



**FOR IMMEDIATE RELEASE**

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**ICYMI: Ariel Ludlum, “Marsy's Law would give survivors like me equal rights”**

*Survivor of workplace sexual abuse pushes back on criticisms of bipartisan victims' rights legislation, calls on legislators to make Marsy's Law a priority before April election*

**MADISON** – In case you missed it, Ariel Ludlum, a survivor of workplace sexual abuse, pushed back on recent criticisms of the bipartisan legislation to strengthen the rights of crime victims in an editorial published this week in the *Cap Times*. Ariel joined the group of victims, advocates, law enforcement, and other supporters who testified at the Capitol in front of a joint legislative public hearing in support of second consideration of the bill, introduced as [Assembly Joint Resolution 1/Senate Joint Resolution 2](#). In the column, Ariel relays her support for Marsy's Law while addressing a number of opponents' claims and calling on legislators to approve the proposal by January 22 so that it can be placed before Wisconsin voters on the April ballot.

You can read the op-ed below or [here](#).

***Ariel Ludlum: Marsy's Law would give survivors like me equal rights***

***The Cap Times***

***January 15, 2019***

As a victim of workplace sexual abuse, I was deeply saddened to see a recent op/ed column and letter to the editor and hear the same critiques echoed in testimony before a public hearing on [Assembly Joint Resolution 1/Senate Joint Resolution 2](#), the bipartisan legislation to strengthen the constitutional rights of crime victims, also known as Marsy's Law for Wisconsin.

One of the criticisms the author levels at Marsy's Law is that this proposal isn't being driven by Wisconsin voices. Nothing could be further from the truth.

Our bipartisan coalition includes over [50 bipartisan legislative cosponsors](#) and more than 350 key endorsements, including [200 chiefs of police](#), over 50 sheriffs, a wide selection of victims advocacy groups, and an impressive array of the state's prominent [law enforcement](#) organizations. And, maybe most importantly, survivors like myself are fighting to get the bill passed.

While it might be true that a gentleman from California who lost his sister to murder is spending some of his fortune to help strengthen the rights of crime victims across the country, Marsy's Law for Wisconsin is uniquely designed for survivors here in our state.

Last legislative session, Marsy's Law for Wisconsin cleared "first consideration" in the Wisconsin Legislature with broad bipartisan support, passing the Senate 29 to 4 and the Assembly 81 to 10. The next step is to pass the Senate and Assembly for a second time on "second consideration" and then be put to the voters for ratification. In order to be placed on the ballot in April 2019, this bipartisan legislation must be approved by both the Senate and Assembly by Jan. 22.

I was proud to join the group of victims, advocates, law enforcement, and other supporters who testified at the Capitol in front of a joint legislative public hearing. I am not a lawmaker, legal scholar, or "pesky" victim. I am a survivor, and I believe my story and the trauma that I still live with today demonstrate the importance of adopting Marsy's Law for Wisconsin.

I can testify to the fear that victims feel when they are thrown into the legal system through no fault of their own. I can testify to the confusion victims experience in attempting to navigate this system, and the frustration at having so little information about a process that turns your life upside down, all while continually reliving a crime that was committed against you.

This attitude toward victims and this notion that seeking justice, seeking information is a nuisance — a burden on the system — are part of a nationwide problem of victim-blaming that persists despite significant social pressure and an ongoing fight toward measurable, systemic improvements. The same attitudes endemic to the rise of movements like "Me Too" and "Times Up" are the attitudes that cow victims into the background, afraid that if they come forward to report their attacker — to seek justice — they will not be believed, viewed as a nuisance — a pest. Criminals have constitutional rights, but some in our society continue to view treating victims with the same respect as just a burden on the system.

So would strengthening victims' rights burden the legal system? In reality, many of the rights within Marsy's Law for Wisconsin already exist in our state in some form. As the first state to pass a Crime Victims' Bill of Rights — and after passing a state constitutional amendment recognizing victims' rights in 1993 — we already have the infrastructure and dedicated resources to enforce these laws. The difference is that under our legislation, victims will be able to invoke the Wisconsin Constitution to secure all of their rights as they navigate the difficult legal process, rather than see the rights of the accused automatically trump their own.

