



## Editorial: Partner's death tests same-sex union laws

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Imagine that your husband or wife was among the seven people killed when a violent wind toppled a stage at the Indiana State Fair in August. Now imagine that tragedy magnified by a legal slap in the face: If you're gay, Indiana says your relationship does not exist.

Alisha Brennon, a 24-year-old Chicagoan, awoke to this reality on Aug. 13. First, she found out that her partner had been killed in an accident that left her severely injured. Then she learned that the civil union the Illinois couple had celebrated in June meant nothing when it came to seeking compensation for her loss.

It's hard to find a more human example of the painful, real life consequences of living in a country that has an uneven patchwork of laws regarding same-sex unions.

It's also hard to find a better argument for knitting together that unfair patchwork of laws.

"The goal is to treat everyone fairly," said Kenneth J. Allen, Brennon's attorney. "We're trying to push the ball down the field toward equality."

On Monday, Brennon filed two lawsuits in an attempt to force Indiana to recognize her Illinois civil union. Specifically, she wants Indiana to recognize the rights of a same-sex partner to recover damages. Indiana, unlike Illinois, does not allow civil unions.

Had the accident happened in most other states, Brennon likely would have faced the same fight for damages. Just five states allow civil unions and six allow gay marriage. A few other states recognize out-of-state unions.

We are hopeful that the Indiana courts will recognize Brennon's legal union. Northwestern Law Professor Andrew Koppelman says the law is on her side, noting a body of law that governs a situation where a marriage is valid in one state but not in another. The rule, he said, has generally been that the law of a couple's home state defines their status, particularly if the couple is simply visiting another state. Koppelman wrote a book on this topic: "Same Sex, Different States: When Same-Sex Marriages Cross State Lines."

Brennon says she is motivated not by a desire to cash in but to honor her partner, Christina Santiago, who devoted her life to advocating for gays and lesbians. Helping two states live side-by-side, respectful of each other's laws, is a great place to start.