



## **ACLU Seeks Swift Ruling to Block State From Enforcing Marriage Ban**

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The American Civil Liberties Union, the ACLU of Wisconsin and the law firm of Mayer Brown filed a preliminary injunction yesterday seeking an order that the state may not enforce Wisconsin's ban on marriage for same-sex couples.

The ACLU also filed an amended complaint that added four additional couples to the original lawsuit, which was filed in U.S. District Court on February 3. The original suit was filed on behalf of four same-sex couples who wish to marry in Wisconsin or are seeking recognition for their legal out-of-state marriages.

"We are seeking a preliminary injunction because nothing should delay loving, committed couples from receiving the security, esteem, and recognition of marriage," said Larry Dupuis, legal director of the ACLU of Wisconsin.

He added: "For certain people — couples who have children, for example, or couples where one or both partners is elderly or ill — the urgency for marriage is even greater. If these couples could marry or their marriages were recognized here, the law would protect them and their children in countless ways. Without the protections afforded by legal marriage, however, families are left vulnerable."

The four new couples added to the lawsuit include Kami Young and Karina Willes of Milwaukee, who have been together 13 years and are having a child together in April; Salud Garcia and Pam Kleiss of Madison, who have been together 18 years and have a 12-year-old daughter; Bill Hurtubise and Dean Palmer, who have three children and live in the Racine/Kenosha area; and Johannes Wallmann and Keith Borden of Madison, who have been together 15 years.

These couples join the four couples originally named in the suit: Roy Badger and Garth Wangemann of Milwaukee; Carol Schumacher and Virginia Wolf of Eau Claire; Charvonne Kemp and Marie Carlson of Milwaukee; and Judi Trampf and Katy Heyning of Madison.

Wisconsin's ban on marriage for same-sex couples prevents them from securing the hundreds of protections that state law provides to married couples. Wisconsin law subjects same-sex

couples to an additional harm that is unique among states that deny same-sex couples the freedom to marry. The only way for Wisconsin couples to access the federal protections afforded by marriage is to leave the state to marry. But Wisconsin law puts them at risk of prosecution and penalties of up to nine months in jail and a \$10,000 fine.

Among the plaintiff couples, Schumacher and Wolf and Wallmann and Borden were legally married elsewhere, raising the possibility of prosecution back at home. The lawsuit challenges the overall ban on marriage as well as the application of this criminal law to same-sex couples who are forced to choose between being denied federal protections and the risk of criminal prosecution.

“We are seeking a preliminary injunction to relieve the burden placed on same-sex couples who have legally married elsewhere,” Dupuis said. “These loving, committed couples should not have to take this risk of being prosecuted.”

U.S. District Judge Barbara Crabb has set a hearing for March 27 on the motion.

More information on this case can be found at: <https://www.aclu.org/lgbt-rights/wolf-and-schumacher-v-walker>

More information on the ACLU’s Out for Freedom campaign can be found at: [www.aclu.org/out-freedom](http://www.aclu.org/out-freedom)

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