

The Employment Non-Discrimination Act

Written Testimony to the Senate Committee on Health, Education, Labor and Pensions

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My name is Michael Carney and I am a police officer in the Springfield Massachusetts Police Department.

The Employment Non-Discrimination Act is vitally important to the Gay, Lesbian, Bisexual and Transgender community. But it is even more important to America.

As a first generation Irish-American, I grew up hearing stories 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.

I found out the hard way it's not true. Today, sexual orientation and gender identity remains an invisible but insidious obstacle to equal employment that cuts across all racial, religious and ethnic lines in America.

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

It doesn't affect my job performance, but it continues to affect my employability in America. The following is how I learned it.

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 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 fearing to talk about last night's date, your spouse, your weekend, your family – not being able to share 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 close bond with one's colleagues and partner is critical to surviving dangerous and potentially deadly situations.

At my police graduation, a colleague's sexual orientation became 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 new recruit was assaulted by a fellow officer.

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 my colleagues at my funeral treat him?

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 how 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; 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 with myself openly.

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 four of my colleagues and 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, “other candidates were more enthusiastic and more forthright.”

The Massachusetts Commission Against Discrimination’s investigation took two and a half years of my life – two and a 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 Governors Hate Crimes Task Force for 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 13 other states and the District of Columbia that protect GLBT people from discrimination.

In fact, if I were a federal employee living in Massachusetts I would not be protected at all. Do you think that impacts federal recruitment efforts? You bet it does.

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.

Workplace discrimination impacts the lives of *everyone*. It deprives people of jobs and safe working conditions; it robs the federal government of an exceptional pool of specialists; and it robs our citizens of services they would have received from talented and dedicated GLBT workers.

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 keep their jobs, solely because of their sexual orientation or gender identity.

I'm proud to be an Irish-American. I'm proud to be gay. And I'm proud to be a cop in Springfield, Massachusetts.

We are much more tolerant of individual differences today than ten years ago. I see it on the streets. I see it in our younger generations. I see it in our older generations. I believe America is ready to tear down the last walls of discrimination in the workplace.

Encouraged by this wind at our backs, I hope that Congress will legislate the right of employees to be judged solely on their performance. This is not a Democratic or Republican value. **It is an American value.**

I am personally grateful to Chairman Harkin and everyone on this Committee for your extraordinary efforts.

I am especially grateful to the late Senator Kennedy and his staff, and to Congressman Barney Frank and his staff – including Diego Sanchez, Capitol Hill's first transgender staff.

Thank you.