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## Karen Thompson's Role in the Movement for Marriage Equality\*

*D. Kelly Weisberg\*\**

Karen Thompson is a monumental figure in the movement for social justice. She has long been one of my heroes.<sup>1</sup> My admiration stems from the fact that Karen fought and won an arduous battle against discrimination based on sexual orientation.<sup>2</sup> Her battle unfolded in response to a tragedy that befell her intimate partner, Sharon Kowalski. Karen's story reveals the difference that one courageous, determined woman can make.

The story of Karen Thompson and her partner, Sharon Kowalski, is actually a landmark in not just one, but *two* social movements: the gay rights movement and the disability rights movement. Below I amplify on Karen's role in the gay rights movement and then touch briefly on her role in the disability rights movement.

### BACKGROUND OF LANDMARK CASE

Karen Thompson gained national recognition following a car accident in 1983 in which her partner, Sharon Kowalski, sustained a brain injury after being hit by a drunk driver. Sharon was 27-years-old when the car accident left her severely disabled, confined to a wheelchair, impaired her ability to speak, and caused severe memory loss. At the time, Sharon had been living for four years with her partner Karen, who was a teacher of physical education and a coach at St. Cloud State University, in St. Cloud, Minnesota. The two women had exchanged rings and named each other as beneficiaries of their life insurance policies. Sharon's parents and siblings were not aware of the women's intimate relationship.

The aftermath of the accident reveals the depths of the prejudice that gays and lesbians traditionally faced in their daily lives. Expressions of that prejudice surfaced immediately after Sharon's car accident. Upon

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\*Revised version of the introduction to a lecture given by Karen Thompson, *Love is a Dangerous Promise*, at the University of California, Santa Cruz, Mar. 7, 2013.

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1. I have taught generations of Family Law students about Karen's legal battle. See D. KELLY WEISBERG & SUSAN F. APPLETON, *MODERN FAMILY LAW: CASES AND MATERIALS* 391-97 (1998, 5th ed. 2013).

2. See *In re Guardianship of Kowalski (Kowalski III)*, 478 N.W.2d 790 (Minn. Ct. App. 1991).

learning of her partner's accident, Karen rushed to the hospital to discover Sharon's fate. There, medical staff rebuffed her entreaties for information pursuant to hospital regulations providing that only designated "family" members could receive information about patients.<sup>3</sup> Because she was not a "family" member, Karen was prevented from knowing whether her beloved partner was living or dying.<sup>4</sup>

Prejudice continued from an unlikely quarter. Preceding the accident, relations between Karen and her partner's parents had been cordial. Afterwards, however, hostility soon developed because of Karen's devotion to her partner. Sharon's family members became increasingly suspicious and resentful of Karen's frequent hospital visits. Based on a psychologist's advice, Karen finally disclosed the nature of the women's intimate relationship to the Kowalskis.

The family responded with disbelief and horror. They immediately limited Karen's visitation. Animosity escalated as Karen disagreed with the Kowalskis about Sharon's medical treatment. Karen advocated aggressive treatment in a rehabilitation facility with state-of-the-art brain injury services. Instead, Sharon's parents placed her in a nursing home where Sharon vegetated. She was refused access to an electric wheelchair, typewriter, or computer to enable her to type short sentences; confined to a bed; refused visitation by friends; and denied competency testing. Impelled by intense concern about the quality of the medical care received by her partner, Karen instituted the first of three legal challenges that would consume her life for almost a decade.

In each of the ensuing lawsuits, Karen battled with Sharon's parents, Donald and Della Kowalski, about Sharon's guardianship. In the first case,<sup>5</sup> Karen argued that she was best suited to serve as guardian based on her intimate relationship as well as Sharon's preference. Donald Kowalski, relying on his biological relationship to his daughter, countered that his "unconditional parental love" supported his appointment.<sup>6</sup> Sharon's physicians and nurses closed ranks, denying Karen access to Sharon's medical records and supporting Mr. Kowalski's petition.<sup>7</sup> The trial court was swayed by Mr. Kowalski's arguments. Influenced by a formalistic definition of "family," the court confirmed Mr. Kowalski as guardian and gave him power to determine Sharon's visitors. The Minnesota Court of

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3. KAREN THOMPSON & JULIE ANDREZEJEWSKI, WHY CAN'T SHARON KOWALSKI COME HOME? 4 (1988).

