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(FORM UPDATED: 08/11/2010)

## WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

### 2005-06

(session year)

### Senate

(Assembly, Senate or Joint)

### Committee on Judiciary, Corrections and Privacy...

#### COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

#### INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
  - (**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)
  - (**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

\* Contents organized for archiving by: Stefanie Rose (LRB) (July 2012)

## Senate

### Record of Committee Proceedings

#### **Committee on Judiciary, Corrections and Privacy**

##### **Senate Joint Resolution 53**

Relating to: providing that only a marriage between one man and one woman shall be valid or recognized as a marriage in this state (2nd consideration).

By Senators S. Fitzgerald, Stepp, Roessler, Lazich, Leibham, Kanavas, Schultz, A. Lasee, Reynolds, Grothman and Zien; cosponsored by Representatives Gundrum, Nischke, Krawczyk, Suder, J. Fitzgerald, Towns, Owens, Gard, Huebsch, McCormick, Hundertmark, M. Williams, Van Roy, Bies, LeMahieu, Honadel, Pettis, Nass, Ott, F. Lasee, Hahn, Kestell, Lothian, Hines, Gottlieb, Townsend, Gunderson, Kreibich, Petrowski, Meyer, Jeskewitz, Freese, Vos, Kleefisch, Nerison, Ballweg, Moulton, Kerkman, Loeffelholz, Albers, Mursau, Pridemore, Montgomery and Strachota.

November 22, 2005 Referred to Committee on Judiciary, Corrections and Privacy.

November 29, 2005 **PUBLIC HEARING HELD**

Present: (0) None.  
Absent: (0) None.

##### Appearances For

- Scott Fitzgerald, Madison — Senator
- Mark Gundrum — Representative
- Tina Dorschel, Madison
- Carolyn Schveppel, Madison
- Scott Fitzgerald — Senator
- Theresa Collett
- Christopher Wolfe, Greenfield — Wisconsin Coalition for Traditional Marriage
- Julaine Appling, Watertown — Family Research Institute of WI
- Lee Webster
- Roger Hippich, Mauston
- Jennifer Hoppe
- Pat Hansen, Stoughton
- James Flap, Madison
- Michael Foht, Monroe
- William Bartz, Ft. Atkinson

- Joan Tatarsky, Milwaukee
- Scott Olsen, Brookfield
- Alfredo Olivares, McFarland
- Ralph Lang, Marshfield
- Aimee S, Baraboo
- Randy Berkner, Madison
- Kristin Armstrong, Oshkosh
- Lynette Doyle, Oshkosh
- Lee Webster, Wausau — Wisconsin Coalition for Traditional

#### Marriage

- Henry Stiller, Elkhorn
- Sondra Streckert, Abbotsford
- Robert Morlino, Madison — WI Catholic Conference
- Kip Ziemer, Omro
- Jenny Baierl, Evansville
- Charles Kuch, Hartland
- Rex Munyon, Watertown
- Lee Hauser, Hartford
- Richard Ives, Oshkosh
- Richard Pritchard, Madison
- Mike Mayhak, Waunakee
- Carolyn Schveppel, Madison
- Richard Church, Friendship
- Anthony Bilek, La Farge
- Randy Hamby, Appleton
- Raymond Adains, Bruce
- Rebecca Jest, Brookfield
- Norma St. John, Darien
- Rodney Laudenslager, Watertown
- Teno Groppi, Oshkosh
- Marvin Munyon, Watertown — Wisconsin Capitol Watch
- Jerome Fox, Oshkosh
- Jon Schubert, Coloma
- Carolyn Swenson, Oshkosh
- Dick Kendall, Appleton
- Donald Hudzinski, Rio
- Lisa Streets, Slinger
- Nora Schumann, Brookfield
- Patrick F

#### Appearances Against

- Jonathan Biatch, Madison

- Brett Blomme, Milwaukee
- Linda Farley, Verona
- Paul Grossberg, Madison
- Curt Anderson, Madison
- Wendy Cooper, Madison
- Ray Vahey
- Joe Wineke, Verona — Democratic Party of Wisconsin
- Richard Russell, Madison
- Paul Wertsel, Madison
- Matt Severt, Shorewood
- Nikki Schlaishunt, Milwaukee
- Amy Parry, Milwaukee
- Tim Kietzman, Wauwatosa
- Jay Longhurst, Pewaukee
- Perry Ed Lucas, Madison
- Bill Briggs
- Alberto Poliarco
- Lester Pines
- David Dragseth
- Gene Green, Fox lake
- Diane Wensel, Madison
- Janel Hammer, Madison
- Rose Sime, Middleton
- Eva Shiffrin, Madison
- Jennifer Gonda, Milwaukee — City of Milwaukee
- Sandee Beaman, Mineral Point
- Robert Klebba, Madison
- Michele Perreault, Fitchburg
- Edward Marion, Madison
- Z Kowel, Milwaukee
- Amy Scarr, Madison
- Mary Wastrovich, Madison
- Abbie Hill, Madison
- Eugene Farley, Verona
- Linda Farley, Verona
- Peter Bock, Madison
- Ted Voth, Madison
- Coleman i, Mineral Point
- Michael Thomas, Manitowoc
- Brian Harris, Sturgeon Bay
- Debra Greane, Madison
- Elizabeth Feagles, Marshall

- Chad Gendreall, Madison
- Renee Bauer, Madison
- Nancy Peidelstein, Baraboo
- Bill Briggs, Wausau
- Ruth Barrett, Evansville
- Falcon River, Evansville
- David Cohen, Madison
- Kristin Gorton, McFarland
- Ryan Grant Long, Madison
- Joyce Ellwanger, Milwaukee
- Mark Hooker, Milwaukee
- Luke Arthur, Madison
- Robert Parrish, Brookfield
- Paul O'Leary, Madison
- Samuel Cooke, Fitchburg
- Rebecca Thompson, Madison
- Kathy Walsh, Madison
- Janie Ocejo, Madison
- Jerome McColton, Milwaukee
- S. Argo, Wisconsin Dells
- Padruis Durkin, Wisconsin Rapids
- David Devereaux-Weber, Madison
- Lonnie Wilson, Appleton
- Aaron Sherer, Oshkosh
- Deon Young, Milwaukee
- Derrick Soto, Milwaukee
- Jan Tingley, Milwaukee
- David Schowengerdt, Madison
- Jennifer Pressman, Madison
- Scott Roman, Sussex
- Patrick Flaherty, Milwaukee
- Anne David, Potosi
- Brian Juchems, Madison
- June Paul, Madison
- James Rugers, Madison
- Andrew Rohn, Madison
- Tony Schultz, Athens
- William Diederich, Madison
- Jackson Tiffany, Madison
- Greane Family, Madison
- Brian Tanner, Madison — United Council
- Kelda Helen Roys, Madison — NARAL Pro-Choice Wisconsin

- Tamara Packard, Madison
- Lilia Williams, Madison
- Sheila Spear, Oregon
- Kent Walker, Mount Horeb
- Ken Scott, Mt. Horeb
- Marques Jackson, Madison
- Erik Guenther, Madison
- Shaun Slack, Milwaukee
- Brian Tonner, Madison
- Sarah Stumpf, Madison

Appearances for Information Only

- None.

Registrations For

- Cindy Johnson, Oshkosh
- Jaren Hiller, Milwaukee
- Robert Jones Jr., Elkhorn — Lakewood Biblical Baptist Church
- Donald Young, Elkhorn — Lakewood Biblical Baptist Church
- Timothy Rookey, Middleton
- Eugene Cattanach, Granton
- Dorothy Cattanach, Granton
- Scott Suder, Madison — Representative, 69th Assembly District
- Anne Rookey, Middleton
- Vincent Kobosh, Lake Mills
- Ryan Youngdarer, Madison
- David Beglsing, Lake Mills
- Dean Howell, Cottage Grove
- John Baierl, Evansville
- Ron Klutz, Cambridge — Pastor
- Matt Sande, Cambridge
- Joe Tumpach, Sun Prairie
- Jim Wright, Portage
- Terry Moulton, Madison — Representative
- Adrian Rayo, Sun Prairie
- Steve Krieser, Stoughton
- Harry Reed, Cottage Grove
- Luella Sue Reed, Cottage Grove
- Rebekah Gantner, Watertown
- Brian Carlisle, Madison
- Amy Lemberger, Verona
- Bev Orr, Madison

