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Interviewee: Daniel (Dan) C. Miller

Interviewer: Andrew C. Miller

Date of Interview: March 15, 2014

Location of Interview: LGBT Center, Harrisburg

Transcriber: Andrew C. Miller

Finalized by: Mary Libertin

Abstract:

Daniel (Dan) C. Miller's colorful humor and personality were persistent throughout the interview. He shares his experiences growing up and coming out in his early 30s. His coming out experience was during his time working for Donald L. DeMuth. Specifically, homosexuality was listed as a fireable offense in his contract; the contract also contained one of the most overly broad non-compete clauses held up in a court of law. As Miller fought for the rights of the LGBT community he found himself thrust upon the public stage. Miller shares how he was fired from DeMuth and one year later faced a lawsuit on the basis of the non-compete clause; Miller countersued for wrongful termination. Miller contributes his lack of resources and knowledge of the legal system, as well as Judge Kevin Hess's instruction to the jury, who did not want homosexuality to be a factor in the jury's deliberation, as factors which caused him to lose the case. Despite the financial and incredible emotional cost of this case, he cites that gays around the area who had also been fired reached out to him. Dan Miller, who grew up without gay mentors or people to look to, became the hero he was looking for.

AM: The purpose of this project is here as a part of the oral history of the LGBT Center and a collection piece within theirs and I am Andrew Miller, and I am here with Dan Miller. We are here at the LGBT Center in Harrisburg. Dan do I have your permission to record this interview?

DM: Yes, you do.

AM: Thank you. Alright, so, let's go ahead and begin. Dan, what's your date of birth?

DM: (laughing) 8/10/56, August the tenth.

AM: Okay, and your parents, who are your parents and what were their occupations, or ... ?

DM: My father was Cy Miller from Millersburg, Pennsylvania, about 25 miles north of Harrisburg. He was a very good athlete in Millersburg and played professional baseball, and he was the first person in our family to go to college, on a scholarship to Penn State, and he was the baseball pitcher there. He ultimately got a Masters degree in counseling and worked for, I don't know, 30 years. He ended up at Harrisburg Area Community College. About the last 30 years he was also a guidance counselor at some high schools in the area.

AM: And your mom?

DM: My mother, Gloria June Miller, goes by the name June. She basically was a housewife, but she's a woman full of energy and worked in retail for many years at SEARS and other various stores.

AM: Okay and how about siblings?

DM: I have three sisters. My oldest sister is Anita Mensor. She's a successful school teacher; she actually just retired and another person full of a lot of energy and an activist, and she has two children. My—the next sister, is Sharon Reed, who is a registered nurse and still working. I'm the third child in the family. And then my little sister Suzie. She's married and has three children and works at her small business.

AM: Okay, very good, very good, okay, and then could you talk to me for the record about residences where you have lived.

DM: Well, basically I have lived—I was born, in Munsee, Pennsylvania, but we moved to Harrisburg when I was relatively young, so I don't remember any other place than Harrisburg growing up. You know, after college—actually after I went to Elizabethtown College—well I went to HACC, and then Elizabethtown College, both places. Then I came back to Harrisburg and worked for a big CPA firm here in the city. Then I went and got my Masters degree at Penn State and after that I worked in, and lived in Hammondsport, New York, which is near the Finger Lakes, for Taylor Wine Company and Coca-Cola, which owned Taylor Wine at the time. From there I lived in and went to work for a company in Kalamazoo, Michigan. From there I went and worked for another company in Hilton Head South, Carolina, but I really wanted to put my roots down. It was then that I really starting to come out—that I came back to Harrisburg. It was just right for me to do that. So I've been here ever since.

AM: So, you talked about your education there. Do you want to talk about your educational experience, even including elementary to growing up, and what did your sexuality look like at that point? What did religion play in your life growing up? Do you want to speak to those elements?

