

Wisconsin Ruling Divorces Marriage From True Meaning

Alliance Defending Freedom attorneys and allied attorneys representing Wisconsin taxpayers asked the state Supreme Court Tuesday to weigh in on the full meaning of Wisconsin's marriage amendment and whether it authorizes the creation of other marriage-like unions.

Last month, a state appellate court decision upheld a lower court's ruling that said the amendment permits the state legislature to create marriage-mimicking schemes despite language in the amendment that prohibits any "legal status identical or substantially similar to that of marriage for unmarried individuals."

"The lifelong, faithful union of a man and a woman is the foundation of every healthy, stable society. The people of Wisconsin recognize this, and that is why they approved a constitutional amendment that specifically protects marriage from all imitators," said Senior Counsel Austin R. Nimocks. "We are appealing the appellate court's decision because this domestic partnership scheme is precisely the type of marriage imitation that the voters intended to prevent."

The lawsuit, *Appling v. Doyle*, was filed in Dane County Circuit Court in 2010 to stop then-Gov. Jim Doyle and the state legislature from skirting the language in the voter-approved constitutional amendment protecting marriage.

The "domestic partnership" plan, which Doyle proposed and signed into law after passage by the Legislature as part of the 2010-11 state budget, is only available to same-sex couples. "Domestic partners" receive "declarations" instead of "marriage licenses," but otherwise, the procedures for creating the legal status of domestic partner is virtually the

same as marriage.

In November 2006, 59 percent of Wisconsin voters approved Article 13, Section 13, of the Wisconsin Constitution, which reads, "Only a marriage between one man and one woman shall be valid or recognized as a marriage in this state. A legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized in this state." In June 2010, the Wisconsin Supreme Court unanimously upheld the validity of the entire amendment's enactment.

"The people of Wisconsin believe that marriage is the one and only relationship that is absolutely essential to the future of humanity," said Wisconsin Family Action President Julaine Appling. "Their will, as very clearly expressed in the marriage amendment, ought to be respected."

Alliance Defending Freedom attorneys are lead counsel in the suit together with co-counsel Mike Dean of the First Freedoms Foundation and co-counsel Richard M. Esenberg, two of nearly 2,200 allied attorneys with Alliance Defending Freedom.