- Steve Winter, Westfield
- Dan LeMahieu — Representative
- Ronald Burns, Oshkosh
- S. Kent Steffke, Milwaukee
- Reed Heckmann, Sun Prairie
- Susan Ferris, Watertown
- Ken Brummel, Sun Prairie
- Anne Heckmann, Sun Prairie
- Tom Lothian — Representative
- Mark Holland, Watertown
- Mark Honadel — Representative, 21st Assembly District
- Scott Hoppe
- Philip Mikkelson, Stoughton
- Wendy Fjelstad, Cottage Grove
- Leane Ryatte, Milwaukee
- Marjorie Reffue, Oregon
- Dale Johnson, Oshkosh
- Lester Moore, Beaver Dam
- Doris Moore, Brookfield
- James Lewis, Racine
- Dean Weichert, Friendship
- James Tiusty, Wausau
- Maris Tiusty, Wausau
- Brooke Church, Friendship
- Shawn Slack, Milwaukee
- John Macintyre, Black River Falls
- Carter Macintyre, Black River Falls
- William Johansen, Beloit
- Kristin Magnuson, Madison
- Loria Burdick, Lake Mills
- Jean Kelly, Oshkosh
- Janet Peterson, Watertown
- Judith Brant, Madison
- Diane Westphall, Watertown
- Grant Emmel, Madison
- Dawn Doyle, Oshkosh
- Stuart Doyle, Oshkosh
- Brian Doyle, Oshkosh
- Susan Lagan, Madison
- Paul Lagan, Madison
- Robert Warinner, Omro
- Jeff Brayton, Oshkosh

- Ben Peterson, Watertown
- Thomas Fuller, Whitewater
- Thelma Taylor, Oshkosh
- Terry Rushing, Oshkosh
- Juanita Warinner, Omro
- Angela Fox, Oshkosh
- Melissa Hanson, Green Lake
- John Carlin, Madison
- Robert Love, Waupun
- Scott Love, Waupun
- Tom Drews, Beaver Dam
- Wayne Alden, McFarland
- Ernest Pagels, Waukesha
- Lynn Sedelbauer, Hixton
- Joe Leibham — Senator
- Bill Smith, Madison — NFIB
- Bill Smith, Madison — Wisconsin Coalition for Civil Justice
- Megan Brown, Madison
- Rick Hefner, Madison
- Randy Jones, Sun Prairie
- Adam Steen
- Mike Lingle, Watertown
- Ralph Schell, Butler
- Michele Leick, Adell
- Dale Lund, Bruce
- Darla Adams, Bruce
- Twyla Lund, Bruce
- Robert Spurgeon, Kaukauna
- Stephanie Reynolds, Milwaukee
- Brenda Baierl, Evansville
- Elaine Harris, Watertown
- Deb King, Madison
- Lynelle Clary, Sun Prairie
- Mary Fiore, Madison
- Ralph Ovadal, Monroe — Pilgrims Covenant Church
- Rupert Morlino, Madison
- Paul Cameron, Appleton
- Gene Malone, Kenosha
- Del Oatsvall, New Lisbon

Registrations Against

- Bill Heinzelman, Milwaukee

- Amy Fuelleman, Madison
- Blanche Widmer, Oshkosh
- Steve Arnold, Madison
- Crystal Hyslop, Madison
- Erin Roberts, Madison — National Association of Social Workers
- Robert Hall, Madison
- Shelley Hansen-Blake, Madison
- Olwen Hansen-Blake, Madison
- Barbara Holtzman, Madison
- Josh Harder, Fitchburg
- William Sample, Madison
- Barbara Streibel, Madison
- Beth Colello, Mt. Horeb
- Dean Colello, Mt. Horeb
- Herman Holtzman, Madison
- Kimberly Bean, Madison
- Jane Sadusky, Madison
- Megan Brown, Madison
- Jamie Haack
- Susan Cary, Oregon — Christians for Equality
- Sheri Mouerman, Madison — Christians for Equality
- Vicki May, Oregon
- Kate Alt, Madison
- Jamie Cummings, Madison
- John Goldstein, Milwaukee
- Sunshine Jones, Madison
- Mary Babula, Madison
- Renee Herber, Madison
- Mary Mastaglio, Madison
- Juliette Gorski, Madison
- Kaimo Poliarco, Madison
- Sarah White, Madison
- Mike Murray — WI Coalition Against Sexual Assault
- Lisa Roys, Madison — State Bar of Wisconsin
- Maryann Turner, Madison
- Joyce Wells, Madison
- Theresa Stabo, Madison
- Steven Webster, Madison
- James Dietrich, Madison
- Margo Kemp, Platteville
- Carol Holden, Madison
- Mary Myers, Madison

- Marilyn Gottschalk, Platteville
- Joanne Schalch, Middleton
- Mary Dretz, Madison
- LeAnne Ray, Madison
- Kimberly Nichols, Madison
- Ann Mulhern, Madison
- Jeanne Rosen, Madison
- Dorothy Churchwell, Madison
- Sandra Holtzman, Madison
- Marjorie Bierbrauer, Platteville
- Jennifer Gaber, Madison
- James Iliff, Middleton
- Laura Crow, Middleton
- Carol Berglund, Madison
- Josh Zaharoff, Madison
- Beverly Nelson, Madison — SAFE Group
- Jane Rowe, Madison — Plymouth Cong. UCC
- Melanie Herzog, Madison — Madison
- Jacqueline Lindo, Mequon
- Justin Jackson, Milwaukee — UWM - LGBT Center
- Evelyn Dickman, Milwaukee
- James Mulder, Fitchburg
- Frances Marion, Madison
- Don Nelson, Madison — UW Madison
- Kathleen Falk, Madison — Dane County Executive
- Alfonso Zepeda-Capistrain, Cottage Grove — Latinos United for  
Change & Advance
- Nancy Wettersten
- Darcy Haber — Wisconsin Citizen Action
- Susan Fischer, Madison
- Kathy O'Connell, Madison
- Terry Schmidt, Madison — Civil Marriage Equality Coalition
- Kate Hammarback, River Falls
- Gabe Kirchner, Madison — AFT - Wisconsin
- Jennifer Siedenburg, Elkhorn
- Talia Schank, West Allis
- Catherine Capellaro, Madison
- Michael Sabacinski, Madison
- Donna Campos, Watertown
- Colleen Cox, Madison
- Stacia Conneely, Madison
- Vicki Berenson, Madison

- Jen Rubin, Madison
- Judith Hall, Milwaukee
- Bill Keys, Madison
- Sue Moline Larson, Madison — Rev., Lutheran Office for Public

Policy in WI

- Gloria Nathan, Sauk City
- Michael Miller, Milwaukee — Department of Administration
- Joseph Parisi — Representative, 48th Assembly Distric
- Lore Stanton, Webster
- Denny Stanton, Webster
- Karen Reim, Madison
- Mary Strickland, Madison
- Jarrett Jines, Madison
- Cary Terrell, Madison
- Anne Sayers, Madison
- Deborah Hobbins, Madison
- Robert Davis, Madison
- Elizabeth Ullman, Madison
- Maureen Cassidy, Madison
- Lauren Rauk, Madison
- Sara Finger, Madison
- Amanda Harrington, Madison
- Nicole Safar, Madison — Planned Parenthood Advocates of

Wisconsin

- Michael Whalen, Madison
- Rick Rubow, Madison
- Aria Duax, Madison
- Sheila Hollowan, Madison
- Sara Christopherson, Madison
- Genie Ogden, Madison
- Charles Wolfe, Madison — Dr.
- Matthew Steigman, Madison
- Marilee Harrison, Madison
- Amihan Huesmann, Madison
- Mary Ebeling, Madison
- Michael Quietr, Madison — AFT - Wisconsin
- Cynthia Poe, Madison
- Alicia Jones, Madison
- Libbie Freed, Madison
- Justin Sweet, Fitchburg
- Jen Sandler, Madison
- Lauren Faulkner, Madison

- Sheila Holloway
- Alex Zanello, Madison
- Alyssa Rotschafer, DeForest
- Elizabeth Schilling, Madison
- Anne Altshuler, Madison
- Trudy Fredericks, Columbus — UW Madison
- Jonathan Suhman, Madison
- David Sucman, Madison
- Teresa Meuer, Madison
- Jessica Wartenweiler, Madison
- Adam Cain, Madison
- Andy Janssen, Madison
- Holly Blomquist, Madison
- Anne Pryor, Westport
- Liberty Karp, Madison
- Peter Brinson, Madison
- Paul Reckmer, Madison
- Nicole Juan, Madison — UW Madison Students, ASM, United Council of UW Students
- Ian Vaver, Madison — Action Wisconsin
- Kia Sorensen, Madison
- Anne Wadsack, Madison
- Susan Bartholo, Madison
- Craig Klyve, Verona
- Rebecca Weise, Madison
- Nancy Haack, Mt. Horeb
- Barbara Oswald, Middleton
- Dave Evans, Madison
- Mary Salzman, Oconomowoc
- Lois Keel, Madison
- Henry Eichhorn, Madison
- Susan Eichhorn, Madison
- Drew Dorshorst, Madison
- Deborah Renard, Milwaukee
- Bruce Harville, Madison
- Chris Taylor, Madison — Planned Parenthood of Wisconsin
- Kay Heggstad, Madison
- Chelsea Ross, Madison
- Gail Owens, Madison
- Lisa Aarli, Madison
- Mandy Buckner, Madison
- Debra Ann Deppeler, Madison