DM: You're asking a lot of stuff there, so if I miss any stuff there let me know. Well, I—as I said, I grew up in the suburbs out in Colonial Park. And we had a house right in front of the elementary school, so it was really a great neighborhood. There was a swimming pool down the street so I was a swimmer for many years on the local swim team. We had basketball courts and I've played basketball in junior high school on the team. I have played intramural sports with that. We had lots of fields, so we had neighborhood football—we've played baseball in the summertime, so, in that sense, you know, athletics played a lot in my life in the neighborhood. I went to elementary school; I was a fairly okay student. My oldest sister was the straight A; she was the cheerleader; she was the homecoming queen; she was the, you know, everything. And so, compared to her, (laughing) I was okay. But, so, then I went to junior high school in Central Dauphin High School, played tennis on the tennis team. You know, as far as—you know I didn't have any sense of what being gay was. You know—that was whatever, forty, fifty years ago, and so it, it's hard to know what role that played in everything. Obviously, it was something—something wasn't right for me, you know, as it was for other people, like with dating and stuff

like that. I would have maybe a crush on some other boy, but it didn't really make sense ... to really understand.

AM: So how would you say though that—what were your perceptions of the word "gay," what did you think of—how did you grow up with any sort of context for that? Or was it something that wasn't even really discussed or have a framework for.

DM: You know, it wasn't discussed. It was sometimes, and I don't even know if they used the word "gay" much back then. But there were kids ... kids would, I'd say in junior high, throw around words that ... you understood that was bad, you understood sort of what it was, but you had no sense of what that meant or anything like that. It wasn't discussed in my family. We went to church, a neighborhood Church, a block and a half away. We went every Sunday; it was a Methodist Church and it was fairly liberal, and they never talked about homosexuality in my church. I never heard it. Although you just knew that was—there was something negative in general in society about it. And the only thing I really remember is there was a boy, an older boy—I didn't really know him. He was—my sisters were older than I, and it was a friend of theirs brother who was older. Sometimes they talked about this guy being gay, and that's the only context I had. And I didn't even know that person, but I remember that.

AM: Do you want to talk a little more about—so you said church/religion was a part of your life? So do you want to talk about what role that played growing up? or what ... You can even speak to today, as well—if that religion continues to play in a role in your life, or what that looks like.

DM: My grandparents, my maternal grandparents, especially my grandmother, was very religious. And so it was expected that you went to church every Sunday, which—my mother followed in those footsteps. I wouldn't say we were a particularly religious family, but we went to church every Sunday and it was very much a habit. It was very much—you knew the other people in church, and as a kid I went to Sunday School. I went to Vacation Church School, so it was—I knew it was a social thing. I was an Acolyte. I was head of the Acolytes. I did those kinds of things. I was on the Church board, all of that type of stuff, so it played a pretty big role in my life, but more as a social institution and not necessarily religious. What I do remember is one time, when I was in junior high school, ... we were having communion—we do it maybe four times a year—and I was actually listening to what was going on. And they were saying all this stuff and I thought, "I'm not going to go up there and do that," and I didn't. And my mom had a fit when we got home from Church, but it was probably the very beginning of me questioning—what is all this? And does this make sense? And, frankly ... and I continued to go to Church through my 30s. It was a great way for me to connect with my family because my sisters still went to that Church—my parents did. So on a Sunday morning, you could go and see everybody. So that was nice. It ... you know, I wouldn't say I'm an atheist, but I have no belief in religion. I think religion is really somewhat unfortunate. I think it plays a good role for many people, but I think there's a lot of negativity and power in religion that could be better used somewhere else.

AM: Absolutely. So you want to speak to your occupational history? So and let's just lead up to your work with DeMuth, and I saying that right? "DeMuth"?

DM: Yup.

AM: Let's just go up to DeMuth—then we'll talk about that.

DM: Well, actually, once I got into junior and senior high school I was a very—pretty good student. I really excelled in math. I was always very good at that, and my father—is a counselor—guided me and said, "You may want to be an accountant." I had no knowledge what an accountant was, but you know ... my Dad was a conservative guy, wants me to get a job and make money, blah, blah, blah. So he actually had me take bookkeeping in high school, which you know—I was college-prep, an honors section, and bookkeeping was a whole different crowd of people ... which actually was probably a pretty good thing for me and an interesting part of my life. And I think that's what's good about Harrisburg too. There's just so many layers of people that you can come across if you're willing to do it. So I was in there with all these business students, which is really different ... but anyway, that's when I first did accounting, and bookkeeping, and just sort of pursued that path through college. I went to Elizabethtown College and became an accounting major and passed my CPA exam and worked for this big CPA firm. Main Hurdman at the time was the biggest CPA firm in Harrisburg and now it's, now it's KPMG, one of those big firms.

AM: Okay.

