

Wisconsin Federal District Court Rules Minister's Housing Allowance Unconstitutional

This decision does not come as a surprise as the same judge issued a similar ruling back in 2013, though the case was later dismissed by a higher appeals court on the technical grounds of standing.

In her latest ruling, Judge Barbara Crabb indicated that she "...adhere(s) to my earlier conclusion that [the minister's housing exclusion] violates the establishment clause because it does not have a secular purpose or effect and because a reasonable observer would view the statute as an endorsement of religion."

Impact for ministers and churches

No damages or remedies were awarded as a part of the latest ruling. The judge has simply declared that, in her opinion, the housing allowance is unconstitutional. So, there is no immediate effect on ministers who are claiming a housing allowance exclusion from their annual income.

It is likely the district court's decision will be appealed in which case a higher court will have to determine whether FFRF has standing on the facts of this case and, if there is standing, whether it agrees with the lower court that the housing allowance is unconstitutional.

Stay tuned. We will pass along any new information as it becomes available.

Source:

http://www.groom.com/media/publication/1883_Federal_District_Court_Holds_the_Minister_s_Housing-Allowance_Unconstitutional_Again.pdf

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