

**BOSTON GLOBE, March 18, 2002**

**Sept. 11 leaves same-sex partners adrift: Laws bar benefits, even recognition  
By Kathleen Burge, Globe Staff**

PLAISTOW, N.H. - The first hint of Nancy Walsh's shaky new status appeared just hours after the four planes crashed and the two towers crumbled. She knew her partner was on Flight 11, had known it since she first turned on the television that morning and saw the dirty smoke erasing the blue sky.

But on that terrible day, American Airlines would tell Walsh nothing. As Carol Flyzik's partner of 12 years, she wasn't considered family. Flyzik's sister had to get on the phone to claim their bad news.

In the half-year since Sept. 11, Walsh, along with the two-dozen other people known to have lost same-sex partners that day, has struggled over and over to prove her relationship with Flyzik. She received neither the symbolic urn of debris from the site of the World Trade Center, nor the \$25,000 the airline paid to spouses and families.

Like the other survivors in same-sex relationships - as well as fiances and other unmarried couples who had long-term relationships not sanctioned by the law - she has fought to obtain death certificates, to claim benefits, to be remembered. And as the federal Victims Compensation Fund begins processing claims this month, the debate over whether same-sex survivors should qualify is intensifying.

"That's what's so painful to me," Walsh said one morning last week, dressed for work in flowered nurse's scrubs. "I constantly feel like I'm looking for someone to validate and approve what I know I had. It's just not right."

Walsh and Flyzik had raised children together and renovated a house. But in the eyes of the law, they might as well have been strangers.

"Everything, everything becomes more complicated," said Jennifer Levi, a lawyer for Gay & Lesbian Advocates & Defenders, who is helping Walsh. Levi was also in court last week, challenging the state's ban on gay marriage.

"Some places have honored the relationship," Levi said, "but others have not."

It is not yet clear how the Victim's Compensation Fund will treat same-sex partners. Hundreds of people have e-mailed the US Department of Justice in support of gay partners receiving victims' benefits. US Representative Barney Frank, the openly gay Democrat from Newton, has lobbied Attorney General John Ashcroft. But opposition has also been vociferous.

The Rev. Louis P. Sheldon, chairman of the Traditional Values Coalition, has accused gay rights groups of exploiting the Sept. 11 attacks. "Homosexual activists are apparently more concerned about funding sex partners and estates than widows and orphans," Sheldon said in a recent statement.

Last week, Kenneth Feinberg, the special master who will oversee the estimated \$6 billion federal fund, offered some hope to gay-rights supporters, saying in television interviews that he had sympathy for the plight of surviving partners and would "take a case-by-case specific look."

But he has also repeatedly said that he cannot ignore state inheritance laws, which could be troublesome for Walsh because her partner died without a will. In New Hampshire, like most states, Flyzik's legal next-of-kin would be her parents.

"For a same-sex partner, it's a constant struggle at every step to explain who they are, to offer details of their personal lives," said Jennifer Middleton, staff attorney at Lambda Legal Defense and Education Fund, which has been lobbying for Walsh and other same-sex survivors. "I think it makes people feel like their relationship is questioned at every turn."

Even without the bureaucratic hassles, it has been a particularly hard time for Walsh. Last Monday's six-month anniversary of the attacks and the heightened media attention renewed her pain. Wednesday was Flyzik's birthday; she would have been 41. And Saturday, Walsh made her first trip to the empty hole at the World Trade Center site.

More than a decade ago, Walsh and Flyzik met as nurses at Hale Hospital in Haverhill and became fast friends. Then they fell in love. No one was more surprised than Nancy Walsh that the object of her affection was a woman.

"Totally, totally shocked," she said. She had been married for 19 years, then divorced, and had never before been involved with a woman.

"You fall in love with a person, you don't fall in love with a sex," Walsh said. "That's what Carol and I did. We fell in love with each other. It wasn't about females. But I guess like any relationship, you know when it feels right."

Walsh moved into the old Victorian house Flyzik had bought a year earlier. Flyzik loved the old house, the wraparound porch, the wooden columns framing the living room that she uncovered when she began tearing apart and rebuilding.

She was a talented carpenter and built the kitchen cabinets herself. She was creating a sunroom behind the kitchen when she died. "So now, I'm in limbo," Walsh said. "I have one room finished out of the whole 13 rooms."

Flyzik's final days at home stretched over a glorious late summer weekend. They went to the beach and lingered at a seafood festival. Sunday, they cooked lobsters and cracked open the shells on the porch.

Flyzik was flying to Los Angeles Tuesday morning on a business trip, and woke Walsh up at 5:30 a.m. to say goodbye. Though she was groggy, Walsh remembers those final minutes clearly. Flyzik sat on the edge of the bed and rubbed Walsh's arm. She was smiling as she gave Walsh a kiss, and said, "I'll call you when I get there."

"And that was it," Walsh says. She fell back to sleep until 8:45, when she was awoken by two sharp, sudden pains in her stomach. She padded downstairs, had a cup of coffee, and turned on the television.

"The first plane had hit and they didn't even know what airline it was or where it was from, but I knew," Walsh said. "I just knew right away."

Still, she needed to hear the dreaded airline confirmation that Flyzik had truly parked at Logan early that morning, had climbed aboard the plane, had fastened her seat belt for a routine business trip. The dark news came that night, when Flyzik's sister talked to the airline.

Ten days later, nearly a thousand people showed up for Flyzik's memorial service. Not everyone fit inside the church, so speakers were mounted outside in the trees. Because there was no body, Walsh helped create a memorial table with pictures and objects - a seashell, a flower pot, a piece of jewelry. Flyzik loved hats, and so Walsh hung some on a coatrack. "It was kind of weird, but it's so Carol," Walsh said.

These days, Walsh is navigating a new universe of pain and paperwork. Because Flyzik did not have a will, Walsh will not automatically inherit the rambling house they shared. She does not have the legal right to renew the car registration of Flyzik's car. When bill collectors and others call, asking for a relative of Flyzik, Walsh tells them who she is. Sometimes they talk to her; sometimes they don't.

"It's really a slap in the face," said Middleton, "to be told by an airline or the city government, 'You're not the person we consider as the closest family member to this victim. We're not going to recognize your pain.'"