- Jim Skrentny, Madison
- Steve Rubin, Madison
- Kate Hilder, Edgerton
- Judith Seymour, Madison
- Jessica Murnane, Madison
- Timothy Michael, Waunakee
- Patricia Lawton, Madison
- Bethany Ordaz, Madison
- Gwen Moore — US Representative
- Sarah Klemme, Madison
- Kevin Spaulding, Madison
- Julie Brooks, Verona
- Stephanie Smith, Madison
- Judi Devereux, Madison
- Margareto Helming, Madison
- Emily Dickmann, Madison
- Sharon Garthwaste, Madison — TAA
- Molly Todd, Stoughton
- Julien Colvin, Madison
- Adam Berliner, Madison
- Sarah Marxhausen, Madison
- Donna Vukelich, Madison
- Aubin Maynard, Madison
- Mark Supanich, Madison
- Brian O'Lamb, Madison
- Tim Sandee, Madison
- Mark Meahern, Madison
- Cynthia Mceahern, Madison
- Sharon Lee, Madison
- Joann Elder, Madison — League of Women Voters
- Paul Totu, Madison
- Lucy Friedrichs, Brown Deer
- Dennis Kohler, Germantown
- Stacy Harbaugh, Madison — Wisconsin Women's Network
- William Schmitz, Madison
- Samaa Abdurraqib, Madison
- Pabitra Benjamin, Madison — Action Wisconsin
- James Green, Madison
- Cathie Hanlon, Madison
- Carla Draper, Madison
- Claireborne Hill, Monona
- Bonnie VanOverbeke, Fitchburg

- Lori Hickman, Middleton
- Leslie Shear, Madison
- Ian James, Milwaukee
- Karen Gunderson, Madison
- John Boese, Milwaukee
- Joanne Kanter, Madison
- Nancy Marcus, Madison
- Sara Scott, Sheboygan
- Rachel Hart, Madison
- Brett Burkhardt, Madison
- Susan Hollingsworth, Madison
- Lauren Vedal, Madison
- Catherine Sheehan, Madison
- Sophia Brichford, Madison
- Richard Paul Brown, Madison
- Cory Scott Moll, Madison
- Amy Quark, Madison
- Jacqueline Scott, Madison
- Nora Cusack, Madison — Women's Medical Fund
- Sharon Barbour, Madison
- Timothy Bauer, Madison
- Sheldon Walker, Milwaukee
- Brion Collins, Milwaukee
- K.P. Whaley, Madison
- Winton Boyd, Madison — Orchard Ridge United Church of Christ
- Kris Gildseth, Madison
- David Reese, Madison
- Jack O'Meara, Madison — Professor Inc. (Faculty at  
UW-Madison)
- Janet Murphy, Madison
- Mary Bowman, Madison
- Hilda Wecks Kuter, Madison
- Kari Nelson, Wisconsin Dells
- Ehhl McNeill, Madison
- Neal Michals, Milwaukee — UWM Student Association
- Brienna Deyo, Madison
- Brill Martin, Milwaukee — Center Advocates
- David Crowcroft, Madison
- Martha Gainer, Madison
- Heather Schaller, Madison
- Margaret Mooney, Madison
- Sarah Davis, Madison

- Dug Doll, Madison
- Patricia Jensen, Madison
- John Helt, Fort Atkinson
- Bonnie Auguste, Stoughton — Christians for Equality
- Vincent Bohlinger, Madison
- Don Ross, Madison
- Katrina Peterson, Madison
- Melissa Keyes, Madison
- Ingrid Rothe, Madison
- Raelene Freitag, Middleton
- Robin Timm, Platteville
- Megan Daley, Madison
- Kelly Kroehle, Madison
- Scot Ross, Madison
- Rachel Strauch-Nelson, Madison
- Mary Sykes, Madison
- Josh Freker, Madison
- Cedric Lawson, Racine
- Robert Schubert, Madison
- Jayne Dunn, Platteville
- Yeng Yang, Madison
- Mara Rosenbloom, Madison
- Dania Champion, Verona
- Heidi Besant, Madison
- Henry Brock, Madison
- Adam Crewziger, Madison
- Ingrid Anderson, Madison
- Austin King, Madison
- M.E. Thorton, Madison
- Sharon Whitney, Madison
- Jill Ness, Madison
- Paul Uebelher, Madison
- Marie Baker, Dodgeville
- Martyn Truby, Madison
- Sig Midelfont, Monona
- Geralyn Lu, Madison
- Philip Lu, Madison
- Jennifer Murray, Milwaukee
- Meighan Bentz, Milwaukee
- Lorene Severson, Madison
- Michelle Eldridge, McFarland
- Susan Donaldson, McFarland

- Dennis Bergren, Cottage Grove — 4-Lakes Green Party
- Peter Johnson, Madison
- Steven Dhuey, Madison
- Steven Thiede, Oshkosh
- David Jenswold, Oshkosh
- Paul Young, Stitzer
- Deb Joseph, Stitzer
- Marlo Dobrient, Madison
- Susan Jones, Madison
- Barbara Byer, Madison
- Gerald Nelson, Madison
- Susan Weaver, Madison
- Jamie Ellis, Madison
- Shannon Baruth, Madison
- Kaye Cooke, Fitchburg
- Eli Judge, Madison
- Russell Bennet, Madison
- Anthony Sheehan, Madison
- Rebecca Jamieson, Madison
- Victor Lane, Madison
- Jamaica Robinson, Madison
- Michal Fischer, Madison
- Ken Bentley, Monona — Action Wisconsin
- Pat Dolan, Madison
- Pearl Leonard-Rock, Madison
- Lisa Heglund, Madison
- Tim Carpenter, Milwaukee
- J Eckenwalder, Madison
- James Harrison, Madison
- Rebecca Hasti, Madison
- Eric Bach
- Laura Laurenzi, Madison
- Kris Jensen, Madison
- David Newby, Milwaukee — Wisconsin AFL-CIO
- Sara Maria Giffin, Madison
- Charlie Squires, Madison
- Sheldon Gross, Madison
- Rose Prochazke, Sun Prairie
- Ann Miller, Madison
- Jon Schultz, Madison
- William Clifton, Madison
- Todd Kummer, Madison

- Louise Lund, Madison
- Jean Eden, Madison
- Joseph Elder, Madison
- Wendy Gibbs, Middleton
- Herb Pinkerton, Madison
- Darrel Richey, Madison
- Cindy Crane, Madison — Christians for Equality
- Karin Silet, Madison
- Nancy Anderson, Middleton
- Jonathan Wolkonin, Milwaukee
- Nathan Garrett, Appleton
- Mark Clinger, Madison
- Nikki Clinger, Madison
- Carrie Tobin, Madison — Action Wisconsin
- Edsun Makuluni, Madison
- Taylor Gurl, Madison
- Laura Miller, Madison
- Jason Hendrix, Madison
- Virginia Kruse, Madison
- Jane Griswold, Madison
- Tisha Brown, Madison
- Barb Walter, Madison — Christians for Equality
- Rose Schneck, Madison
- Rain Zephyr, Madison
- Cynthia Roskovic, Madison
- Ellen Hartenbach, Madison
- Kathy Oriel, Madison
- Kyle Olsen, Madison
- Micah Herstand, Madison
- Susan Anderson, Madison
- Ariel Kaufman, Madison
- Judith Green, Verona
- James Rand, Wauwatosa
- Donna Woehrle, Wauwatosa
- Thomas Woehrle, Wauwatosa
- Rachel Caplan, Madison
- Rebecca Payne, Madison
- Carin Bringelson, Madison
- Richard Fluechtling, Madison
- Ken Kohberger, Milton
- Travis Foster, Madison
- Peter Bentz, Milwaukee

- Mary Ann Wolkomir
- Barb Murray, Fon du Lac
- Christina McIntosh, Sauk City
- Baltazar De anda-Santana, Milton
- Pat Calching, Madison
- Terri Pepper, Madison
- Michael Kissich, Madison
- Kent Fossberg, Middleton
- Rachel Avery, Madison
- Michael Green, Madison
- Janet Pugh, Madison
- Rachelle La Fave, Madison
- Chad Allen, Madison
- Jane Oman, Madison
- Stephanie Sobczak, Madison
- Karen Baker, Cottage Grove
- Preston Baker, Cottage Grove
- Thomas Howe, Madison
- Marian Fredal, Madison
- Leah Stecker, Madison
- Alice Chang, Madison
- Madeline Midbon, Madison
- Amy Barber, Madison
- Elizabeth Tymus, Madison
- Spencer Retelle, Madison
- Swathi Damodaran, Middleton
- Alan Jorawlien, Madison
- Joe Farrenkopf, Madison
- Sophie Hung, Madison
- Amanda Fahrenbach, Madison
- Dan Baum, Madison
- Nick Rosebear, Madison
- Timothy Black, Madison
- Tansa Li, Verona
- Glenn Mitroff, Madison
- David Kreisman, Madison

December 5, 2005

EXECUTIVE SESSION - POLLING

Moved by Senator Zien that **Senate Joint Resolution 53** be recommended for adoption.

