

## **The Employment Non-Discrimination Act**

### **Testimony by Officer Michael P. Carney**

#### **Springfield, Massachusetts Police Department**

Thank you for the opportunity to tell you why the bill you are debating – which is so important to the Gay, Lesbian, Bisexual and Transgender community – is even more important to America.

As a first generation Irish-American, I grew up hearing stories from my Mom and Dad that when the Irish looked for work in the United States, they found signs that said, “Irish not need apply.”

I was also told that those days were behind us. That I could be anything I wanted to be in America.

Well, as luck would have it, I always wanted to be a police officer. You'd think that of all the things an Irish-American boy wanted to be, becoming a cop would be a slam-dunk.

But there was an invisible, but just as insidious obstacle that I confronted – one that cuts across all racial and ethnic lines in America.

I was gay.

And there was nothing I could do about it. I didn't choose to be gay. I just was.

It doesn't affect job performance, but it continues to affect the employability of millions of people in America.

Here's how it affected me:

On April 9, 1979 I joined the Springfield Police Department as a Police Cadet. It enabled me to work in every facet of policing while I obtained my college degree.

In September of 1982, after I graduated from the police academy, I was appointed as a police officer. I felt I had no choice but to keep my personal life a secret from

my co-workers and supervisors. Not being able to share my personal life with those I spent so much time with was extremely painful.

Can you imagine going to work every day and avoiding any conversations about with whom you had a date...or a great weekend...or an argument – basically not sharing any part of your personal life for fear of reprisal or being ostracized.

I did this in a career that prides itself on integrity, honesty and professionalism – and where a bond with one's colleagues and partner is critical in dangerous and potentially deadly situations.

At my police graduation, a colleague's sexual orientation was the topic of conversation because he brought a man to our graduation party. Although he told everyone he was just a friend, by the end of the evening the police officer was assaulted by a police supervisor.

That evening, I got an early lesson on how police officers like me are punished on the job, so I did everything in my power to be “one of the boys” and hide.

A few years later, another classmate and his work partner were gunned down – murdered on the street. It forever changed the way I viewed the job as a gay cop.

Every time my partner and I rolled into a domestic or a gun call, all I could think of was who would notify my life partner? Would he first learn of my shooting on the 11 o'clock news? How would he be treated by my colleagues at my funeral?

The more I thought of these things, the more isolated and insecure I felt; the more singled-out and second-class I realized I truly was.

I was beginning to feel like my grandfather's generation must have felt – that I wasn't good enough, that I was a second-class citizen.

And then the irony hit me: wasn't it my job to ensure the rights of all citizens? Wasn't I sworn to uphold the constitution of the United States – a document anchored in the fundamental principle that all men are created equal, that they are endowed, by their Creator, with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness?

Every day, I felt the disconnect, the irony. The pain was deep. I felt ashamed. I kept thinking, what would happen if they found out? What would they do?

In 1989, after years of pain and self-abuse from drinking I hit bottom. I could not face my peers. I felt like I didn't fit in. I was humiliated. I was afraid. I resigned as a police officer.

Three months later, it turned out to be the turning point of my life. I got professional help. I've been sober ever since.

A close friend of mine told me, "the truth will set you free." A year later, I was on the road to a new life as a sober gay man. For the first time in my life I was honest with my family and friends and lived openly as the person God created.

In 1991 I helped co-found the Gay Officers Action League of New England, a support group for gay law enforcement officers.

Our organization struck a responsive chord with the law enforcement community. Not only did I meet hundreds like me, our organization began getting requests from police chiefs around the country asking for training and practical advice.

I found the support that I needed, and in 1992 I decided to return to the job I loved. I received news that the police department was taking back officers for reinstatement, so along with four colleagues, I applied.

I was granted an interview, and this time I decided to be honest with them and tell them who I really was. I came out in that interview. Three days after my interview, I was notified that I was denied reinstatement.

I was dumbfounded. I could not believe this was happening. I retained an attorney and he spoke with city officials. He told me to reapply. I did and a week later I received a letter stating that I was denied again. My four colleagues were all reinstated.

I felt like I was kicked in the gut. But this time, I was also furious. I asked my lawyer to file a complaint with the Massachusetts Commission Against Discrimination for employment discrimination based on my sexual orientation.

My lawyer talked me out of it. He said, "your friends and family members know about you, but if you file this complaint, it will be a public document and everyone will know."

He then talked to the Mayor. The Mayor agreed that I should be granted another interview and called the chairman of the Police Commission. He complied. During the interview, the Police Chief told the Police Commission that I did a “commendable job as a police officer.” The Sheriff of Hampden County also spoke on my behalf.

I felt uplifted and finally believed I would get my job back.

Three days later, I received a letter from the Police Commission. I opened it nervously. I could not believe what I read. I was denied again. I immediately went to the Massachusetts Commission Against Discrimination and filed the first case of sexual orientation discrimination against a law enforcement agency in Massachusetts.

A few days later it hit the media. I was out publicly. The Police Commission later defended its position, claiming that “other candidates were more enthusiastic and more forthright.”

The Massachusetts Commission Against Discrimination’s investigation took two and half years of my life – two and half years that I could not be a police officer.

I felt so humiliated, so lost. I wondered if I did the right thing.

In 1994, citing the police commission’s rationale for my rejection “as pretext,” the Massachusetts Commission Against Discrimination ruled probable cause that discrimination did in fact occur.

On September 22, 1994, the City settled my case and at a press conference held by the Massachusetts Commission Against Discrimination. My parents, who were 73 years of age at that time, stood by my side as the settlement announcement was made. I will never forget how proud they were of me and how grateful I was that they understood why I put myself and them and my City through all of this.

I just wanted to be a cop. I’ve always wanted to be a cop.

I returned to work, and since then I have worked as a police academy instructor, a detective in the youth assessment center, a detective in the narcotics division, as an aide to the Chief of Police and, most proudly, I am now assigned to the uniform division.

I've been recognized for saving a man who jumped from a bridge into the Connecticut River in a suicide attempt. I've received letters of recognition for a youth mentorship program that I co-founded, as well as a letter of commendation from the Police Commission for outstanding police work in capturing a bank robber. In 1997, I was a guest at the White House Conference on Hate Crimes. I served from 1996 to 2002 on the Governor's Hate Crimes Task Force under three governors in Massachusetts.

I have been honored and blessed to serve my department and the citizens of my community.

I'm a good cop. But I had to fight to get my job because I'm gay. And I never would have even been able to do THAT – had I not lived in Massachusetts or in one of the handful of other states that protect gay people from discrimination.

In fact, if I were a federal employee living in Massachusetts I would not be protected at all.

Had I not been successful in fighting the bias that tried to prevent me from working, all the good that I have done for some of the most vulnerable people in my community would never have happened.

Discrimination impacts the lives of everyone. It not only deprives people of livelihoods and safe working conditions, it also robs the public of vital services they would have otherwise received from talented and dedicated workers.

Throughout America, men and women of all backgrounds benefit from the talent and dedication of gay employees. Many of these employees work without protection because they live in states that have no such guarantees.

The Employment Non-Discrimination Act would guarantee that America's Gay, Lesbian, Bisexual and Transgender workforce would never again fear that they might not be hired or might not be able to keep their jobs solely because of their sexual orientation or gender identity.

I'm proud to be Irish. I'm proud to be gay. I'm proud to be a cop in Springfield, Massachusetts. And I'm grateful for the opportunity to tell you my story.

Please put an end to the kind of employment discrimination that I have had to endure.