4. CASEY CHARLES, THE SHARON KOWALSKI CASE: LESBIAN AND GAY RIGHTS ON TRIAL 16 (2003).

5. The trial court proceedings are summarized in *In re Guardianship of Kowalski (Kowalski I)*, 382 N.W.2d 861, 863 (Minn. Ct. App. 1986), *cert. denied*, 475 U.S. 1085 (1986).

6. *Id.* at 865.

7. *Id.* at 864.

Appeals affirmed.<sup>8</sup>

Sharon's father celebrated by terminating Karen's visitation. In response, Karen initiated her second legal challenge. She petitioned the court to find Donald Kowalski in contempt for terminating her visitation and sought his removal as Sharon's guardian.<sup>9</sup> The district court denied both requests. On appeal, Karen was again unsuccessful. The Minnesota Court of Appeals upheld Donald Kowalski's appointment as guardian and affirmed his decision to deny visitation to Karen as being in Sharon's best interests.<sup>10</sup>

*Kowalski I* and *Kowalski II* were devastating defeats for Karen. Both cases affirmed the role of biologically related family members as guardians with broad powers over the disabled. The reasoning in both cases was replete with assumptions and stereotypes about gays and lesbians. The courts characterized Karen merely as Sharon's "former roommate,"<sup>11</sup> expressed fears that Karen was sexually abusive, and insisted that Sharon needed to be protected from her partner's exploitation.<sup>12</sup> Both cases also reflect assumptions and stereotypes about the disabled—reducing Sharon to a child, discounting her preferences, and denying her sexuality.<sup>13</sup>

Three years after Donald Kowalski terminated Karen's visitation rights, he notified the court that his medical problems necessitated his removal as Sharon's guardian. He nominated a friend of the Kowalski family, Karen Tomberlin, to serve in his place. In this third legal case, Karen doggedly renewed her efforts to be named as Sharon's guardian.<sup>14</sup> The trial court again rejected Karen's petition and agreed with Donald Kowalski that a friend of the Kowalski family should be appointed as guardian—despite the friend's lack of qualifications and her infrequent visits to Sharon.

Ultimately, Karen prevailed in her third attempt to seek guardianship of her partner. In 1991, the Minnesota Court of Appeals reversed and appointed Karen as guardian of Sharon's person and estate.<sup>15</sup> The appellate

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8. *Kowalski I*, 382 N.W.2d 861, 862.

9. The trial court proceedings are summarized in *In re Guardianship of Kowalski (Kowalski II)*, 392 N.W.2d 310, 310 (Minn. Ct. App.1986).

10. *Id.*

11. *Id.* at 312.

12. See Joan L. Griscom, *The Case of Karen Thompson and Karen Thompson: Ableism, Heterosexism, and Sexism*, in RACE, CLASS, AND GENDER IN THE UNITED STATES 497, 500–04 (Paula S. Rothenberg ed., 2007); Amy L. Brown, Note, *Broadening Anachronistic Notions of "Family" in Proxy Decisionmaking for Unmarried Adults*, 41 HASTINGS L.J. 1029, 1059–62 (1990). See also FRED PELKA, WHAT WE HAVE DONE: AN ORAL HISTORY OF THE DISABILITY RIGHTS MOVEMENT 373 (2012).

13. See Griscom, *supra* note 12, at 500–04; Brown, *supra* note 12, at 1059–62.

14. The trial court proceedings are summarized in *In re Guardianship of Kowalski (Kowalski III)*, 478 N.W.2d 790, 791 (Minn. Ct. App. 1991).

