

**THE SHARON KOWALSKI CASE
FEATURED AT HUMAN RIGHTS WEEK**

CGLA and Women's Forum of the Campus Y cosponsored the film "A Lifetime Commitment: the Sharon Kowalski Story" for Human Rights Week. Following the film, questions from the audience were answered by two attorneys, Lisa Burke of the Governor's Advocacy Council for Disabled Persons Rights in Raleigh, and Durham Attorney Alan Berman.

Sharon Kowalski and her life-partner of four years Karen Thompson were struck by a drunk driver on November 13, 1983 near their home in Minnesota. Kowalski was severely disabled by the accident and is currently unable to speak and can barely move without help.

Before the accident, the two women had bought a house together and had taken out insurance policies naming each other as their benefactors. Since the accident, however, Thompson has been legally forbidden from seeing her partner by Kowalski's father, Donald, who has been named her guardian.

Sharon Kowalski was tested for mental competence in 1984 and was deemed incompetent to handle her own affairs. Her father was then named her legal guardian. However, the psychologist who tested her said that communications problems made it extremely difficult to evaluate her and concluded that her cognitive abilities were probably higher than the standard tests indicated.

Thompson, a tenured professor in physical education at St. Cloud University, assisted in Sharon's rehabilitation until contact between the two was forbidden. Thompson asserts that Kowalski is currently receiving inadequate care. Donald Kowalski has placed his daughter at Leisure Hills Health Care Center, a nursing home for the elderly with few rehabilitation programs.

Although Minnesota law requires that all individuals deemed incompetent by the courts be tested annually for competence, Kowalski has not been tested since 1984. A recent court order to begin testing was blocked by an appeal by her father.

The Minnesota Civil Liberties Union argues that Sharon Kowalski is capable of making her own legal decisions. They cite a 1985 interview in which Sharon was asked a series of questions including her address, where she wanted to live, and simple math problems. Kowalski was able to answer all the questions correctly and logically and requested that the MCLU be allowed to

represent her in court. This request was denied by the courts which ruled that she had no right to retain council until proven competent.

Donald Kowalski denies that his daughter is involved in a committed lesbian relationship and is doing all he can to prevent her from letting her make her own decisions and communicating with Thompson. He was quoted by the Washington Post as saying "there [isn't] a law in the United States that allows a lesbian relationship" and that "[Thompson is] an animal...As far as I'm concerned they should have locked her up a long time ago."

Because lesbian and gay relationships are not legally sanctioned, Donald has been able to keep his daughter from her partner. Had Kowalski signed a Durable Power of Attorney for Thompson to act in her behalf if she became incapacitated, Thompson would almost certainly have been named her guardian. Durable Powers of Attorney can be drawn up by a lawyer. Copies of the North Carolina statute concerning Power of Attorney documents and the format for such documents are available in the CGLA office.

For the upcoming holiday season, people across the country will be sending greeting cards to Sharon Kowalski. We encourage you to do the same. I've heard that she really likes Garfield cards. Her address is: Sharon Kowalski, c/o Rainbow Women, 1517 E. Lake St., Minneapolis, MN 55407.

--Pippa Holloway

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