

## Protect Victims of Domestic Violence: Vote No on Marriage Amendment

Dear Editor:

The Wisconsin Coalition Against Domestic Violence (WCADV) and the Wisconsin Coalition Against Sexual Assault, Inc. (WCASA) urge Wisconsinites to vote NO on the proposed “marriage amendment” because it endangers victims of domestic violence. This amendment goes far beyond its stated purpose to define marriage and jeopardizes rights for many Wisconsin residents—both gay and heterosexual.

This proposed amendment has two parts. The second part reads: “Any legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized in this state.” This second part directly threatens Wisconsin domestic violence laws, which protect **both** married and unmarried victims. Because the amendment is so broadly worded, protections for unmarried individuals—who make up more than half of domestic violence victims in Wisconsin—may be ruled unconstitutional. This terrifying scenario has already happened in Ohio.

Since Ohio passed a similar amendment in 2004, defense attorneys who represent batterers have argued that unmarried victims are no longer eligible for protections under their state’s domestic violence laws. Many courts have agreed with this argument. Ohio appellate courts representing over 20 counties have ruled that the state’s domestic violence laws do not apply to unmarried victims, leaving thousands of victims without protection.

Some proponents of Wisconsin’s amendment claim that this concern is not valid in Wisconsin because our domestic violence laws differ significantly from Ohio’s. This is untrue. Wisconsin’s domestic violence laws, like Ohio’s, specifically recognize relationships between unmarried victims of domestic violence and will assuredly be challenged by defense attorneys if the amendment is passed. Specifically, the following groups currently have protections under Wisconsin’s domestic violence laws: people in dating relationships; unmarried couples who either are residing or have resided together or who have a child in common; and elderly or disabled persons abused by their caretaker(s).

The Ohio Supreme Court has yet to decide on the constitutionality of their domestic violence laws—almost two years after they were initially challenged. A similarly long appellate process should be anticipated in Wisconsin. In addition, if Wisconsinites someday wish to repeal the amendment, the process to amend the constitution takes, at a minimum, two years. Victims of domestic violence do not have the luxury of waiting several years for protection. Any delay in the justice system for victims can literally mean the difference between life and death.

WCADV and WCASA have worked over the last 20 years to ensure that Wisconsin recognizes that all people have the right to a life free of violence. Everyone should have the right to feel safe in her or his home, regardless of one’s marital status or sexual

orientation. The proposed marriage amendment could unravel the progress we have made to help ensure that all victims of domestic violence are treated with equality under the law.

Ohio's voters did not have the advantage of hindsight that we have in Wisconsin. We know that our proposed marriage amendment will put victims in grave jeopardy. Endangering victims and protecting batterers are not Wisconsin values. Wisconsinites should do the right thing and vote NO on this dangerous and unnecessary amendment.

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