15. *Id.* at 797.

court reasoned that Sharon had clearly expressed her preference to be with Karen and that expert testimony overwhelmingly established Karen's suitability to serve as guardian. As the court concluded, "Thompson and Sharon are a family of affinity, which ought to be accorded respect."<sup>16</sup>

Karen's battle to gain the right to care for her partner finally came to an end after almost a decade. Karen had prevailed in the face of overwhelming opposition from three major forces: the medical establishment, the legal establishment, and her partner's biological family. *Kowalski III* represented a major triumph for the gay rights movement.

### KAREN'S ROLE IN THE MARRIAGE EQUALITY MOVEMENT

Although Karen's case did not revolve around the issue of same-sex marriage, she played an unwitting role in the marriage equality movement. Her landmark case took place at a critical stage in the gay rights movement. At the time of her partner's car accident, the gay rights movement was already underway but the marriage equality movement was in its infancy. The Stonewall riots in Greenwich Village in 1969, which are credited with launching the gay rights movement,<sup>17</sup> stimulated considerable interest in same-sex marriage by couples who increasingly sought societal recognition and validation of their intimate relationships.<sup>18</sup>

Within a few years following Stonewall, gays and lesbians initiated three legal challenges to marriage laws in Kentucky, Minnesota, and Washington State.<sup>19</sup> In each case, couples raised constitutional challenges to state bans on same-sex marriage. Plaintiffs' arguments that same-sex marriage was a fundamental right rested on the Supreme Court's invalidation of racial restrictions on marriage in *Loving v. Virginia*.<sup>20</sup> Many of the plaintiffs' legal arguments would eventually succeed in state courts across the country.<sup>21</sup> But in those early years, the marriage equality

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16. *Kowalski III*, 478 N.W.2d 790, 797.

17. See generally DAVID CARTER, *STONEWALL: THE RIOTS THAT SPARKED THE GAY REVOLUTION* (2010).

18. WILLIAM N. ESKRIDGE, JR., *GAYLAW: CHALLENGING THE APARTHEID OF THE CLOSET* 134 (1999).

19. *Jones v. Hallahan*, 501 S.W.2d 588, 589 (Ky. 1973); *Baker v. Nelson*, 191 N.W.2d 185, 185 (Minn. 1971), *appeal dismissed*, 409 U.S. 810 (1972); *Singer v. Hara*, 522 P.2d 1187, 1188 (Wash. Ct. App. 1974). For background on these early marriage cases, see David L. Chambers, *Couples: Marriage, Civil Union, and Domestic Partnership*, in *CREATING CHANGE: SEXUALITY, PUBLIC POLICY, AND CIVIL RIGHTS* 281–88 (John D'Emilio et al. eds., 2000).

20. *Loving v. Virginia*, 388 U.S. 1 (1967).

21. For the first case to find a fundamental right to same-sex marriage, see *Brause v. Bureau of Vital Statistics*, No. 3AN-95-6562 CI, 1998 WL 88743 (Alaska Super. Ct. Feb. 27, 1998) (holding that the state ban on same-sex marriage violated the constitutional right to privacy, reasoning that every person has a fundamental right to choose a life partner regardless of sex). This case was later overturned by a state constitutional amendment recognizing only marriages between a man and a woman. See generally Kevin G. Clarkson et al., *The Alaska Marriage Amendment: The People Choice on the Last Frontier*, 16

movement foundered badly as courts soundly and repeatedly rejected petitioners' arguments.

In the initial cases, the courts refused to take plaintiffs' arguments seriously. In *Baker v. Nelson*,<sup>22</sup> the Minnesota Supreme Court held that the exclusion of a gay couple from marriage did not violate state law or the U.S. Constitution. As the court explained, the right to marry was simply not applicable to same-sex unions because the procreative nature of marriage requires the union of one man and one woman. According to the court's reasoning, it wasn't the statute that precluded the couple from marrying but rather Webster's Dictionary!<sup>23</sup>

