

## Lesbian Police Officer Slain in Tampa

*Her Life Partner, Also A Police Detective,  
is Denied Survivor Benefits*

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This, all too often is not the case. South Florida resident Frank Gagliano not only suffered the devastating sudden loss of his partner, Rob Pierce, in a helicopter crash, last year, but then faced the added indignity of being evicted from the home the two men shared. Pierce's surviving blood relatives removed him from the household, which had been in Pierce's name. (The story broke nationally in the *Express* on March 13, 2000, and is available online, at volume 1, issue 5.)

For two consecutive years, Equality Florida has pushed for domestic partnership to protect people such as Mashburn and Gagliano. "We lost our main sponsor due to term limits and now we're continuing to build, in a somewhat difficult climate, to get the bill reintroduced," says Smith.

"There's more support" she added, "but redistricting has the main stage now, legislatively. It's our belief that what has happened in Tampa really is such a stark and tragic illustration of what is wrong with the law and how cruel the lack of recognition for all of our families."

Smith says that even if changes do take place soon, it will not necessarily help Mashburn. "I know that the pension board had expressed a desire to try and figure out how to address this issue retroactively," Smith says. "What is not clear, and the message we're hearing, is even if they are able to establish the benefits retroactively, the possibility is that it goes to her estate, not to her surviving partner."

If no changes or decision can be reached on dispersing the funds in Marrero's pension, according to Smith, the pension fund keeps money.

The lack of recognition of same sex unions has forced some couples to find more creative solutions. In May, a 60 year-old Maryland man legally adopted his 65 year-old partner to ensure family rights regarding each other's medical care, funeral arrangements, survivor claims and inheritance.

At the time of the adoption, the couple had lived together for at least 32 years, and felt that adoption was the only avenue open to them to guarantee the legal protection they desired. A lawyer for the couple said that while a domestic partnership contract was considered, they feared it would not stand up in court if challenged by other claimants.

Of course, not every couple wants to go to such extremes to protect their rights. Smith stresses that the situation in Tampa has created a ground swell of support, and in many cases outrage, but that this is just the beginning.

"I think the lesson is that if we don't continue to pressure, if we don't continue to demand that we do the right thing, we will watch the energy right now toward it



*Officer Lois Marrero was shot and killed in the line of duty Friday, July 6, 2001. She had served on the Tampa Police Department honor guard in the early 90's, and is survived by her life partner, Detective Mickie Mashburn. Photo courtesy of the Tampa Bay Tribune, and Rich Murphy, of WFLA-TV.*

dissipate," Smith says.

"It's crucial. We hope that people all around the state, not just folks organizing in the Tampa area, but people across the state will turn to their local elected officials and to their elected legislative officials right now and say, 'We have to make sure that never happens here. We have to make sure no one ever goes through what this officer who lost her partner in the line of duty is going through right now.'"

Equality Florida is asking people to log onto their website, [www.eqfl.org](http://www.eqfl.org). "We've been asking people to contact their elected officials, their legislators," Smith says. "Now, on the Equality Florida website, there's an advocacy center where all you have to do is type in your address and your zip code and it will pull up whoever represents you. It will give you the opportunity to fire off a letter right then and there."

Smith also wants people to remember that what's happening to Detective Mashburn is not an isolated incident, it's just one that's getting a lot of attention. "It's not only what's happening here, this needless cruelty heaped upon grief is happening quietly and repeatedly across the state," Smith says.

"Frank Gagliano, who's partner died in a helicopter crash, and even under less tragic circumstances, people being kept from their partner's hospital room, being treated like legal strangers, being told by estranged family members, despite decades together, that they're not welcome at the memorial. These are things that come from having no legal recognition, and they need to be remedied."

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