

Charity or religion: Wisconsin Supreme Court takes case over Catholic Charities Bureau of Superior against the Wisconsin Labour and Industry Review Commission

Sources: <https://www.catholicnewsagency.com/news/254140/wisconsin-supreme-court-to-bear-catholic-charity-s-religious-freedom-case>; https://www.upi.com/Top_News/US/2023/04/20/Wisconsin-Supreme-Court-Catholic-Charities-Bureau-religious-exemption/9041681995280/;
<https://www.catholicculture.org/news/headlines/index.cfm?storyid=58655> *The Wisconsin Supreme Court will examine an interesting problematic case involving the freedom of the Catholic Church in the United States and, in particular, the interference of the State on the internal autonomy of the Church in establishing what is its mission and the nature of its ministry.*

The case involves a dispute that has existed for more than three years between the Catholic Charities Bureau of the City of Superior and the State Labor and Industry Review Commission on Unemployment Insurance Programs, following a decision by the last not to consider Catholic Charities and its subsidiaries are not "religious" enough to obtain exemption from the state unemployment insurance program, which also costs more than a church-run system that provides equivalent benefits.

The state agency argued that because the charitable units serve people of all faiths and/or no faiths and do not have the primary purpose of evangelism, the exemption should not apply. The state's 3rd District Court of Appeals sided with the government labor agency.

In support of the request of the Catholic association, the bishop of Superior, James Powers, explains that the generalized service to all the needy regardless of their faith is an expression of a Christian imperative which cannot be avoided: The "Catholic Charities Bureau, the of the social ministry of our diocese, carry forward the work of Christ by reflecting the values of the Gospel; everything they do advances the mission of the Church," Bishop Powers said. "This backbone of our diocesan ministry has, for over a century, served those who have been forgotten, ignored and pushed to the margins of society".

Moreover, it is a more efficient and more convenient program, compared to the state one. Nick Reaves, a consultant to the Becket Fund for Religious Liberty involved in the case, also intervenes in the debate, who, highlighting that the case raises questions of religious freedom for the Catholic Church and other religious groups, says that the State seems to want to punish Catholic Charities "because of the way it organized itself, choosing to serve all those in need, choosing to organize itself as a separate charity, instead of serving only as part of the [local] Catholic diocese".

The work commission's decision "invades what is called the internal religious autonomy of the Catholic Charities Bureau, because in practice it is telling a religious organization how it must organize itself, how it must exercise its mission and ministry, in order to qualify for this religious exemption".

The ruling rejects the motion because "CCB and its related sub-entities do not operate to inculcate the Catholic faith; they are not engaged in the teaching of the Catholic religion, in evangelism or in participating in religious rites or worship services with the participants to social service; they do not require their employees, participants, or board members to be of the Catholic faith; participants are not required to attend any religious training, guidance, or service; their funding comes almost entirely from government contracts or private companies, not from the Diocese of Superior; and do not disseminate any religious materials to participants". The statement that a charity is religious only if it limits its good deeds to members of the same faith misunderstands Catholic teaching, ignores Wisconsin law seems to be in conflict with the Establishment Clause and the Free Exercise Clause. In the case in question it will be interesting to observe how the Supreme Court of Wisconsin will orient itself with respect to the so-called religious exemption or accommodation, meaning what those hypotheses in which religion can be

the reason for a derogation, with regard to a subject or a category of individuals, from obedience to a law or a generally binding regulation, operating a delicate balance that avoids conflicts of conscience and discrimination.

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