

What the Amendment Says

“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.”

What it means: The amendment prohibits gay marriage and any legal status similar to marriage.

What’s wrong: Wisconsin already bans gay marriage. The second clause goes too far. A “substantially similar” clause in Ohio led the courts to undo domestic violence protections for heterosexual unmarried couples. Further, while some Wisconsinites are against gay marriage, most support legislation that allows gay couples certain rights, such as civil unions and the right to make health care decisions for their loved ones.

After an amendment like this one passed in Michigan, the state removed domestic partner benefits, which included health care. The second sentence puts such rights in jeopardy.

What You Can Do

When people know about the unintended consequences of the amendment, they don’t want it.

Talk to your friends and neighbors, church groups, professional associations, and coworkers.

Hold a debate, discussion, house party, or information session about the amendment in your community.

Contact Fair Wisconsin, a group working to educate the public about the dangers of the amendment. (www.fairwisconsin.com)

Talk to people in other parts of the state and ask them to get involved.

Distribute copies of this flyer.

For more information, see www.attorneysagainsttheban.org

To get in touch with *Attorneys Against the Ban* or to arrange for a speaker, contact aatbwi@yahoo.com.

The views expressed in this pamphlet are those of Attorneys Against the Ban, a referendum group registered with the Wisconsin State Elections Board. Funding for Attorneys Against the Ban was provided in part by donations from the Public Interest Law Section and the Individual Rights and Responsibilities Section of the State Bar of Wisconsin, which oppose the amendment. The State Bar of Wisconsin’s Board of Governors and the State Bar as a whole have not taken any position with respect to the issues discussed in this pamphlet.

Authorized and paid for by Attorneys Against the Ban, Andy Somers, Treasurer.

Attorneys Against the Ban

- It goes too far.
- It is intrusive.
- It is discriminatory.
- It threatens legal protections for domestic violence victims.
- The constitution should grant rights, not remove rights.
- It is bad for children.
- It is bad for elderly people.
- It invades privacy.

Attorneys Against the Ban Urge You to Vote **NO** on November 7, 2006

It is too broad.

This amendment has unintended legal consequences for citizens of Wisconsin, both gay and heterosexual.

It is intrusive.

It constitutes government intrusion into our private lives. Wisconsinites have always recognized that individuals can choose how to live their own lives. This amendment would tell people how to live their private lives.

Gay couples can't legally marry in Wisconsin already.

It is not legal for gay people to marry in Wisconsin now. It won't affect religious doctrine or marriage. Both federal laws and the State of Wisconsin define marriage as between one man and one woman. Wisconsin is not required to recognize marriages from other states. Marriages sought by Wisconsin citizens in other states to avoid Wisconsin's marriage laws are void in Wisconsin.

"I don't think people know the amendment could affect lots of protections for both gay and straight people. From a legal standpoint, it's scary."

– Atty. Paul Sturgul
Hurley, WI

The constitution should grant and protect rights.

This amendment would use our constitution to take away rights. This bill removes rights for gay people and unmarried people.

It threatens to harm children.

Children of gay parents could forever lose the ability to obtain health insurance, inheritance rights, and other forms of financial security.

It will increase litigation and undo settled law.

This amendment would create uncertainty and invite litigation on a broad range of topics, including the right of employers to grant domestic partner benefits, the right of women to be protected from domestic violence, the scope of hospital visitation rights, the validity of health care powers of attorney, and the legitimacy of wills and trusts.

It could undo domestic violence protections.

In a state with an amendment similar to the one proposed in Wisconsin, heterosexual perpetrators of domestic violence used it

to undo domestic violence protections. These men said that allowing ex-girlfriends to get restraining orders against abusive boyfriends violated the amendment's prohibition against any legal status like marriage. They won. We don't want this to happen in Wisconsin.

It could affect the health of our citizens.

Health care benefits for domestic partners, gay and straight, and their children could be lost.

It is discriminatory.

Discrimination should not be written into the constitution. Regardless of your personal feelings about gay marriage, this amendment discriminates against gay people and gay couples. It also discriminates against unmarried heterosexual couples.

"Once we start amending our constitution to remove rights from some, the question is: 'Who's next?'"

– Atty. Dan Freund
Eau Claire, WI