

Dear Members of the Wisconsin Legislature,

We are a group of attorneys who live and work in communities across Wisconsin. We write to express our opposition to the proposed constitutional amendment relating to marriage and civil unions.

If it were to pass, the proposed constitutional amendment would be the first in Wisconsin history to restrict rather than expand the rights of its citizens. The amendment prohibits many Wisconsin citizens from providing important legal protections for their loved ones. Families across the state would be constitutionally precluded from seeking the rights, benefits and obligations associated with marriage, solely on the basis of the gender of the two partners. The amendment would prevent couples from enjoying legal recognition of their long-term, committed relationships. This result is not in keeping with Wisconsin's progressive and inclusive constitutional history.

Wisconsin's proposed amendment also goes against the national trend of amending the U.S. Constitution to expand the rights of citizens. The U.S. Constitution has been amended to right such civil wrongs as slavery, and to expand voting rights to women and those over 18. The only time the Constitution was amended to restrict personal freedoms (Prohibition), the amendment failed to accomplish its goals and was eventually repealed at great social and financial expense. It is against this backdrop that the Supreme Court has consistently expanded the right of its citizens to enter into close, loving relationships. For instance, the Court has ruled that citizens have the right to marry regardless of race, financial status or even incarceration.

The U.S. Supreme Court has also been loath to endorse state actions when the sole governmental purpose appears to be animus to a particular class of people. Wisconsin's proposed amendment goes much farther than simply defining marriage—it also seeks to eliminate the ability of gays and lesbians to petition the legislature to create Vermont-style civil unions and provide domestic partnership benefits. The law takes aim at a particular segment of Wisconsin's populace, and therefore does not pass constitutional muster.

Singling out a class of persons for denial of access to the laws violates the federal constitution's guarantees of equal protection to citizens across the States, as affirmed in the Supreme Court's *Romer v. Evans* decision. In addition, the Supreme Court's recent *Lawrence v. Texas* decision affirmed that individuals have a fundamental liberty interest in self-determination and autonomy in their most intimate life decisions. The U.S. Constitution has historically protected individual autonomy in such personal choices as the formation of families, equal access to protection under the law, and the right to petition the government. Should this amendment pass, it would likely be challenged as violating the constitutional rights of U.S. citizens. The amendment is also dangerously vague. Defending it would be costly to Wisconsin taxpayers, and would lack constitutional integrity. Proponents of the amendment have suggested that the state and federal courts can "sort out" the amendment's considerable deficiencies. But amending the constitution is a serious step, one that is impossible to "fix" later without repeating the cumbersome amendment process. For this reason, adopting a vague and overbroad amendment is dangerous and ill advised.

Because the proposed constitutional amendment is not in keeping with Wisconsin tradition and holdings of the U.S. Supreme Court, we urge you to vote no when this amendment comes up for a second vote.

Sincerely,

Kristine E. Anderson
Connie Anderson
Lauren Azar
Chad G. Bartell
Carousel Andrea Bayrd
Callie M. Bell
Ellen K. Berz
Amelia L. Bizzaro
Juliet M. Brodie
Jeffery L. Brown
Brian E. Butler
Dawn R. Caldart
Kenneth P. Casey
Richard L. Cates
Prof. R. Alta Charo
Prof. Carin Ann Clauss
Linda M. Clifford
Joan L. Conrad
Timothy S. Crisp
Lee Cullen
Christine Davies D'Angelo
Raymond M. Dall'Osto
Sarah Davis
Rebecca DeMarb
Connie Deer
William Dixon
Laurence J. Dupuis
Michael J. Edmonds
Michael J. Edmonds
Mark A. Edwards
Kimberly L. Epstein
Jill Fahrlander
Erin Fay
Emily Feinstein
Keith Findley
Matthew J. Fleming
James A. Friedman
Martha E. Gaines
Chris K. Gawart
Rosalie I. Gellman

Chad Gendreau
Barbara L. Gerber
Carol Glaser
Peter D. Goldberg
Dianne Greenley
Carol Grob
Erik R. Guenther
Linda L. Harfst
Brenda R. Haskins
Sarah Helvey
Carolyn S. Hogg
Ryan Holtan-Murphy
Sandra L. Holtzman
Kimberly A. Hurtado
Jeffrey S. Hynes
Dan Jardine
Arthur W. Jorgensen III
Prof. Leonard V. Kaplan
Forrest L. Karr
Ben Kempinen
Elizabeth Kessler
Prof. Heinz Klug
Jessica Krintz
Jennifer M. Krueger
Prof. Jane Larson
Kerry A. Lemke
Shana R. Lewis
Brenda Lewison
Jordan Loeb
Kira E. Loehr
Lori M. Lubinsky
Anthony J. Lucchesi
Gregory J. Lynch
Lara Mainella-Martin
Melissa J. Malott
Nancy Catherine Marcus
George J. Marek
Michael P. May
Kathleen G. Mc Neil
Danielle R. McCollister

Lance A. McNaughton
Prof. Stephen Meili
Paul Milakovich
Diane Liposcak Milligan
Sharon K. Mollman Elliott
Kerry Moskol
Professor Scott Moss
Monica Murphy
Rachel L. Murray
Gregory D. Murray
Bonnie S. Musial
Paul R. Norman
Lynn M. Novotnak
Judith E. Olingy
Tamara B. Packard
Tamara B. Packard
Carley J. Peich Kiesling
Richard Perry
Rick J.W. Petri
Lester A. Pines
A. Steven Porter
John Pray
Barbara Zack Quindel
Kathleen Quinlan
Ryan M. Quinn
Jennifer R. Racine
Amelia Ramirez
Carl J. Rasmussen
Christine A. Remington
Hannah Renfro-Sargent
Cari Anne Renlund
Elizabeth Gamsky Rich
Kat Riley
Linda Roberson
Ann M. Roedel
Karen S. Roehl
Theresa L. Roetter
Ernesto Romero
Catherine M. Rottier
Kelda Helen Roys
Elise Clancy Ruoho

Rebecca L. Salawdeh
William S. Sample
Amy F. Scarr
Professor Jane Schacter
Rebecca A. Schmidt
John P. Schuster
Phyllis Lathrope Schwahn
David S. Schwartz
Kimberly P. Sebranek
Megan A. Senatori
Leslie D. Shear
Anthony L. Sheehan
Athena Skaleris
Carol Nolan Skinner
Todd G. Smith
Deborah M. Smith
Jeffrey Spitzer-Resnick
Claire Starling
Mark J. Steichen
Paul W. Stenzel
B. Michele Sumara
Howard A. Sweet
Alison TenBruggencate
Arthur Thexton
Nancy Thome
Jennifer C. Thompson
Geoffrey S. Trotier
Amie B. Trupke
Amy B.F. Tutwiler
James M. Voss
Carrie L. Watkins
Matthew D. Weber
Prof. Alan J. Weisbard
Rebecca R. Weise
Keith R. Wessel
Walter H. White, Jr.
Prof. William C. Whitford
Mike B. Wittenwyler
Dustin T. Woehl
Jane F. (Ginger) Zimmerman