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# *Wisconsin Concedes to Catholic Charities*

The state's Justices refuse Attorney General Josh Kaul's effort at more discrimination.

By [The Editorial Board](#) [Follow](#)

Dec. 18, 2025 5:55 pm ET



The Wisconsin Supreme Court in Madison. VINCENT ALBAN/REUTERS

It's a Christmas miracle. After nearly a decade of legal wrangling, on Monday the liberal Wisconsin Supreme Court finally ordered that Catholic Charities qualifies for a religious tax exemption under state law. The jurists are hardly due a commendation, since their previous ruling on the question was reversed 9-0 by the Supreme Court this summer.

Yet Democratic Attorney General Josh Kaul wanted this dispute to go more rounds. When the state Justices originally denied the unemployment tax exemption to a diocesan Catholic Charities Bureau and its associated groups, the 4-3 majority called their activities "secular in nature." Is the pope Catholic? Apparently not when he's working a soup kitchen, according to these legal aces.

That's what the Supreme Court unanimously reversed in June, in an opinion by Justice Sonia Sotomayor. She said it's a "paradigmatic form of denominational

discrimination” for Wisconsin to try to enshrine a religious tax exemption “that requires proselytization or exclusive service of co-religionists.”

But rather than simply give Catholic Charities the exemption, Mr. Kaul argued for voiding it entirely. “Discrimination is cured by restoring equal treatment,” his office told the state Justices in October. “By striking the exemption, this Court can avoid collateral damage to Wisconsin workers while still curing the discrimination the U.S. Supreme Court identified.”

If the state Justices had tried it, they might have earned another First Amendment smackdown by the Supreme Court. Instead they issued Monday’s brief, unsigned order, determining that Catholic Charities “is eligible for the religious purposes exemption.”

It’s nice to see the state’s liberal jurists showing more sense than Mr. Kaul. Yes, that’s a bragging right akin to the tallest building in Sheboygan, but we’re trying to be more charitable than Mr. Kaul in the holiday season.

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