

Imitation Marriages Challenged in Wisconsin



A Wisconsin state judge on Monday ruled that a state “domestic partnership” scheme that imitates marriage does not violate the state constitution’s prohibition on imitations of marriage. In other words, an imitation marriage doesn’t imitate marriage.

Alliance Defense Fund attorneys are planning to appeal.

The lawsuit, *Appling v. Doyle*, was filed in Dane County Circuit Court last year to stop then-Gov. Jim Doyle and the state legislature from skirting a voter-approved constitutional amendment protecting marriage that prohibits any “legal status identical or substantially similar to that of marriage for unmarried individuals.”

“The people of Wisconsin recognize that marriage provides a strong foundation for a thriving society. That’s why they approved a constitutional amendment that specifically protects marriage from all imitators. Politicians and activist groups should not be allowed to get around that,” says ADF Senior Legal Counsel Austin R. Nimocks. “We will appeal this decision because this domestic partnership scheme is precisely the type of marriage imitation that the voters intended to prevent.”

The “domestic partnership” scheme, proposed and signed into law by Doyle after passage by the Legislature as part of the 2010-11 state budget, is available only to couples involved in a same-sex relationship. “Domestic partners” receive “declarations” instead of “marriage licenses,” but otherwise, the procedures for becoming domestic partners and becoming husband and wife are virtually the same.

“Throughout history, diverse cultures and faiths have recognized marriage between one man and one woman as the best way to promote healthy families and societies,” Nimocks argues. “That’s because marriage between a man and a woman naturally builds families—mom, dad and children—and gives hope that the next generations will carry that on into the future.”

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 have strongly affirmed the lifelong, faithful union of a man and a woman as the fundamental building block of civilization,” says Wisconsin Family Action President Julaine Appling. “Our system of government serves no purpose if politicians can ignore the will of the people with impunity and get away with it.”