Ayes: (3) Senators Zien, Roessler and Grothman.

Noes: (2) Senators Taylor and Risser.

ADOPTION RECOMMENDED, Ayes 3, Noes 2

Brian Deschane  
Committee Clerk



# STATE SENATOR DAVE ZIEN

**CHAIRPERSON**

COMMITTEE ON JUDICIARY, CORRECTIONS AND PRIVACY

**PRESIDENT PRO TEMPORE**

**VICE CHAIRPERSON**

COMMITTEE ON VETERANS, HOMELAND SECURITY, MILITARY AFFAIRS, SMALL BUSINESS AND GOVERNMENT REFORM

**MEMBER**

COMMITTEE ON JOB CREATION, ECONOMIC DEVELOPMENT AND CONSUMER AFFAIRS

SENTENCING COMMISSION

COUNCIL ON TOURISM

JUDICIAL COUNCIL

JOINT LEGISLATIVE COUNCIL

BUILDING COMMISSION

## MEMORANDUM

TO: Senator Glenn Grothman, Member, Senate Committee on Judiciary, Corrections & Privacy

FR: Senator Dave Zien, Chair, Senate Committee on Judiciary, Corrections & Privacy

DT: December 2, 2005 (hand delivered 9:30am)

RE: Executive Action Paper Ballot

Please consider the following bill and vote on the motions below. Return this ballot to Senator Dave Zien, Room 15 South, no later than 9:00am (Monday), December 5, 2005. Committee members' ballots not received by the deadline will be marked as not voting.

### Senate Joint Resolution 53

Relating to: providing that only a marriage between one man and one woman shall be valid or recognized as a marriage in this state (2nd consideration).

By Senators S. Fitzgerald, Stepp, Roessler, Lazich, Leibham, Kanavas, Schultz, A. Lasee, Reynolds, Grothman and Zien; cosponsored by Representatives Gundrum, Nischke, Krawczyk, Suder, J. Fitzgerald, Towns, Owens, Gard, Huebsch, McCormick, Hundertmark, M. Williams, Van Roy, Bies, LeMahieu, Honadel, Pettis, Nass, Ott, F. Lasee, Hahn, Kestell, Lothian, Hines, Gottlieb, Townsend, Gunderson, Kreibich, Petrowski, Meyer, Jeskewitz, Freese, Vos, Kleefisch, Nerison, Ballweg, Moulton, Kerkman, Loeffelholz, Albers, Mursau, Pridemore and Montgomery.

- Moved by Senator Zien that Senate Joint Resolution 53 be recommended for ADOPTION:

Aye         ✓         No                         

  
\_\_\_\_\_  
Senator Glenn Grothman





# STATE SENATOR DAVE ZIEN

**CHAIRPERSON**

COMMITTEE ON JUDICIARY, CORRECTIONS AND PRIVACY

**VICE CHAIRPERSON**

COMMITTEE ON VETERANS, HOMELAND SECURITY, MILITARY AFFAIRS, SMALL BUSINESS AND GOVERNMENT REFORM

**MEMBER**

COMMITTEE ON JOB CREATION, ECONOMIC DEVELOPMENT AND CONSUMER AFFAIRS

SENTENCING COMMISSION

COUNCIL ON TOURISM

JUDICIAL COUNCIL

JOINT LEGISLATIVE COUNCIL

BUILDING COMMISSION

**PRESIDENT PRO TEMPORE**

## MEMORANDUM

TO: Senator Fred Risser, Member, Senate Committee on Judiciary, Corrections & Privacy

FR: Senator Dave Zien, Chair, Senate Committee on Judiciary, Corrections & Privacy

DT: December 2, 2005 (hand delivered 9:30am)

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### Senate Joint Resolution 53

Relating to: providing that only a marriage between one man and one woman shall be valid or recognized as a marriage in this state (2nd consideration).

By Senators S. Fitzgerald, Stepp, Roessler, Lazich, Leibham, Kanavas, Schultz, A. Lasee, Reynolds, Grothman and Zien; cosponsored by Representatives Gundrum, Nischke, Krawczyk, Suder, J. Fitzgerald, Towns, Owens, Gard, Huebsch, McCormick, Hundertmark, M. Williams, Van Roy, Bies, LeMahieu, Honadel, Pettis, Nass, Ott, F. Lasee, Hahn, Kestell, Lothian, Hines, Gottlieb, Townsend, Gunderson, Kreibich, Petrowski, Meyer, Jeskewitz, Freese, Vos, Kleefisch, Nerison, Ballweg, Moulton, Kerkman, Loeffelholz, Albers, Mursau, Pridemore and Montgomery.

- Moved by Senator Zien that Senate Joint Resolution 53 be recommended for ADOPTION:

Aye \_\_\_\_\_ No   X  

*Fred Risser* (TT)  
 \_\_\_\_\_  
 Senator Fred Risser





# STATE SENATOR DAVE ZIEN

PRESIDENT PRO TEMPORE

**CHAIRPERSON**

COMMITTEE ON JUDICIARY, CORRECTIONS AND PRIVACY

**VICE CHAIRPERSON**

COMMITTEE ON VETERANS, HOMELAND SECURITY, MILITARY AFFAIRS, SMALL BUSINESS AND GOVERNMENT REFORM

**MEMBER**

COMMITTEE ON JOB CREATION, ECONOMIC DEVELOPMENT AND CONSUMER AFFAIRS

SENTENCING COMMISSION

COUNCIL ON TOURISM

JUDICIAL COUNCIL

JOINT LEGISLATIVE COUNCIL

BUILDING COMMISSION

## MEMORANDUM

TO: Senator Carol Roessler, Member, Senate Committee on Judiciary, Corrections & Privacy

FR: Senator Dave Zien, Chair, Senate Committee on Judiciary, Corrections & Privacy

DT: December 2, 2005 (hand delivered 9:30am)

RE: Executive Action Paper Ballot

Please consider the following bill and vote on the motions below. Return this ballot to Senator Dave Zien, Room 15 South, no later than 9:00am (Monday), December 5, 2005. Committee members' ballots not received by the deadline will be marked as not voting.

### Senate Joint Resolution 53

Relating to: providing that only a marriage between one man and one woman shall be valid or recognized as a marriage in this state (2nd consideration).

By Senators S. Fitzgerald, Stepp, Roessler, Lazich, Leibham, Kanavas, Schultz, A. Lasee, Reynolds, Grothman and Zien; cosponsored by Representatives Gundrum, Nischke, Krawczyk, Suder, J. Fitzgerald, Towns, Owens, Gard, Huebsch, McCormick, Hundertmark, M. Williams, Van Roy, Bies, LeMahieu, Honadel, Pettis, Nass, Ott, F. Lasee, Hahn, Kestell, Lothian, Hines, Gottlieb, Townsend, Gunderson, Kreibich, Petrowski, Meyer, Jeskewitz, Freese, Vos, Kleefisch, Nerison, Ballweg, Moulton, Kerkman, Loeffelholz, Albers, Mursau, Pridemore and Montgomery.

- Moved by Senator Zien that Senate Joint Resolution 53 be recommended for ADOPTION:

Aye   X   No           

  
Senator Carol Roessler





# STATE SENATOR DAVE ZIEN

PRESIDENT PRO TEMPORE

**CHAIRPERSON**  
 COMMITTEE ON JUDICIARY, CORRECTIONS AND PRIVACY

**VICE CHAIRPERSON**  
 COMMITTEE ON VETERANS, HOMELAND SECURITY, MILITARY AFFAIRS, SMALL BUSINESS AND GOVERNMENT REFORM

**MEMBER**  
 COMMITTEE ON JOB CREATION, ECONOMIC DEVELOPMENT AND CONSUMER AFFAIRS  
 SENTENCING COMMISSION  
 COUNCIL ON TOURISM  
 JUDICIAL COUNCIL  
 JOINT LEGISLATIVE COUNCIL  
 BUILDING COMMISSION

## MEMORANDUM

**TO:** Senator Lena Taylor, Member, Senate Committee on Judiciary, Corrections & Privacy

**FR:** Senator Dave Zien, Chair, Senate Committee on Judiciary, Corrections & Privacy

**DT:** December 2, 2005 (hand delivered 9:30am)

**RE:** Executive Action Paper Ballot

Please consider the following bill and vote on the motions below. **Return this ballot to Senator Dave Zien, Room 15 South, no later than 9:00am (Monday), December 5, 2005.** Committee members' ballots not received by the deadline will be marked as not voting.