*Baker* also rejected petitioners' equal protection argument, finding no irrational or invidious discrimination.<sup>24</sup> Plaintiffs had buttressed their argument again on the reasoning of *Loving v. Virginia* to the effect that the equal application of the ban on interracial marriage—the fact that whites couldn't marry blacks and blacks couldn't marry whites—failed to insulate the classification from the Fourteenth Amendment's proscription of all invidious racial discrimination. The analogy was strikingly apt to same-sex-marriage bans: The bans precluded men from marrying men and women from marrying women. Yet, the *Baker* court refused to apply that analogy to same-sex marriage. The court summarily rejected the equal protection argument. The court simply concluded, without any further analysis, “[I]n a commonsense and in a constitutional sense, there is a clear distinction between a marital restriction based merely upon race and one based upon the fundamental difference in sex.”<sup>25</sup>

The dismissive tone of the Minnesota ruling is clear. Petitioners' claims, the court implied, were almost too far-fetched to believe. “A *sensible* reading of the statute discloses a contrary intent [to authorize such marriages],” the court stated, because “[i]t is *unrealistic* to think that the original draftsmen of our marriage statutes, which date from territorial days, would have used the term in any different sense.”<sup>26</sup> The distinction between restrictions based on sex and those based on race was “*commonsense*.”<sup>27</sup>

A subsequent challenge in Washington State was similarly unsuccessful. In *Singer v. Hara*,<sup>28</sup> a gay couple contended that the Washington state ban on same-sex marriage constituted sex discrimination in violation of the state constitution's equal rights amendment. Plaintiffs advanced the theory that the ban was an impermissible classification based

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ALASKA L. REV. 213, 213 (1999).

22. 191 N.W.2d at 185.

23. *Id.* at 186.

24. *Id.* at 187.

25. *Id.*

26. *Id.* at 185–86 (emphasis added).

27. *Id.* (emphasis added).

28. 522 P.2d 1187, 1187 (Wash. Ct. App. 1974).

on sex because, although a male-female couple could marry, two women or two men could not.<sup>29</sup> The Washington Court of Appeals peremptorily rejected plaintiffs' argument, ruling that the state equal rights amendment protected *only women* from discrimination, not gays and lesbians.

In the last of the early challenges to state bans on same-sex marriage, a Kentucky court responded to plaintiffs' constitutional claims in the most dismissive manner yet. In *Jones v. Hallahan*,<sup>30</sup> the Kentucky Court of Appeals refused even to consider the constitutional challenge invoked by plaintiffs. In an opinion that ran little more than a dozen paragraphs, the appellate court pointed to the dictionary definition of marriage. The court then added that, whereas another state court had taken the time to review the constitutional issues (before ruling adversely to plaintiffs), this Kentucky court was not going to waste its breath. "In our view," the court stated, "no constitutional issue is involved."<sup>31</sup> The court disdainfully summed up, "[t]he relationship proposed by the appellants does not authorize the issuance of a marriage license because what they propose is not a marriage."<sup>32</sup>

Silence reigned in the marriage equality movement from the 1970s until the 1990s.<sup>33</sup> In 1993, the first significance break came in *Baehr v. Lewin*,<sup>34</sup> in which the Hawaii Supreme Court ruled that the denial of the right to marry for same-sex couples violates the Hawaii constitution. Specifically, the court held that the state ban violated the state constitution's equal protection guarantee and remanded the case for trial to determine whether the discrimination could be justified by a compelling state interest. Regrettably, *Baehr* did not lead to same-sex marriage there. Nonetheless, the case set off a firestorm of activity on the federal and state levels that ultimately contributed to the recognition of same-sex marriage in Massachusetts ten years later.<sup>35</sup>

*Baehr*, the first successful state court case, took place in the 1990s. But, in the 1980s, gay rights advocates did not litigate any constitutional cases on the issue of marriage equality. What explained the resurgence of litigation in the 1990s? What changed the tide? Some sources suggest that

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29. This claim of sex discrimination was the basis of the first successful challenge to a state ban on same-sex marriage, as explained *infra*.

30. 501 S.W.2d 588, 589 (Ky. 1973).

31. *Id.* at 590.

