayhi and the Diocese of Baton Rouge) attacks the seal of confession and the attempt by the plaintiffs to have the court compel testimony from the priest, Fr. Bayhi, as to whether or not there were confessions and, if so, what the contents of any such confessions were.

We contend that two conflicting statutes of the State of Louisiana are involved regarding mandatory reporting of knowledge concerning alleged sexual abuse or neglect of minors.

The case in question does not allege any such charge against any clergy, religious or paid staff member of the diocese. The Church has great compassion for those who have indicated an experience of such egregious misconduct.

The issue before the District Court, the First Circuit Court of Appeals and the Louisiana Supreme Court assaults the heart of a fundamental doctrine of the Catholic faith as relating to the absolute seal of sacred communications (Confession/Sacrament of Reconciliation).

The Court of Appeals for the First Circuit ruled that the seal of confession preempted the Civil Court from ordering the priest to testify as to whether or not there was a confession and, if so, what the contents of the confession revealed. The Court of Appeals for the First Circuit dismissed the case against both Fr. Bayhi and the Catholic Church of the Diocese of Baton Rouge.

A Writ of Certiorari was filed by the plaintiffs to the Supreme Court of Louisiana. The Supreme Court of Louisiana granted the Writ, reversed and vacated the First Circuit Court of Appeals judgment, in its entirety, reinstated the judgment of the trial court, and remanded for further proceedings in the District Court to hold a hearing concerning whether or not there was a “confession.” We contend that such a procedure is a clear violation of the Establishment Clause of the U. S. Constitution. The Supreme Court of Louisiana cannot order the District Court to do that which no civil court possibly can—determine what

constitutes the Sacrament of Reconciliation in the Catholic Church. Indeed, both state and federal jurisprudence make clear that there is no jurisdiction to adjudicate claims that turn upon such purely religious questions.

A foundational doctrine of the Roman Catholic Church for thousands of years mandates that the seal of confession is absolute and inviolable. Pursuant to his oath to the Church, a priest is compelled never to break that seal. Neither is a priest allowed to admit that someone went to confession to him. If necessary, the priest would have to suffer a finding of contempt in a civil court and suffer imprisonment rather than violate his sacred duty and violate the seal of confession and his duty to the penitent.

This is not a gray area in the doctrines of the Roman Catholic Church. A priest/confessor who violates the seal of confession incurs an automatic excommunication reserved for forgiveness to the Apostolic See in Vatican City, Italy.

In this case, the priest acted appropriately and would not testify about the alleged confessions. Church law does not allow either the plaintiff (penitent) or anyone else to waive the seal of confession.

This matter cuts to the core of the Catholic faith, and for a civil court to inquire as to whether or not a factual situation establishes the Sacrament of Confession is a clear and unfettered violation of the Establishment Clause of the Constitution of the United States. This matter is of serious consequence to all religions, not just the Catholic faith. The statutes involved in this matter address "sacred communications" which are confidential and are exempt from mandatory reporting. In other words, Protestant ministers, Jewish Rabbis, clergy of the Muslim religion, etc. all counsel and receive sacred communication of a confidential nature which are covered by these statutes.

The position of the Diocese of Baton Rouge and Fr. Bayhi is that the Supreme Court of Louisiana has run afoul of the constitutional rights of both the Church and the priest, more particularly, has violated the Establishment Clause and the separation of Church and State under the first amendment. For a civil court to impinge upon the freedom of religion is a clear violation and the matter will be taken to the highest court in the land by the Church in order to protect its free exercise of religion.

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