

Wisconsin Supreme Court to Hear Arguments on Legal Unions Imitating Marriage

At the Wisconsin Supreme Court on Wednesday, an attorney for Alliance Defending Freedom (ADF) will argue in *Appling v. Walker* that former Gov. Jim Doyle and the state legislature violated the state constitution when they created legal unions that imitate marriage.

Last year, a state appellate court decision upheld a lower court's ruling that said the state's voter-approved constitutional amendment protecting marriage permits the 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." In June, the Wisconsin Supreme Court agreed to hear the case.

"Society should protect and strengthen marriage, not undermine it," says ADF senior counsel Austin R. Nimocks, the attorney for the case. "The people of Wisconsin recognize this, and that is precisely the reason they approved a constitutional amendment that protects marriage from all imitators. The intent of the voters here is unmistakable. It is clear that state's 'domestic partnership' scheme is exactly the kind of marriage imitation that the voters intended to prevent."

Alliance Defending Freedom attorneys and allied attorneys filed the lawsuit in 2010 to stop Doyle and the legislature from skirting the language in the amendment. The "domestic partnership" plan, which Doyle proposed and signed into law after the legislature passed it as part of the 2010-2011 state budget, is only available to same-sex couples and is, at its core, virtually identical to 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 will of the people of Wisconsin, as clearly expressed in the marriage amendment, ought to be respected," notes Wisconsin Family Action President Julaine Appling. "State officials cannot ignore a voter-approved law just because they don't like it."

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 2,300 attorneys allied with Alliance Defending Freedom.