### Senate Joint Resolution 53

Relating to: providing that only a marriage between one man and one woman shall be valid or recognized as a marriage in this state (2nd consideration).

By Senators S. Fitzgerald, Stepp, Roessler, Lazich, Leibham, Kanavas, Schultz, A. Lasee, Reynolds, Grothman and Zien; cosponsored by Representatives Gundrum, Nischke, Krawczyk, Suder, J. Fitzgerald, Towns, Owens, Gard, Huebsch, McCormick, Hundertmark, M. Williams, Van Roy, Bies, LeMahieu, Honadel, Pettis, Nass, Ott, F. Lasee, Hahn, Kestell, Lothian, Hines, Gottlieb, Townsend, Gunderson, Kreibich, Petrowski, Meyer, Jeskewitz, Freese, Vos, Kleefisch, Nerison, Ballweg, Moulton, Kerkman, Loeffelholz, Albers, Mursau, Pridemore and Montgomery.

- Moved by Senator Zien that Senate Joint Resolution 53 be recommended for ADOPTION:

Aye \_\_\_\_\_

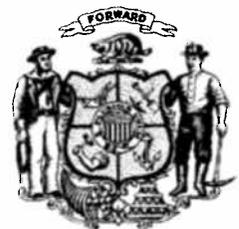
No \_\_\_\_\_

Senator Lena Taylor





# WISCONSIN STATE LEGISLATURE



November 28, 2005

Dear Members of the Joint Judiciary Committee:

I am writing you today to **OPPOSE** the proposed ban on same-sex marriage and civil unions.

The concept of gay marriage and civil unions is not a new or revolutionary idea. In Europe, the countries of the Netherlands, Belgium and Spain currently allow same-sex marriage. Other countries such as France and Great Britain allow civil unions that bestow the same protections as marriage. In North America, Canada now affords its citizens to enter into same-sex marriages, as does the state of Massachusetts. Vermont and Connecticut allow civil unions, while California, the District of Columbia, Hawaii, Maine, and New Jersey grant persons in same-sex unions a similar legal status to those in a civil marriage by domestic partnership, civil union or reciprocal beneficiary laws.

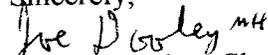
Wisconsin has always prided itself on being forward in its thinking regarding the rights of its citizens. It was the first state in the union to pass legislation barring discrimination due to sexual orientation.

Do we now wish to disenfranchise approximately 10% of tax payers? This proposed amendment certainly is a step backward for a society which values all of its citizens.

In looking at the trends that I described above, if the proposal passes, it is very likely that it will necessary to repeal it in the next decade or decades. Do we really want to enter into this enterprise now?

I answer "No!" to the questions I pose above, and request that you, our leaders, do the same.

Sincerely,

  
Dr. Joe Dooley, Chair  
NASW WI Pride Caucus



# Individual Rights & Responsibilities Section

 State Bar of Wisconsin

Wisconsin Lawyers. Expert Advisers. Serving You.

November 28, 2005

To: Senate Committee on Judiciary Corrections & Privacy, Assembly Committee on Judiciary

From: Attorney Amy Scarr, Chairperson  
Individual Rights and Responsibilities Section, State Bar of Wisconsin

RE: Assembly Joint Resolution 67

My name is Amy Scarr. I practice law in Madison. I appear before you today as the Chairperson of the Individual Rights and Responsibilities Section of the State Bar of Wisconsin. The Individual Rights and Responsibilities Section has as two of its purposes to encourage public understanding of the rights and duties of American citizenship and Wisconsin residence and to encourage and promote further public and lawyer understanding of rights and duties under the Constitution of the United States and the state of Wisconsin.

The **Individual Rights and Responsibilities Section** opposes the proposed amendment prohibiting same-sex marriage and civil unions because it is discriminatory and serves no legitimate governmental purpose. It is sadly reminiscent of discriminatory laws existing in this country not so long ago that prohibited and even criminalized interracial marriage. In 1967, the United States Supreme Court held such laws unconstitutional. That year the U. S. Supreme Court decided the case of Loving v. Commonwealth of Virginia, 388 U.S. 1, 87 S. Ct. 1817, 18 L. Ed. 2d 1010 (1967).

Richard Loving was a white man living in Virginia, and Mildred Jeter was a Black woman living in Virginia. In June 1958, the two Virginia residents were married in Washington, D. C. under the District of Columbia's laws. Shortly after their marriage, the Lovings returned to Virginia and established a home. The Lovings were charged with violating Virginia's ban on interracial marriages. They pleaded guilty to the charge and were sentenced to one year in jail. The trial judge suspended the sentence for a period of 25 years on the condition that the Lovings leave the State and not return to Virginia together for 25 years. The judge stated in an opinion that:

Almighty God created the races white, black, yellow, . . . and red, and he placed them on separate continents. And but for the interference with his arrangement there would be no cause for such marriages. The fact that he separated the races shows that he did not intend for the races to mix. Loving, 388 U.S. at 3 (citation omitted).

The Virginia Supreme Court of Appeals, the highest court in the state, upheld the constitutionality of the statutes banning interracial marriage. The court found these laws valid because "the State's legitimate purposes were 'to preserve the racial integrity of its citizens,' and to prevent 'the corruption of blood,' 'a mongrel breed of citizens,' and 'the obliteration of racial pride.'" Loving, 388 U.S. at 7, citing Naim v. Naim, 197 Va. 80, 87 S.E.2d 749 (1955).

## State Bar of Wisconsin

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# Individual Rights & Responsibilities Section

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In finding the Virginia statutes unconstitutional, the U. S. Supreme Court concluded that “[t]here is patently no legitimate overriding purpose independent of invidious racial discrimination which justifies this classification.” It asserted that “[t]here can be no doubt that restricting the freedom to marry solely because of racial classification violates the central meaning of the Equal Protection Clause.” It declared that “[u]nder our Constitution, the freedom to marry or not marry, a person of another race resides with the individual and cannot be infringed by the State.” Loving, 388 U.S. at 11-12.

On a personal note, as it happens, I was born in Virginia in June of 1958, the same month and year Richard Loving and Mildred Jeter were married. Little did I know then that I entered the world at a time and in a place where racism was rampant, that the laws of my state shamelessly reflected it, and that the courts of my state supported those laws, in the words of the U. S. Supreme Court, in “an endorsement of the doctrine of White Supremacy.” Loving, 388 U.S. at 7.

American history is fraught with examples of prejudice and mistreatment of individuals based on characteristics such as race, sex, and national origin. With regard to interracial marriage, we have seen ourselves evolve over time into a more tolerant and just nation.

We have apparently not achieved the same degree of evolution with regard to gays and lesbians. Like the earlier Virginia statutes banning interracial marriage, the amendment prohibiting same-sex marriage and the recognition of civil unions has no legitimate governmental purpose and rests on prejudice and religious rhetoric. “[A] law must bear a rational relationship to a legitimate governmental purpose.” Romer v. Evans, 517 U.S. 620, 635 (1996) (citation omitted). In discriminating against gays and lesbians, the proposed amendment contradicts two fundamental American principles, equal protection of the laws and separation of church and state.

The second sentence of the proposed amendment, declaring invalid any legal status identical or substantially similar to that of marriage for unmarried individuals, is clearly directed at civil unions achieved by gays and lesbians in other states. The U. S. Supreme stated in Evans v. Romer that “if the constitutional conception of ‘equal protection of the laws’ means anything, it must at the very least mean that a bare . . . desire to harm a politically unpopular group cannot constitute a *legitimate* governmental interest.” Romer, 517 U.S. at 634-35 (citation omitted). Moreover, the U. S. Supreme Court stated in Lawrence v. Texas that moral disapproval of homosexuals, like a bare desire to harm this group, is an interest that is insufficient to satisfy rational basis review under the Equal Protection Clause. Lawrence v. Texas, 539 U. S. 558, 582 (2003) (citation omitted).

Our lofty American ideals should not succumb to the desire to harm a politically unpopular group. Our nation’s ideals, in part, define us. How we live out those ideals also defines us.

The Individual Rights and Responsibilities Section of the State Bar of Wisconsin urges legislators who support this amendment to reconsider your position. Leave a legacy of equality and justice. Show the citizens of Wisconsin and the United States that, regardless of your own personal views of gays and lesbians, you stand for equal protection of the laws for all of Wisconsin’s citizens.

