

EXCALIBUR INTERVIEW

With John Damien, fired by government for being a homosexual

"It's a frightening prospect. The bottom right out of your life. No job. No money coming in, bills, pounding the streets for work, a bad employment record. It means a bad time.

"Some people get fired for good reasons. Not everybody. In Canada today, a man or woman can get fired even though they have: done their job to their own and their employer's satisfaction; got along well with their co-workers; been honest and responsible in every aspect of their business dealings; worked in the same job for years.

"It happens. John Damien knows it happens. Because it happened to him.

John Damien is a homosexual. On February 6, 1975 he was fired from his job as a racing steward (judge) with the Ontario Racing Commission. Only one reason was given: his homosexuality. Nothing else. He had worked in racing for twenty years, five of those in the prestigious position as one of the three racing stewards in Ontario."

This excerpt is from the pamphlet "You're Fired", published by the Committee to Defend John Damien. As the second anniversary of Damien's firing approaches, Excalibur news editor Paul Kellogg interviewed Damien on the progress of his million-dollar suit with the government, and the general problems faced by gay men and women in Ontario.

EXCALIBUR — Can you give an outline of the case, why you were fired from the Ontario Racing Commission.

DAMIEN — I was hired by the Ontario Racing Commission in 1970, as commission judge for thoroughbred horse racing. I had spent five years with the racing commission under the jurisdiction of the ministry of Consumer and Commercial Relations. After spending five years with them and doing their work, attending their conventions and representing them, on February 5, 1975 I received a phone call from Mr. T.C. Williams, from the Ministry of Consumer and Commercial Relations and he wanted to meet me in his office. We set up a time and then he showed me a letter from Mr. McNaughton who is the chairman of the Ontario Racing Commission stating that I was not going to be re-appointed as commission judge for the year 1975.

EXCALIBUR — Was there any reason given?

DAMIEN — Not right then. He stated that I could be blackmailed. That's when I asked him if he was referring about homosexual conduct and he answered affirmatively, that was the reason I was not reappointed.

We discussed this at length, and he said he was prepared to make me an offer of \$1,200 and give me a letter of recommendation if I would sign a letter of resignation. I said no. Then he went up to \$1,700 and I said no. As far as I was concerned, the majority of the racetrack knew I was a homosexual anyway. I wasn't in the closet as they call it. There was no way I would let that interfere with my position as commission judge. There was no conflict of interest. That is when he called Mr. W. R. McDonnell up into the office and told him what had transpired, and that I had turned down the offer.

EXCALIBUR — That sounds like a bribe.

DAMIEN — Yes. Everybody said it's a bribe, except the Commissioner and the people that offered it.

EXCALIBUR — What did they call it?

DAMIEN — They said they were trying to help me out. As Trent Frayne put it in his column yesterday (Sunday) in *The Sun* "We decided to make a proposal to him and to protect him." Trying to protect me after they fired me. So they're protecting the public from me I guess, I don't know. Anyway, I decided there and then that I was going to fight it. I tried to negotiate with them and set up a hearing to discuss it, right up to the last minute, but they wouldn't discuss it. I got lawyers and we got started on the legal aspects of it.

EXCALIBUR — How did the Commission go about your firing?

DAMIEN — Well, to start off, when they fired me and they didn't give me an opportunity to defend myself, they didn't call me in or give me any reason. They kept it behind closed doors not even letting me know that I was not to be re-hired. At the Windsor Convention in 1975, January 22, 23 and 24, a few of the people who fired me were there and they waited until I got back to Toronto to tell me about it. They went through the formality of being nice to me the whole time I was in Windsor. They figured, well, a homosexual, he'll go hide in some corner and be ashamed of himself — he won't fight it because we're supposed to be a low class breed, right? No backbone, and no gumption at all, and well gays, homosexuals are supposed to be wishy-washy people, right? You can't depend on them — you can't even depend on them to fight for themselves, right?

EXCALIBUR — Are you suing them?

DAMIEN — Yes. I'm suing them for a million plus. My main position is reinstatement. Also we submitted our brief to the Human Rights Commission, which after six months decided that homosexuals were not protected under the Human Rights Code. Consequently I want the words sexual orientation entered into the law, into the Human Rights Code so that no one should have to go through what I'm going through.

EXCALIBUR — It's been about two years now since that happened. How have you been living since then? How do you get by financially?

DAMIEN — Well, after I tried to get a job in my own chosen field which is horse racing, getting letters from all over the country turning me down, I registered with Manpower. And then after a year I got a job with National Revenue and Taxation on Adelaide and I'm still there. But it took me a year to get the job.

EXCALIBUR — So you were a year without work?