32. *Id.*

33. In the 1980s, constitutional litigation was absent; only an occasional indirect challenge of the definition of marriage occurred. *See, e.g.*, *Adams v. Howerton*, 673 F.2d 1036, 1038 (9th Cir. 1982) (refusing to extend the word "spouse," as used in the Immigration and Nationality Act, to include members of same-sex couples), *cert. denied*, 458 U.S. 1111, 1111 (1982); *DeSanto v. Barnsley*, 476 A.2d 952, 952 (Pa. Super. Ct. 1984) (refusing to recognize a common law marriage for a same-sex couple).

34. *Baehr v. Lewin*, 852 P.2d 44, 67 (Haw. 1993), *clarified in response to the state's motion for reconsideration*, 852 P.2d 74, 74 (Haw. 1993).

35. *Goodridge v. Dep't of Pub. Health*, 798 N.E.2d 941, 969 (Mass. 2003).

the resurgence stemmed from such factors as: the reduction in employment discrimination against gays and lesbians that freed up activists' efforts on other issues; an aging wealthy gay populace that was desirous of finding long-term partners; and the AIDS epidemic that led to a desire for more serious commitments.<sup>36</sup> In my view, another important factor explains the resurgence of the marriage equality movement in the 1990s: The intense publicity in the 1980s surrounding Karen Thompson's battle that fostered a more receptive climate for the assertion of gay rights.

Karen's battle was truly national in scope. She initiated a public campaign because of her need to gain financing to pay for her exorbitant legal fees. The crushing financial burden led her to decide, first, to "come out" and, second, to go public with her story. She spoke out at gay pride events, feminist events, lectures, and rallies in major cities across the country.<sup>37</sup> She used these occasions to relate her anguish in being separated from her partner and, simultaneously, to raise public awareness about the nature and extent of the discrimination facing gays and lesbians.

Karen's story resonated with the public, in large part, because the AIDS epidemic dominated the national news in the 1980s. AIDS had quickly become known as the "gay disease" because it struck first in the gay community before it migrated to intravenous drug-users and then moved into the mainstream population.<sup>38</sup> Before the advent of powerful immune-suppressive drugs, AIDS was invariably fatal. As a result, the illness evoked considerable public sympathy for its victims who suffered painful, lingering deaths as well as for their intimate partners who were forced to watch their loved ones suffer.<sup>39</sup>

In retrospect, Karen succeeded as a social-justice activist beyond her wildest expectations. The LGBT community rose to support her, rallying to the slogan of "Why Can't Sharon Kowalski Come Home?"<sup>40</sup> Activists formed the National Committee to Free Sharon Kowalski.<sup>41</sup> Similar

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36. WILLIAM N. ESKRIDGE, JR., *THE CASE FOR SAME-SEX MARRIAGE: FROM SEXUAL LIBERTY TO CIVILIZED COMMITMENT* 58 (1996).

37. These events are recounted in THOMPSON & ANDREZEJWSKI, *supra* note 3, at 193–202, 209–15. For a list of the media accounts in magazines, newspapers, and on television, see Karen Thompson's website at <http://www.karendthompson.com/awards.html>.

38. *See generally* JONATHAN ENGEL, *THE EPIDEMIC: A GLOBAL HISTORY OF AIDS* 7 (2006) (explaining the progression of the disease through various populations).

39. Another famous gay rights case emerged in the context of the AIDS epidemic when the intimate partner of an AIDS victim was evicted from the couple's New York apartment. *See Braschi v. Stahl Associates Co.*, 543 N.E.2d 49, 55 (N.Y. 1989). For a discussion of the impact of *Braschi*, see CARLOS A. BALL, *CLOSET TO THE COURTROOM: FIVE LGBT RIGHTS LAWSUITS THAT HAVE CHANGED OUR NATION* 53 (2010). *Braschi* also played a role in fostering support for the gay rights movement during the 1980s.

40. The slogan was derived from the title of Karen Thompson's co-authored book. *See* THOMPSON & ANDREZEJWSKI, *supra* note 3.

