



Court Dismisses Challenge to Wisconsin's Domestic Partner Law

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MADISON, WI –Judge Daniel Moeser resoundingly rejected today an attack on Wisconsin's Domestic Partner Registry brought by Board members of Wisconsin Family Action, an organization whose members pushed for Wisconsin's anti-Marriage constitutional amendment in 2006. Despite securing passage of the amendment by assuring voters that domestic partnerships would still be allowed, the Wisconsin Family Action plaintiffs asserted that the anti-Marriage amendment prohibited the Domestic Partner law passed by the legislature in 2008 to provide crucial but very limited protections to same-sex couples.

"While, as the court recognized, the domestic partnership law is in no way equivalent to marriage, it is a lifeline for committed couples who seek the security and dignity of being able to provide for their families," said John Knight of the ACLU's LGBT & AIDS project.

In a well-reasoned 55-page opinion, Judge Moeser noted that proponents of the anti-Marriage amendment had repeatedly insisted that the amendment was about preventing same-sex marriage and "look-alike" civil unions that were marriage in everything but name, and reassured voters that it would not prevent domestic partnership laws. The Judge also recognized that the few protections available under the Domestic Partner law were in no way comparable to the extensive rights and privileges that go along with marriage. Wisconsin's law allows for same-sex couples to register as domestic partners, granting them hospital visitation rights, the right to make certain decisions about medical care and rights to family and medical leave. Same-sex couples are still denied crucial protections provided only to married couples, such as the right to decide what happens to their partner's body at death, and are denied access to all federal benefits, such as Social Security and veterans' benefits.

Larry Dupuis, the legal director of the ACLU of Wisconsin, added, "The court rightly rejected this mean-spirited and dishonest attack on gay and lesbian couples. Our clients know what it's like to worry about not being able to visit a partner in the hospital or to be left with nothing when a partner dies without a will. The protections offered by the domestic partner law at least allay some of those fears."

Government officials initially defended the domestic partner registry against the lawsuit, but Governor Scott Walker's administration abandoned the defense. That left several same-sex

couples, Fair Wisconsin, Lambda Legal, and the ACLU as a friend of the court, to defend domestic partnerships.

Attorneys on the case include Knight of the ACLU, Dupuis of the ACLU of Wisconsin and David J.B. Froiland, Linda E.B. Hansen, Daniel A. Manna and David B. Goroff of Foley & Lardner LLP.

Additional information about the case, including bios of the couples and legal documents, is available at: www.aclu.org/lgbt-rights/appling-v-doyle-case-profile