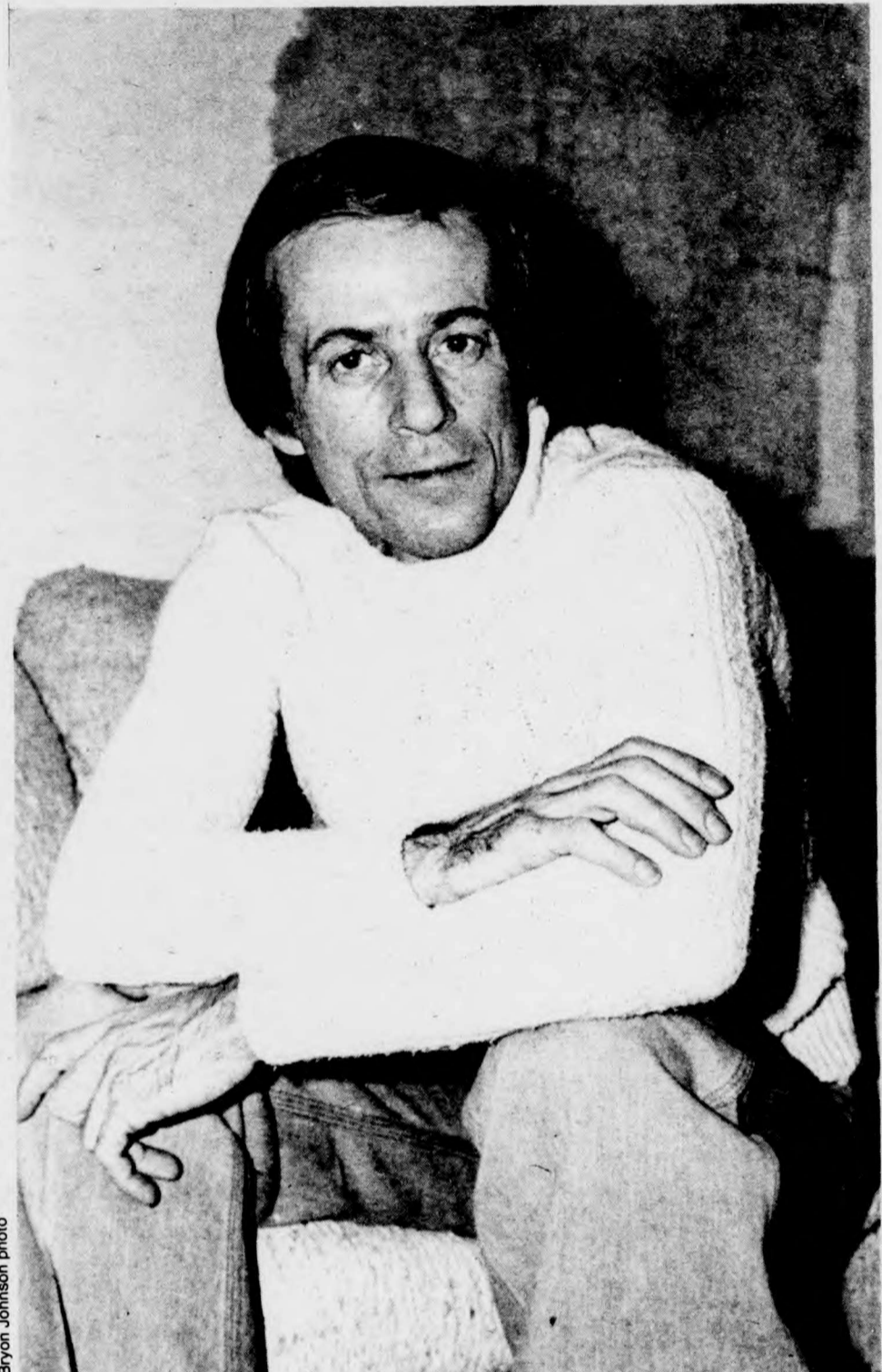
DAMIEN — Yes, because I tried to get back into racing, at any track anywhere. That's why when they said "we'll give you a letter of recommendation," I wouldn't buy that because I know what racing's all about. Like who were they trying to kid. Getting rid of me would definitely mean that I'd not get a job anywhere as a commission judge or steward for an Association.

EXCALIBUR — In other words, there was a common understanding among the different racing commissions that you were not to be hired.

DAMIEN — Yes. They'd ask why I was fired, and what would the answer be? They've already stated that I was a good judge and Sidney Handleman in the legislation said that I was a good judge. Now what's the reason I can't find a position?

EXCALIBUR — Is your case an exception as far as gay people having problems with their jobs in Ontario?

DAMIEN — Well, in top positions, it would be, but we never hear of it. It's been told to me that it's all right to be gay as long as you're a clerk or back at the track, a groom and that, because those are positions where you have no authority over other people. . . . In our society a homosexual isn't acceptable in a high ranking position. . . . I mean that logic is completely out of bounds because there are many gays in top positions. It shouldn't matter what sex you enjoy, it's got nothing to do with your job. God almighty, they're starting to look in your bedroom. I figure I go to work at eight o'clock and get out at five, it's none of their business what I do at night, I mean it's nobody's concern. And I'm even talking for the straights. I mean, when a guy takes out a girl, what's that got to do with his employer?



Bryon Johnson photo

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It's the same with us.

EXCALIBUR — How do you think your case is affecting the general status of gay people in Ontario?

DAMIEN — It's starting to pick their heads up. I'm a person and I'm determined. The only thing I want to do is win. It doesn't matter what they do to me, I could still survive. A person doesn't need too much to survive but the will to survive. A lot of homosexuals are lifting their heads up and saying, "hey, if he can do it, he's just a little twirp, I can do it too." I don't mean people running up and down Yonge Street. I'm talking about everyday people who go to work and go home every night, want to live and work and enjoy life...could be your next door neighbour, your best friend. That's what I'm going for.

EXCALIBUR — Just to be accepted as part of society?

DAMIEN — That's all. Look, I was born here.

EXCALIBUR — Do you see any light at the end of the tunnel, because it has been a long-standing problem. It's only been recently that the question of discrimination against gay people has become even a topic of conversation.

DAMIEN — Oh yes. I feel that most homosexuals, it's up to themselves OK? It's the fear of straight people not liking them, it's unfounded. I've found that the fear is among themselves. I've never had any problem. By myself coming out and this whole case being made public it will help the majority of homosexuals to say, "hey, I'm all right, you know?" To me, I'm normal as far as I'm concerned. I wouldn't be normal if I was a hypocrite, playing both ends against the middle and sitting on the fence. I'd be a hypocrite and I wouldn't be myself.