41. *See Guide to the Tacie Dejanikus Papers, 1967-1992*, SPECIAL COLLECTIONS RESEARCH CENTER, GEORGE WASHINGTON UNIV. (2006), <http://library.gwu.edu/ead/ms2156.xml> (explaining that activist Tacie Dejanikus helped establish and co-chair the national

committees sprang up in 22 states.<sup>42</sup> So much national attention focused on the issue that August 7, 1988, was dubbed "National Free Sharon Kowalski Day," and vigils and processions were held in 21 cities.<sup>43</sup>

Although much of the activism was initiated by gay and lesbian advocates, the *Kowalski* case was more than a gay issue. The case also represented a landmark in the disability rights movement. Karen's plight had tremendous relevance for all adults who might become incapacitated by a sudden accident or illness.

### KAREN'S ROLE IN THE DISABILITY RIGHTS MOVEMENT

Karen's battle marked the first time in which national leaders of the disability rights movement united with those in the gay rights movement to rally around a cause.<sup>44</sup> Her case featured issues that were highly relevant to the disabled community in the era of the AIDS epidemic: patients' visitation rights, access to partners' medical information, and proxy medical decision-making. Karen suffered discrimination in all three areas. She had been prevented from visiting her partner in the hospital after the latter's car accident because hospital policy extended visitation privileges only to designated family members. She had been denied access to medical information about her partner's medical condition. She had been precluded from making medical decisions about her partner's treatment and rehabilitation. All of these rights would have been available to a legal spouse.

Her partner's accident turned Karen Thompson into a staunch advocate for the rights of the disabled. She began by contacting every disability rights group in the country to solicit their support.<sup>45</sup> Noted social and political activists joined Karen's fight to focus on the need for health care reforms to care for disabled partners.<sup>46</sup> In her public talks, Karen sounded a constant refrain concerning the dangers raised in cases of disability for intimate partners. She emphasized the importance of "making your relationships known to your family of birth, if possible, and informing them of your wishes in cases of disability and death."<sup>47</sup> She urged unmarried partners to execute the necessary legal documents to ensure that

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committee).

42. PELKA, *supra* note 12, at 371. See also MARGARET CRUICKSHANK, *THE GAY AND LESBIAN LIBERATION MOVEMENT* 85 (1992); *Bring Sharon Home/ D.C. Lesbian Committee to Free Sharon Kowalski*, THE HISTORY PROJECT, available at <http://historyproject.omeka.net/items/show/71> (last visited Sept. 8, 2013).

43. Tamar Lewin, *Disabled Woman's Care Given to Lesbian Partner*, N.Y. TIMES, Dec. 18, 1991, <http://www.nytimes.com/1991/12/18/us/disabled-woman-s-care-given-to-lesbian-partner.html?src=pm>.

44. PELKA, *supra* note 12, at 373.

45. PELKA, *supra* note 12, at 370.

46. See *Guide to the Tacie Dejanikus Papers*, *supra* note 41.

47. Griscom, *supra* note 12, at 504.

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their loved ones could make legal, medical, and financial decisions for them.

For the first time on the national arena, Karen's campaign united issues of disability rights with those of gay rights. Gay and lesbian advocates realized that they were motivated by the same health care concerns as disability rights activists—issues of hospital visitation, access to medical information, and the right to make health care decisions for disabled partners. Recognition of these forms of health care discrimination fostered the climate for the ensuing challenges by gay and lesbian activists to state marriage restrictions.<sup>48</sup> As a noted law professor, William Rubenstein, commented, “[The Sharon Kowalski case], and AIDS, have been the defining events of the 1980s [because they] underscored why we need legal protection, and created a terrific incentive to fight for these kinds of marital rights . . . .”<sup>49</sup>

Karen's struggle was, indeed, a defining event of the 1980s. But its impact reverberates in the present day. Her battle culminated in recent federal health care reforms. In 2011, the Department of Health and Human Services issued rules that ban discrimination based on sexual orientation or gender identity in hospital visitation at hospitals that receive Medicaid or Medicare funding.<sup>50</sup> These rules require hospitals to inform patients (or attending friends or family members) of patients' rights to visitors of their choice. In addition, the same rules facilitate medical decision making by gays and lesbians on behalf of their partners by clarifying the right of patients to delegate medical decision making to persons of their choice.<sup>51</sup>

