

County issuing gay marriage licenses

By Lydia Statz, with AP reports | Posted: Tuesday, June 10, 2014 9:16 am

JEFFERSON — Lani Urbas and Shirley Wickersham weren't necessarily thinking about making history Monday when they looked each other in the eyes and said, "I do." They simply wanted finally to make that commitment while they still had the opportunity.

Their wedding, held midday at Trinity Lutheran Church in Lake Mills, joined the Town of Waterloo women as the first same-sex married couple in Jefferson County.

The union was made possible when U.S. District Judge Barbara Crabb struck down the Wisconsin's ban on same-sex marriages Friday in an American Civil Liberties Union lawsuit challenging the prohibition. She ruled that the ban, which was voted into law in 2006, is unconstitutional.

However, unlike in similar rulings across the country, Crabb did not order county clerks to begin issuing licenses or block them from handing them out. The judge said she wants the ACLU to draft an order for her spelling out how it wants her decision implemented.

Crabb's stance has left county clerks to decide on their own whether they legally can issue licenses to same-sex couples. Clerks in Milwaukee and Madison, the state's liberal hubs, began issuing licenses to same-sex couples within hours of the ruling. Together, the counties issued 238 licenses on Friday and Saturday. According to the ACLU, at least 42 of Wisconsin's 72 counties were issuing licenses Monday, according to an Associated Press canvass.

Closer to home, Jefferson County began issuing same-sex marriage licenses Monday morning, according to Jefferson County Clerk Barbara Frank, including the license that allowed the two Waterloo women to wed.

Wickersham, 64, is retired, and Urbas, 59, is a Dane County social worker. The two have been a couple for about 21 years after meeting through a mutual friend, so the wait for a marriage license has been a long one.

Despite that, Wickersham said, the two weren't immediately sure whether they would apply for a license when they heard of Judge Crabb's ruling on Friday. It was friends and family who encouraged them to make their relationship official.

"We had talked about it and thought maybe we should wait and see. Then we had gone to a birthday party on



MAKING HISTORY

Lani Urbas and Shirley Wickersham married Monday in Jefferson County's first same-sex marriage. Presiding was the Rev. Mark Dressel of Trinity Lutheran Church in Lake Mills. — Photo by Jessica Mundt

Saturday and the couples who were there, who were all heterosexual, said, ‘You need to do this; this is your legal right,’” Wickersham said. “So we thought maybe we should. We threw it (the wedding) together this morning, actually.”

At first, the couple wanted to marry in Madison where many gay marriages took place throughout the weekend. Once they found out they needed to apply for a marriage license in their county of residence, however, they grew more nervous.

“We saw online that we had to do it in Jefferson County, and we thought, ‘Oh yikes, Jefferson is pretty conservative. We may not be able to get it,” Wickersham said.

Confusion ruled the day, as they were first told the county was not issuing licenses, causing Urbas to “kind of sit on the couch and steam a little.” But a quick call back with the right answer and the whirlwind events of the day were set in motion.

“Then it was a matter of getting all the correct paperwork together and getting over there,” Wickersham said of heading to the courthouse. “And then we were at the church ready to start the ceremony and we had to run back because they had crossed out “groom,” and they’re not supposed to cross out anything on the form. So we had to go back to the courthouse and get the right form, and then rush back. So it’s been hectic today.”

Frank, meanwhile, said Friday’s ruling took her by surprise, and that the Jefferson County Clerk’s Office was ill prepared for the confusion and flurry of activity it caused.

“I had no idea a decision was coming on Friday,” she said. “It was only after I started seeing emails from other clerk’s offices and things posted online that I knew it. I think the people in Madison and Milwaukee, they were a little better prepared. They were ready to go.”

Since the county staff did not receive any inquiries about same-sex licenses until Monday morning, Frank said, she was able to confer with other county clerks and the county corporation counsel and make the decision to begin issuing licenses.

Surrounding counties, such as Rock, Dodge, Dane and Waukesha counties, also were issuing same-sex marriage licenses at this time.

The Waterloo couple had no plan in mind for if this day ever came. The two said their vows wearing casual outfits from their closet, and their guests took time off of work for a midday ceremony and were fed a lunch of Subway sandwiches. But it was important to all of them that it happened as soon as possible.

“We were afraid; that’s why we wanted to do it right away this morning, in case anything got rescinded,” Wickersham said. “We were figuring they might rescind it, but would probably allow the people that had gotten married to stay married. We gambled.”

Wickersham was referring to situations in other states, including California and Utah, where rulings have allowed marriages to move forward, only to be stopped abruptly by further court action.

Republican Wisconsin Attorney General J.B. Van Hollen asked Judge Crabb Monday to issue an emergency stay barring clerks from issuing licenses while he appeals the constitutionality of the decision. He also petitioned the

7th Circuit Court of Appeals Monday to halt the marriages.

“There is absolutely no reason to allow Wisconsin’s county clerks to decide for themselves, on a county-by-county basis, who may and may not lawfully get married in this state,” Van Hollen said in a statement.

Crabb issued an order Monday denying an emergency stay, saying clerks weren’t issuing licenses because of anything she did. The judge said since she did not issue an order, it’s not clear what Van Hollen wants to stop. Once both sides have a chance to weigh in on the scope of the ACLU’s proposed order, she’ll decide whether to put it on hold, Crabb said.

The 7th Circuit appellate court, meanwhile, could rule at any moment.

University of Richmond law professor Carl Tobias said Saturday he expected Van Hollen to receive a stay. He noted that more than 1,000 couples married in Utah before a stay was issued there, and a judge recently said those marriages were valid. That decision, like others related to gay marriage, has been appealed.

“Given events around the nation, Tobias said he expects the U.S. Supreme Court to weigh in on the issue next year.

"I'm cautiously optimistic that everything will be fine for those couples," Tobias said, "but we just don't know right now."

Wickersham said that it was because of that possibility that Friday’s decision brought some relief coupled with more questions.

“My first thought was, “It’s about time,” she said. “And then again, how long will it last before somebody tries to get it thrown out again?”

But she hopes nobody will be able to throw out the marriage that occurred Monday in front of their children, Emma and Catherine Urbas, Kenneth and Bryce Wickersham and Simon Dettinger, and in the church where they have been longtime members.

“We feel really good because our church has been so supportive, and the community, too. We’ve always lived in Lake Mills, the girls have gone to school here in Lake Mills,” she said. “The community has always been supportive, and that’s all you can ask for.”

And for at least one more member of the family, Monday’s ceremony brings peace of mind.

“(Our daughter) is planning to get married and she said she feels guilty because she can get married but we can’t. She said that makes her feel like she shouldn’t get married either. But now she’s all good and she’s ready to go and she’s hitting the ground running,” Wickersham said, laughing. “I don’t know if that’s a good thing or not. I see dollar bills flying out the window.”