

**Waukesha Rotary**  
October 16, 2006  
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I truly appreciate your inviting me to speak with you today about the proposed constitutional amendment banning civil unions for all unmarried couples and marriage for gay and lesbian couples. As Rotarians, you are community leaders with high ethical standards, committed to service and the advancement of understanding and respect across the many social divides including political affiliation, socio-economic status, religion, race, and gender. The proposal to amend our Constitution is an issue that touches families throughout Wisconsin. If it passes, it will hurt thousands of Wisconsinites. I am here to ask you to vote NO on this proposal on November 7.

That day, voters will decide whether the following language is added to the Wisconsin Constitution:

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.

As Rotarians, you are asked to measure all things you think, say and do against the Rotary Four-Way Test. I have put the proposed constitutional amendment to the Four-Way Test, and I submit that the answer to each of the questions is NO.

## **First, IS IT THE TRUTH?**

Those who urge passage of the ban claim that if we do not amend our constitution, gay marriage will become a reality in Wisconsin. This is not true. Marriage as far as Wisconsin law is concerned is a civil contract between a husband and a wife. Same-sex couples are currently prohibited from marrying in Wisconsin, and will continue to be prohibited by statute. If the voters reject this amendment, nothing will change.

Holy matrimony will also continue unaffected: faiths which do not bless same-gender unions will not be forced to do so. We already have a provision in our constitution that guarantees that the government cannot force any faith organization to do things it finds objectionable.

Furthermore, the amendment would not only tie the hands of judges, which is the stated reason for the amendment. It would also tie the hands of the legislature. This is a particular concern with the second part of the proposed amendment. That second part would ban "a legal status . . . substantially similar to . . . marriage for unmarried individuals." That means, at the very least, civil unions would be banned. Civil unions are a state-created status which provides many of the state-law-based rights and responsibilities granted through marriage.

Many people do not believe in gay marriage, but recognize that same gender couples have taken on the responsibility of forming families, and the people in those families, particularly the children, need at least some of those legal rights and responsibilities. Civil unions are the compromise position that has been emerging around the country. The second part of the proposed amendment would prevent civil unions and freeze the development of social-legal policy, the legislature's role, with respect to unmarried couples, and would keep future legislatures from being able to address the real problems that these families face.

Don't just take my word for it. 19 Presidents of the Wisconsin Bar Association and hundreds of lawyers around the state are publicly opposed to the ban because of the negative legal effect it could have on the health and welfare of Wisconsin children and families.

## **Second, IS IT FAIR TO ALL CONCERNED?**

NO. There are gays and lesbians in every county of this state. They pay their taxes, attend church, volunteer in their communities, and participate in the economic success of this state just like we all do. About 50% of married couples in the United States have minor children in the household. About 40% of gay and lesbian couples have minor children in the household. All of these households, and particularly the children in them, face more or less the same challenges as they go through life: illness, death, break-ups, job transfers, unemployment, and so on.

This amendment, if adopted, would interfere with the ability of gay and lesbian couples' and other unmarried couples' efforts to protect their families in times of crisis. These couples do what they can now, by spending thousands of dollars making joint property agreements, co-parenting agreements, coordinating their estate planning, and completing other legal documents designed to approximate a handful of the legal rights automatically provided through marriage.

Unmarried couples, including elderly couples who would lose pension and social security benefits if they were to remarry, use these legal documents to establish their responsibilities to one another and protect their intentions should disapproving extended family members attempt to cut the partner out of making medical decisions, visiting their loved one in the hospital, or making burial arrangements. These legal arrangements could be challenged under the second part of the proposed amendment, causing more stress and uncertainty within a family when it is already in the midst of a crisis. This is a significant reason why the Coalition of Wisconsin Aging Groups and the Milwaukee County Commission on Aging oppose this amendment.

If you spend 10, 20, 50 years building a life with someone, you should not be treated as a stranger in a hospital room, during funeral planning, or when you need time off from work to care for your loved one in a time of illness. This is part of why the Wisconsin Medical Society has come out against this amendment.

### **Third, WILL IT BUILD GOODWILL AND BETTER FRIENDSHIPS?**

NO. I am going to be frank: this proposal is being used by political strategists as a cold-hearted and calculated “wedge issue” designed to inspire religious conservative voters to come to the polls on November 7. If marriage were truly in danger and this amendment could save it, the legislature would have put this question on the April 2005 ballot, when it had a much better chance of passing. Instead, they delayed putting it to the voters for 1.5 years, so we would vote on it at the same time we vote on Governor and Attorney General, among other important offices.

Wedge issues do not build good will or better friendships. They do not unite us or help us understand one another better. They divide us and make us fearful of one another.

#### **Fourth, WILL IT BE BENEFICIAL TO ALL CONCERNED?**

NO. As business people, we want the best and brightest working for us. As it happens, some of the best and brightest people in the world are gay or lesbian. Many more of the best and brightest are people who, while not gay or lesbian, value diversity and want to work for employers who do, too. These people are part of what Richard Florida of the Brookings Institution has termed the “creative class.”

Wisconsin needs creative class workers to develop and grow its manufacturing and technology sectors. We already have a shortage of skilled workers in those sectors. Passing this amendment will make Wisconsin even less attractive to these workers. Richard Florida has said that passing this ban would be a “huge mistake:” he said “you might as well put up a sign that says ‘creative people are not welcome here.’” This is why the Greater Madison Chamber of Commerce and Downtown Madison, Inc. have taken public positions against the amendment.

This is also why a majority of the nation’s Fortune 500 businesses provide domestic partner benefits to their employees: to attract and keep creative class employees. They don’t do it to be nice: these are the most powerful businesses in the world. They provide DP benefits because it is a bottom line issue: it hurts their bottom line if they do not do it.

If adopted, the ban on providing legal recognition of a relationship “substantially similar to marriage” for unmarried couples could also prevent the State of Wisconsin and municipalities from providing domestic partner benefits. Many municipalities around the state provide those benefits right now, and they could be forced to discontinue them. This is why the University of Wisconsin Board of Regents overwhelmingly passed a resolution in opposition to this amendment just a couple of weeks ago.

In sum, the proposed constitutional ban hurts Wisconsin families, and goes too far. The real threats to marriage are poverty, violence and infidelity. Gay and lesbian families do not threaten marriage. Please vote NO on November 7.