Ironically, President Barak Obama publicly credited another gay rights activist with being the impetus for these health care reforms.<sup>52</sup> But, as often happens, history has forgotten the pioneer. The honor, in reality,

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48. For example, in *Goodridge v. Dep't of Pub. Health*, 798 N.E.2d 941 (Mass. 2003), plaintiffs Hillary and Julie Goodridge alleged that, when Julie gave birth to their daughter, Hillary faced difficulties gaining access to the mother and their infant who was placed in the intensive care unit. *Id.* at 950 n.6. In another lawsuit challenging Connecticut's marriage restrictions, plaintiff contended that she was unable to visit her partner when the latter underwent major surgery. Tina Susman, *For Gays, It Happens All the Time: Couples Often Aren't Allowed to Visit their Partners in a Hospital, Let Alone Make Choices about Loved Ones' Care*, *NEWSDAY*, Mar. 27, 2005, at A28.

49. Lewin, *supra* note 43.

50. Centers for Medicare and Medicaid Services, 75 Fed. Reg. 70,381, 70,833 (Nov. 19, 2010) (to be codified at 42 C.F.R. pts. 482, 485).

51. *Id.* See also Robert Byrd, Jr., *In Sickness and in Health: New Federal Regulations on Patients' Hospital Visitation Rights and Advance Directives*, *MONDAQ*, Mar. 2, 2012, available at 2012 WLNR 4587793.

52. President Obama credited Janice Langbehn as being the impetus for this federal policy. See Sheryl Gay Stolberg, *Obama Widens Medical Rights for Gay Partners*, *N.Y. TIMES*, Apr. 15, 2010, [www.nytimes.com/2010/04/16/us/politics/16webhosp.html?\\_r=0](http://www.nytimes.com/2010/04/16/us/politics/16webhosp.html?_r=0). Langbehn was denied the right to visit her partner, Lisa Pond, at a Miami hospital when the latter was dying of a brain aneurysm. *Langbehn v. Pub. Health Trust of Miami-Dade Cnty.*, 661 F.Supp.2d 1326, 1347 (S.D. Fla. 2009) (upholding denial of visitation despite presentation of valid health care proxy).

belongs to Karen Thompson. She was the first activist who brought these health care issues to public attention.

As explained, Karen's legal battle marked a triumph for two social movements. Yet her case transcends these boundaries for it touches the human spirit. Karen's battle against discrimination riveted public attention on the harms inflicted by society for the elemental act of loving someone. Her struggle reflects several universal themes:

- The fear of *being separated* from a loved one,
- The dread of *not being able to care for* a loved one in a time of crisis,
- The pain of persons *kept apart* by the *medical* system, and
- The anguish of persons *wronged* by the *legal* system.

Her battle is a showcase of love, commitment, caring, courage, and persistence in the face of adversity. Her story became *our* story because any one of us could suffer the same fate of a sudden catastrophic illness that separates us from our loved ones.<sup>53</sup>

As one scholar has written regarding the characteristics of social movements, "Social-justice movements are tapestries woven from many threads: justice, anger, compassion, courage, pain, and a firm sense of legal right and wrong."<sup>54</sup> Karen Thompson's story epitomizes *all* of these elements. Her story touches our hearts because it is a story of determination to undertake whatever is necessary to be reunited with a loved one who needs us. Karen Thompson has taught us all a lesson about the power of courage and the power of love.<sup>55</sup>

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53. See Griscom, *supra* note 12, at 504 ("[T]here were thousands of cases of people drawn to this case by simple human rights. After all, any of us could be hit by a drunk driver, become disabled, and in the process lose our legal and medical rights.").

54. BALL, *supra* note 39, at ix.

55. Karen Thompson and Sharon Kowalski's story has been the subject of a film (*Lifetime Commitment: A Portrait of Karen Thompson* (1994)); a play (ROSEMARY MCLAUGHLIN, *STANDING IN THE SHADOWS* (2001)); as well as two books. See CHARLES, *supra* note 4; THOMPSON & ANDREZEJWSKI, *supra* note 3.