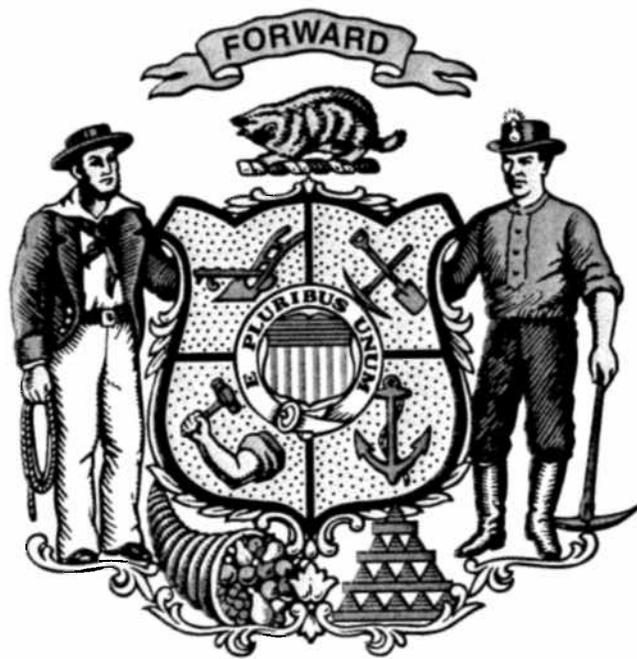
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*For more information, contact Cathleen Dettmann, State Bar of Wisconsin lobbyist, at (608) 250-6045 or [cdettmann@wisbar.org](mailto:cdettmann@wisbar.org)*

**NOTE: The views expressed on this issue have not been approved by the Board of Governors of the State Bar of Wisconsin and are not the views of the State Bar as whole. These views are those of the Section alone.**





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**TESTIMONY OF JULAINE K. APPLING  
EXECUTIVE DIRECTOR, THE FAMILY RESEARCH INSTITUTE OF WISCONSIN  
SENATE JOINT RESOLUTION 53/ASSEMBLY JOINT RESOLUTION 67  
“WISCONSIN’S DEFENSE OF MARRIAGE CONSTITUTIONAL AMENDMENT”  
JOINT PUBLIC HEARING OF THE SENATE COMMITTEE ON JUDICIARY,  
CORRECTIONS & PRIVACY AND THE ASSEMBLY COMMITTEE ON JUDICIARY  
TUESDAY, NOVEMBER 29, 2005**

Thank you, Chairman Zien and Chairman Gundrum and other committee members, for the opportunity to speak to you today on this very important issue.

I am Julaine Appling, executive director of The Family Research Institute of Wisconsin, on whose behalf I am presenting this testimony. I am also the coordinator for the Wisconsin Coalition for Traditional Marriage. Various members of that coalition will be presenting testimony later. The Family Research Institute of Wisconsin is a statewide pro-family not-for-profit organization that is dedicated to strengthening and preserving marriage and family, life and liberty in Wisconsin. While we work on a variety of issues that impact the families of Wisconsin, no issue is more important to us than preserving the foundational institution of traditional one-man/one-woman marriage in Wisconsin.

Last year, after the legislature had passed this resolution on first consideration, our organization undertook a statewide petition drive designed to give Wisconsin citizens an opportunity to express their support for traditional marriage, while also urging the legislature to give “we the people” an opportunity to have our say on this critical issue. We hired no professional petition circulators, did no major advertising. We simply used the opportunities we had to let people know about this non-binding petition and then allowed it to move throughout Wisconsin under its own momentum.

Today, we present to you the petitions and signatures we have collected. Each stack being brought into this room represents approximately 8000 signatures from Wisconsin adult citizens who believe marriage should remain the exclusive union of one man and one woman and that you, as legislators, should give Wisconsin citizens the opportunity to have the final say on the definition of marriage in our state. I believe it is safe to say that each of these signatures easily represents anywhere from 10-20 other Wisconsin citizens who would have signed it if they had known about it. These petitions are just a small proof that Wisconsin citizens really do care about this issue.

It is my distinct honor and privilege to speak for these tens of thousands of Wisconsin citizens today at this hearing. Many of these people would like to be here today but are unable to do so because they are occupied with providing for their families, taking care of their husbands or wives and their children. I represent these fine Wisconsin citizens today.

Natural marriage, that is marriage as we have always known it to be, the exclusive union of one man and one woman, is not the creation of the state or the church. It is a societal institution that precedes any formalized government and or religion. As such, it is absolutely inappropriate for any branch of government to consider redefining or “re-creating” this institution.

Courts and legislatures that have ignored this fundamental truth have listened to a small but very vocal group of people who focus almost exclusively on radical individual autonomy and adult desires—"my rights," "my relationship"—virtually to the exclusion of what is truly in the best interest of society, both now and in the future. Marriage is not about "me, myself and I" and my adult desires. It is primarily an institution that brings together the two most disparate parts of any society—male and female—into a productive and protective relationship that is extremely beneficial to both the man and the woman, as well as to any children who may become part of this newly-created family unit.

It is because natural marriage benefits society that government has chosen to benefit natural marriage. And that is altogether appropriate. Government is supposed to protect and preserve, and benefit, those inherent institutions that provide stability for society. Government is fundamentally about fostering the public good, furthering the best interest of society in general.

Government, for example, functions at its finest when it strengthens and preserves institutions such as natural marriage and allows families the autonomy they naturally have. By privileging and strengthening natural marriage, for instance, government is upholding the "gold standard" for the upbringing of children, the next generation and literally our future.

When government considers redefining marriage in a way that would purposely create either motherless or fatherless homes, it is acting outside its legitimate purview and is definitely not acting in the best interest of the society in general. To deliberately create situations where children would not have a mother or a father in their upbringing is to ignore the thousands of research studies that support what common sense and individual experience tell us, that children do best when they are brought up in a home with both a mother and a father, a man and a woman who are married to each other and are physically present.

You will hear a great deal of rhetoric today. I ask you to remember the basic truth that government did not create marriage and therefore it should not be involved in any redefining. Beyond that, I ask you to listen to the will of Wisconsin citizens as evidenced by these petitions stacked before you and to then support this resolution and give Wisconsin citizens the opportunity to truly exercise "government of the people, by the people and for the people," by voting on this amendment in the months ahead.

Thank you for your time and attention today.



November 29, 2005  
Statement of Rabbi Jonathan Biatch  
Temple Beth El, Madison, Wisconsin  
For more information, call 608-238-3123

Good morning. I am Rabbi Jonathan Biatch, spiritual leader of Temple Beth El in Madison, and I thank you for allowing Wisconsin citizens to speak to this proposed referendum.

My synagogue is affiliated with the Union for Reform Judaism, which has ten Jewish congregations in the state of Wisconsin. I do not speak for all members of these congregations, but I believe that my views are fairly representative of our tradition, which looks to the values of the Hebrew scripture for guidance on how to conduct our lives.

I am here today to voice my opposition to the proposed amendment, and to urge you to use your leadership to reject the proposal that would send this referendum to the people of Wisconsin.

I fear that this proposal, if passed, will create in the eyes of the Wisconsin constitution a class of victims of prejudice, that is, citizens of Wisconsin who are homosexuals: individuals and families who have already suffered subtle and blatant injustices in their lives.

I oppose this proposal on the basis of the biblical value that views each and every member of the human family as made in the image of God, as stated in the first chapter of the book of Genesis [Genesis 1:27]: "God created humanity in God's image; in the image of God, God created them; male and female God created them." That includes the estimated three to ten percent of Wisconsin citizens who are homosexual.

This is not solely a Jewish value: It is basic to all Abrahamic faiths. If we believe that all people are made in the image of God, and, therefore, that each member of the human family reflects the goodness of the Eternal One, then we must act accordingly toward each person. Each individual is inherently

valuable, and in this spirit, we must embrace our human diversity, and demand equality for all.

Second, I speak against this proposal because it would permanently deny equal rights to Wisconsin's lesbian and gay couples, people who have dedicated their lives to one another. As we know, a marriage license extends over 1,000 federally granted rights and benefits, and close to 200 state-granted entitlements. Denying these important legal protections, which is the practical result of this proposal, will hurt real families who live in every part of our state.

Through working with gay and lesbian individuals, couples, and families, I know that they have been denied basic rights because of their sexual orientation. Our society has, sadly, been in the habit of refusing to recognize the emotional ties that bind together members of the same gender, simply because they are of the same gender. And this discrimination – whether on the individual or official level – is something that must guard against.

And third, this particular proposal raises serious Constitutional concerns. I would not favor using the Constitutional amendment process to resolve this or any divisive social issue of current concern. Loading down our Constitution with such amendments weakens our bedrock document that should – ideally – bind citizens of our state together. A question of basic human rights should not be subject to the will and whim of the majority, and Wisconsinites and Americans of all faith communities and backgrounds support this value. These constitutional concerns alone should merit rejection of the referendum.

