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13 March 2019

To: The Senate Federal and State Affairs Committee

Subject: SB 218

Position: Neutral

Mr. Chairman and members of the Committee:

I am the Rev. Dr. J.S. Bruss, and I write in my capacity as Senior Pastor of St. John's Evangelical Lutheran Church of Topeka. I also serve as Circuit Visitor, a mid-level supervisory position over other pastors and parishes in the Topeka and Lawrence area of the Lutheran Church—Missouri Synod (LCMS), a church body with 160 parishes in Kansas and over 6,000 throughout the United States. I am here today to offer neutral testimony regarding SB 218.

We recognize everyone has a responsibility to protect children from abuse and neglect. The reason for our testimony is to emphasize the importance of protecting the integrity of the confessional seal so that people feel free to confess their sins and can receive forgiveness.

When a LCMS pastor takes his ordination and installation vows, he promises before God and Church to "forgive the sins of those who repent" and "never to divulge the sins confessed to [him]." A pastor stands in the place of God when he hears confession, and he speaks and delivers to the penitent the forgiveness of sins won by Christ. We all have sins, and any amendment that would remove the protections for the confessional seal currently in the bill would make it more difficult to confess them to God through an ordained pastor. These principles of the penitential communication privilege are consistent with long-standing state law in K.S.A. 60-429.

Surely the concern over the exception for penitential communication exhibited by its absence in earlier bills this year has to do with concerns over private confession being used to short-circuit the state's felt responsibility toward victims of abuse and neglect. While this is appreciable, a pastor's spiritual obligations to his parishioners don't end with the confession and forgiveness; a pastor also offers guidance for changing and making due amends for sinful behaviors.

The exception for penitential communication privilege found on page 2, lines 7-10, sets SB 218 apart from earlier bills this year attempting to address this topic. It is that exception that is critical to our lack of opposition to the bill in general.

Rev. Dr. J.S. Bruss

Senior Pastor