Opponents will claim that the right to refuse other discovery requests will infringe on the defendant's rights, but all evidence that is part of the criminal investigation would still be available to the defense. This right simply protects victim — for example, sexual abuse survivors like myself — from harassment by the attacker seeking personal information irrelevant to the case. If the defense believes information is material to the case, the attorneys can ask a judge to compel the victim to provide the information — just like in multiple other states where similar provisions have been in place for many years. In fact, Meg Garvin, executive director of the National Crime Victim Law Institute, a law professor and leading expert on victims' rights, testified to this before the recent public hearing that I attended, stating, "The right to refuse discovery, generally speaking, is not going to come into conflict with the defendant's U.S. federal constitutional rights. When it does, when a defendant can make a showing that he, she, or their interests in a fair trial... is going to be compromised by not getting a piece of information.... The defendant will get it."

Contrary to claims that this proposal will infringe upon the rights of the accused, Marsy's Law for Wisconsin seeks to give victims like me equal legal footing as a judge is evaluating our rights against those of the defendant — nothing more, nothing less. In fact, this intention is clearly laid out in the bill, which plainly states that the proposal is "not intended to and may not be interpreted to supersede a defendant's federal constitutional rights."

That's all that victims want. Equal rights to those afforded to the criminals who threw them into the legal process in the first place. As a victim and survivor, I am confident that Marsy's Law for Wisconsin would strengthen my voice and those of other Wisconsin victims facing similar situations.

Please visit [www.equalrightsforwi.com/message](http://www.equalrightsforwi.com/message) to learn more about this bipartisan legislation and to send a message to your state lawmakers and tell them to make Marsy's Law for Wisconsin a priority this January. Victims shouldn't have to wait longer for equal rights.

*Ariel Ludlum is a survivor and supporter of Marsy's Law for Wisconsin from Sheboygan.*

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**You can find facts on Marsy's Law for Wisconsin's bipartisan legislation below:**

· **Marsy's Law for Wisconsin follows a proud tradition in our state of protecting victims' rights, unlike many other states.** Wisconsin already has a constitutional amendment on victims' rights that passed in 1993, and was the first state in the nation to pass a Crime Victims' Bill of Rights. The state also is recognized as having some of the strongest statutory rights for victims in the country. This means the changes we are proposing are about making sure victims' rights are truly equal alongside the constitutional rights of the accused – nothing more, nothing less.

- **Marsy's Law for Wisconsin strengthens rights that already exist in Wisconsin.**The proposed amendment would do two things: Elevate certain rights currently under state statute to be fully constitutional rights, and strengthen other rights that are already part of the Constitution.

- **Nearly 80 percent of Wisconsinites support updating our state Constitution to ensure equal rights for crime victims.** A poll of Wisconsinites found that nearly 80 percent support updating our state Constitution to ensure equal rights for crime victims. More than 80 percent support a victim's right to speak up at more points in the criminal justice process, and 68 percent said they were "more likely" to support a state legislative candidate who supported Marsy's Law for Wisconsin. The bipartisan legislation must be passed in the state Legislature twice, then by voters at the ballot box.

### **About Marsy's Law for Wisconsin**

Marsy's Law for Wisconsin is a grassroots coalition that has developed a unique proposal to give victims of crime equal rights in our state, building on Wisconsin's laws and history of leading on this issue. Marsy's Law is named after Marsalee "Marsy" Nicholas of California who was stalked and killed by her ex-boyfriend in 1983. Only one week after her death, Marsy's mother and brother, Henry T. Nicholas, walked into a grocery store where they were confronted by the accused murderer. The family, who had just come from a visit to Marsy's grave, was unaware that the accused had been released on bail. In an effort to honor his sister, Dr. Nicholas has made it his life's mission to give victims and their families constitutional protections and equal rights.