I am opposed to this proposal for these three reasons, and accordingly I urge you and your legislative colleagues to reject it even before this referendum appears on our state ballot.

Thank you.

Statement of Rabbi Jonathan Biatch, Temple Beth El, Madison, Wisconsin, November 29, 2005



Testimony Presented before the Assembly Committee on the Judiciary, and the Senate Committee on Judiciary, Corrections and Privacy in opposition to Assembly Joint Resolution 67/Senate Joint Resolution 53

Presented by Wendy Cooper, Coordinator of Social Justice Programs, First Unitarian Society of Madison, 900 University Bay Drive, Madison, Wisconsin, November 29, 2005.

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Chairman Gundrum and Chairman Zien, members of the Assembly and Senate Committees, thank you for the opportunity to speak today in opposition to AJR 67/SJR 53.

My name is Wendy Cooper, and I am here today to provide testimony for the First Unitarian Society of Madison.

At the May 2004 Parish Meeting of the First Unitarian Society, members of the congregation voted unanimously to oppose any constitutional amendment that would limit the rights of Gay and Lesbian persons in our state.

Our opposition to the proposed constitutional amendment continues today.

We are a religious community. Our position on this amendment arises from our religious and ethical beliefs. In addition, as a community we are profoundly concerned about the hurtful and destructive impact of the proposed constitutional amendment on both families and individuals in our congregation, and throughout Wisconsin.

As a religious community we are already ministering to families being hurt by discrimination against them because they are Gay or Lesbian. If this proposed amendment is approved we fear that the families in our congregation will face more hardship, more fear for their children, more loss of rights and protections available to others in this state.

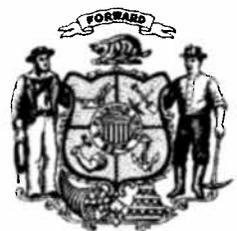
We are glad to stand shoulder to shoulder with the many other religious communities in this state who have pronounced their opposition to this proposed constitutional amendment. As the members of this committee consider this legislation for the second and final time, I ask that you consider how such an amendment can be reconciled with the language of Article 1, Section 1 of our State Constitution that states:

“All people are born equally free and independent and have certain inherent rights; among these are life, liberty and the pursuit of happiness; to secure these rights, governments are instituted, deriving their just powers from the consent of the governed.”

It seems to me that the constitution of this state wisely includes all people in its cloak of protection, and I hope that the Legislature will come to its senses before it is too late and recognize that they are creating a false and dangerous distinction about who is worthy of the full protection of our laws and the privileges of citizenship in this state. On behalf of the First Unitarian Society I implore you all to reject this AJR 67/SJR 53. Thank you.



# WISCONSIN STATE LEGISLATURE





## DANE COUNTY

Kathleen M. Falk  
County Executive

DATE: November 29, 2005

TO: Senator David Zien, Chairman, Senate Judiciary Committee  
Representative Mark Gundrum, Chairman, Assembly Judiciary Committee  
Members of the Judiciary Committees

FROM: Kathleen M. Falk, Dane County Executive

RE: 2005 Assembly Joint Resolution 67 and Senate Joint Resolution 53

I write to strongly oppose the constitutional amendment, AJR 67/SJR 53, up for hearing in your Committee today.

AJR 67/SJR 53 threatens the domestic partner benefits which have been bargained by our unions and Dane County for many years. Moreover, the Dane County Board has recently adopted a resolution reiterating their support for the preservation of domestic partner benefits. Please see, attached, that County Board resolution and the analysis by Corporation Counsel staff which demonstrates the problems created by AJR 67/SJR 53.

This proposed amendment is unnecessary and divisive. Traditional marriage is already protected by Wisconsin statutes. This amendment attacks the many law-abiding Wisconsin citizens who seek to preserve or create legally valid protections for their long-term partners and, in many cases, for their children.

I respectfully ask that you reject AJR 67/SJR 53.

Thank you for your consideration of my request.

/Attachments



# OFFICE OF THE CORPORATION COUNSEL

Corporation Counsel  
Marcia A. MacKenzie

Deputy Corporation Counsel  
Rodney F. Knight

Assistant Corporation Counsels  
Eve M. Dorman  
David R. Gault  
Kristi A. Gullen  
Dyann L. Hafner  
Leslie A. Hamilton  
Mary M. Kasperek  
Maureen A. Plunkett  
Galen G. Strebe  
John C. Talis  
Jerre Ziebelman

Child Support Agency

Interim Deputy Corporation Counsel

Assistant Corporation Counsels  
Clare Altschuler  
Donald L. Antoine  
Patricia Haraughty-Sanna  
Peter C. Williams  
H. Arleen Wolek  
Randy A. Woodford

To: Kathleen Falk

From: Kristi Gullen  
Assistant Corporation Counsel

RE: 2003 Assembly Joint Resolution 66

Date: March 8, 2004

You have asked whether the amendment to the Wisconsin Constitution that would be created by the above-referenced resolution would have an impact on the Domestic Partner benefits Dane County provides to its employees. The answer is potentially yes.

Although Resolution 66 purports to define marriage as only being valid if it is between a man and a woman, it also contains the following language: "*A legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized in this state.*" Defenders of the amendment would undoubtedly argue that this language is to prevent civil unions between same-sexed partners; however, the language is so broad that it could be used to challenge domestic partner benefits.<sup>1</sup>

Because Dane County provides insurance benefits to employees who have taken steps demonstrating they are in a long term committed relationship, the county is recognizing the legal status of relationships "substantially similar" to that of marriage. Under the language of the proposed amendment, these relationships would be deemed invalid and entitled to no recognition in this state.

Unlike the language which only recognizes marriages as being between a man and a woman, the language regarding legal status substantially similar to marriage, applies to all unmarried individuals. Accordingly this language could be construed as invalidating not only same-sex relationships, but also all relationships between unmarried individuals regardless of gender.

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<sup>1</sup> This concern is shared by civil rights organizations with regard to the proposed Federal Marriage Amendment to the U.S. Constitution which shares similar language. Those opposed to the federal amendment have raised concerns suggesting the amendment may undermine not only domestic partner benefits but also foster care and kinship care laws. I have not looked into this aspect of the proposed Wisconsin Amendment.

SUPPORTING FAMILIES OF STATE OF WISCONSIN EMPLOYEES IN DANE COUNTY

Dane County benefits greatly from healthy stable families. These families come in many different configurations and in many different numerations. Protecting families and supporting family values (health, love, support, commitment, honesty, faith, etc.) is of vital importance to the citizens of Dane County.

Dane County also benefits greatly from serving as the seat of state government and being home to tens of thousands of state of Wisconsin employees. The state has been an attractive employer, in part as a result of the benefits provided to employees. However, the State of Wisconsin does not provide domestic partner benefits to its employees.

Thousands of other public and private institutions have recognized the value of *all* families by providing domestic partner benefits. Dane County, the City of Madison, Madison Metropolitan School District, Madison Area Technical College, and many local Dane County businesses provide benefits to the partners of their employees, thereby making a commitment to support long-term relationships, children, families, domestic stability, and a strong community as a whole.

In April, the American Civil Liberties Union (ACLU) filed a lawsuit on behalf of six state workers, claiming that the state government's refusal to provide health insurance to their life partners violates the equal protection clause of the Wisconsin Constitution. Some communities have chosen to fight this lawsuit because they believe domestic partner benefits should be a bargaining chip rather than a core family value. However, in Dane County, we believe that strong families should not be used as a bargaining chip during contract negotiations.

Domestic partners benefits programs cost very little and produce a lot. These programs show that an employer values families and want employees to feel valued in the work place and at home. The benefits of the programs and the cost savings to employers and families far outweigh the minimal costs.

It is clear that the long-term domestic relationships of all state employees merit equal treatment by the state, and the opportunity to receive the health care benefits afforded such relationships elsewhere should be open to all state employees.

NOW, BE IT THEREFORE RESOLVED that the Dane County Board of Supervisors hereby urges the Wisconsin Assembly and Senate to adopt policies that do not threaten Dane County's domestic partnership benefits and to include domestic partners health care benefits for all state of Wisconsin employees;

BE IT FURTHER RESOLVED that the Dane County Board of Supervisors supports the American Civil Liberties Union lawsuit on behalf of the six state workers and directs the Dane County Corporation Counsel to protect the rights of Dane County families and to assist the case where and when possible and appropriate;

BE IT FINALLY RESOLVED that a copy of this resolution be sent to Governor Jim Doyle, all members of the Dane County legislative delegation, Assembly Speaker John Gard, State Senate Majority Leader Dale Schultz, and the American Civil Liberties Union.

**Adopted by the Dane County Board of Supervisor 10/6/05.**

**Signed by the County Executive 10/10/05.**



WISCONSIN STATE LEGISLATURE



## TESTIMONY OF JAMES FLAD 11-29-05

I AM IN FAVOR OF MAINTAINING THE DEFINITION OF MARRIAGE AS IT HAS ALWAYS BEEN - BETWEEN ONE MAN AND ONE WOMAN. JUST LOOKING AT THE ANATOMY OF THE HUMAN BODY, IT IS OBVIOUS THAT MAN AND WOMAN WERE CREATED DIFFERENTLY INTENTIONALLY, AND FOR GOOD REASON - TO REPRODUCE CHILDREN.

WHEN I HEAR THAT ADVOCATES FOR "SAME SEX MARRIAGE" CLAIM THAT THEIR CIVIL RIGHTS ARE BEING VIOLATED, I HAD TO GO BACK AND LOOK AT THE BILL OF RIGHTS IN OUR CONSTITUTION, BUT I DIDN'T SEE ANYTHING THERE ABOUT THE RIGHT TO REDEFINE MARRIAGE.

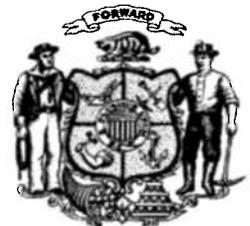
WHEN I READ THAT ADVOCATES OF "SAME SEX MARRIAGE" CLAIM THAT THEY ARE "NOT HURTING ANYONE" BY SAME SEX MARRYING, I DISAGREE. REDEFINING MARRIAGE HURTS EVERYONE BECAUSE IT HURTS OUR SOCIETY, OUR HUMAN CULTURE, BECAUSE THE VERY FOUNDATION OF OUR SOCIETY IS BASED ON THE FAMILY: THAT IS MOTHER, FATHER AND CHILDREN.

IT IS A SAD FACT THAT IN TODAY'S AMERICAN SOCIETY, THE HIGH DIVORCE RATE IS A NEGATIVE, DISUNIFYING FORCE ON OUR FAMILIES. LET US NOT ADD TO THIS DISUNIFICATION BY REDEFINING MARRIAGE.

FINALLY, I AM A CHRISTIAN. THIS NATION WAS FOUNDED BY CHRISTIANS. CHRISTIANS BELIEVE THAT THE BIBLE IS THE WORD OF GOD. IN THE BIBLE, IN THE BOOK OF LEVITICUS, ~~6:18~~ IN CHAPTER 18, GOD IS SPEAKING TO MOSES. IN LINES 21 AND 22, WE READ "I AM THE LORD. YOU SHALL NOT LIE WITH A MALE AS WITH A WOMAN; SUCH A THING IS AN ABOMINATION." THANK YOU FOR THIS OPPORTUNITY TO SPEAK.



# WISCONSIN STATE LEGISLATURE





Center Advocates, Inc.

**Statement of Patrick Flaherty, Center Advocates Director, to Wisconsin Joint Judiciary  
Committee Hearing, November 29, 2005**

My name is Patrick Flaherty, and I'm director of Center Advocates, an equal rights organization in Milwaukee that has been working with Action Wisconsin and local coalition members to defeat Wisconsin's proposed ban on civil unions and marriage for same-sex couples.

Six years ago I had the privilege of working with Milwaukee citizens and supportive aldermen to create a domestic partner registry for the City of Milwaukee. The registry is used by private corporations like SBC, Wells Fargo, and the Medical College, as well as the City of Milwaukee to determine eligibility for domestic partner benefits.

Over the years, many gay and lesbian couples have taken the step of publicly declaring their commitment by registering their partnership, as discriminatory marriage laws bar the courthouse door. Sometimes the registry serves a more vital, concrete purpose. From time to time I get a call at the office like I did last month from a Milwaukee woman named Teresa. Teresa, who has been with her partner for 19 years and was unemployed, wanted to know how to register her partnership, as her partner worked for a company that offered domestic partner benefits to an officially registered partner. I gave her the information to go to City Hall and she called back several days later, thrilled to be on her partner's health plan and able to see a doctor.

Wisconsin's proposed ban puts access to health care for families like Teresa's at risk. Consider Ohio, which passed a similar constitutional amendment last year. A far right group is pledging to challenge a locally-approved domestic partner registry in Cleveland Heights in court under Ohio's constitution. Worse, as the Associated Press reported last week, an attorney who helped draft Ohio's constitutional amendment and said at the time that it wouldn't threaten domestic partner benefits for public employees is doing the opposite: he's suing Miami University to stop domestic partner health coverage. We get the same scorpion promises here today.

Center Advocates sponsors a local Milwaukee No on the Amendment Coalition that is working hard to protect what our local community wants – a degree of fairness for gay and lesbian families in the absence of marriage equality. The coalition includes labor unions, women's groups, civil liberties groups, ordinary people, and more than 40 ministers and rabbis. The actions this Legislature is contemplating is an insult to local democracy and civil rights.

When the Legislature first considered this ban, in March 2004, it passed by a wide margin in part because its full scope – the impact on civil unions and even domestic partnership – was deliberately concealed.

Sen. Scott Fitzgerald said at the time (3/11/04), "The proposed constitutional amendment doesn't prohibit civil unions. It does not. It actually opens the door for future discussion."

A year later, when Connecticut passed civil unions through the regular legislative process – an action that this body is considering banning for all time, Julaine Appling of the Family Research Institute boasted just the opposite – that [quote] Sen. Scott Fitzgerald (R – Juneau) had the foresight to ban civil unions when he drafted today's proposed constitutional amendment.

Today, there is clarity. The ban's backers, including Rep. Mark Gundrum and Miss. Appling, have honorably admitted that it bans civil unions. Last year we didn't have the litany of real-world horror stories from other states that passed bans – like stripping health care from families or eroding domestic violence victim rights. Today you make the decision in the clear light of day, for history to record, with a good deal more facts. I implore you to take this decision seriously. To borrow a favorite phrase for many in this room, "it is not too late to turn back."

There are so many here today in this hearing room, deeply divided. Isn't it a shame that we weren't talking about something that united all of us here, rather than divided us. As different as the world-views in this room are, I'm sure we all want our families to be safe. We all want our kids to have access to a good education and quality, affordable health care. But instead of public policy we have a disgrace.

Thank you.





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Budget and Policy Division

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**Senate Committee on Judiciary, Corrections, and Privacy**  
**Assembly Committee on Judiciary**  
**November 29, 2005**

**Testimony on Assembly Joint Resolution 67 and Senate Joint Resolution 53**

Thank you Chairmen and committee members for the opportunity to testify on behalf of the City of Milwaukee today. Mayor Barrett and our Common Council are seriously concerned about the repercussions of this constitutional amendment and would like to be recorded in opposition to the measure.

The City of Milwaukee is committed to recognizing voluntary, supportive, caring, committed and responsible relationships between mature residents of the city. We feel that enduring domestic relationships characterized by emotional and financial commitment and interdependence, regardless of gender, should be provided with equal treatment and support by elected officials and employers throughout this state.

In 1999, Milwaukee created a domestic partnership registry to provide a way for same-sex couples to declare their commitment to one another. This registry also provides the backbone for the availability of domestic partner benefits for same sex couples citywide. It gives private businesses the option to use the certification as a requirement for the domestic partner benefits offered through their companies. We currently have 194 registered partnerships and only 12 have terminated their registration - a "divorce rate" much lower than that often reported for the traditional institution of marriage in the United States.

In 2001, Milwaukee went a step further and negotiated new union contracts that further recognize the value of these and other committed relationships. With the exception of 3 of our 19 bargaining units, city employees are entitled to same sex and opposite sex domestic partner benefits, as long as they meet specific conditions. The City currently has 28 employees registered for domestic partner benefits - hardly the enormous burden so often cited when debating the costs of these benefits. Of these partnerships, 8 are same sex and 20 are opposite sex.

Legal experts maintain that constitutional language invalidating any legal status substantially similar to marriage will provide a basis for challenging provisions like those in Milwaukee. Others maintain that these programs are not the target of this legislation, even though they have been challenged in other states, like Michigan and Ohio. Somebody in this state will challenge these programs. They are probably in this room today.

This mean-spirited legislation goes further than defining marriage as between one man and one woman. It impacts our economy, and the health and welfare of our residents.

This is a health issue. Providing health, dental and life insurance coverage for domestic partners benefits the physical and emotional well-being of our employees and residents.

This is a labor issue. Providing domestic partner benefits gives us an extra recruitment tool to attract and retain a qualified workforce.

This is an economic development issue. Supporting diverse populations helps us attract new businesses by creating a climate of acceptance and diversity.

This is an issue of equal protection and equal rights. It threatens the very first right outlined in our state's constitution – the inherent right of equality. Our state's progressive founders would be ashamed to see this legislature single out a group of residents and take away some of their rights. The City of Milwaukee is ashamed to see this happen. For these reasons, we hope you will oppose this effort.

For more information, please contact:

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