DM: So I did that several years. I was still pretty young, wasn't really ready to work hard, etc., so I decided to go back and get my MBA at Penn State. I had only really been away ... I skipped one year of college through tests. I went to HACC for one year and lived at home, so I was really at E-Town just for two years—so I didn't have enough of fun of being away and being at college. And so I went to Penn State and got my MBA and was back in school, and I had a good time. And I taught accounting while I was up there, so it worked out.

AM: And then what—at what ... You started working there in 1985—is that right? DeMuth? Just to set the dates here ...

DM: Well then, after ... I'm not really good with dates, but—yes, after my MBA I worked for Taylor Wine and moved around and I came back to Harrisburg, in I guess '85.

AM: And that's when that “time” started?

DM: Yeah, then I got a job with DeMuth in Camp Hill.

AM: Now before we talk about DeMuth specifically, let's actually just talk about your sexuality and being gay from—kind of connecting ... You've already talked about having these moments of awakening. Do you want talk about those moments and sort of what that looks like over this time period? It's a big question, so feel free to break it down here.

DM: I ... it's sort of—it's interesting, because as a younger person, probably in grade school, right around there, there was experimentation with other boys in the neighborhood (laughing),

my age ... but then I had no sexual contact with that, even through college. And, actually I dated women.

AM: --I'm sorry ... I'm not trying to interrupt, but why would you ... Why do you feel like that stopped there? Why do you think college ... and then heterosexual dating, why did that—why do you think that ...

DM: You know it was such a different time period. I really had no knowledge of it. You knew it was problematic in many ways. I think the interesting thing is we had no role models. I mean ... if you knew who Truman Capote is, Truman Capote was like ... okay we know he's gay (laughing), but I had no knowledge, sense, of any gay, you know ... that was a very weird role model in the sense that he was a role model. So, you know, it's completely different. It was completely different than it is now. I have no one that knew I was gay, and the only thing I did know was that gay people lived in San Francisco ... so did I have to move to San Francisco, you know?

AM: Uh huh.

DM: I know this is a completely bizarre thought now, but back then I you're very, very isolated, and so I didn't know anyone who was gay, you know, in college or in anything like that. You do look back and there were teachers that were gay, and I thought—and I had them. And you think that guy's sitting up there and he must realize that Dan Miller is gay ... you know what I mean? And I'm thinking, why didn't he come over and say, you know, shake me and say Dan it's alright you can do all this, but uh, that never happened so I didn't ever have that, that experience. So you sort of just fumbled along on your own way, until—well, actually I did have an experience when I got my ... In grad school, I had really close friend, a really nice guy. One thing led to another and I sort of fell in love with him. And he was straight, and I don't think he knew that ... and nothing actually happened. But at one point in time I felt close enough to tell him about it. And ... it was really a disaster, and he never spoke to me again. And it just was a tremendous crushing blow, because it was—we spent ... we ate our meals together every night, we would cook, we were in the same program, we had a lot of the same courses. We had—we played racquetball together, we did all this stuff together, and then—that was his second year ... and it just crushed me beyond belief that because I told this guy that I thought I was gay, he just never spoke to me again. And I can't tell you how devastating that was. I think that put me back in the closet, because I thought somebody I could trust who was understanding ... but I couldn't. Is that ... (laughing).

AM: No, No, that's—yeah ...

DM: And so I think it goes on until you really feel you've got to deal with it at some point in time. And that happened to me when I was living in Hilton Head—again sort of isolated, and it gave me a lot of time to think ... and that was all very good. And, oh ... I know what I did. Savannah is close by to Hilton Head and there is a college there, Savannah State College or something. And I went over to their library and looked—tried to find what books I could find about homosexuals. And I couldn't really find much, but at least it was me making an attempt ... and in the course of that, I decided I needed to come out. I needed to come out and do this. You

know what I did? It's funny this stuff comes back to you. I thought, well, there must be some gay waiters in Hilton Head. So I worked as an accountant, but I got a part-time job as a waiter thinking I might meet somebody (laughing), but—and I probably did, but I wasn't ... In retrospect, yes, I can see people were giving me signals, but I didn't pick up on the signals. I'm not good at that type of thing and so I didn't pick up on it. Unfortunately, I didn't meet anyone and nothing really happened there.

AM: When you talk about signals, I'm assuming that signals—when you're ... People don't talk about being gay and it's such a taboo topic—then ... Were signals really important then to understand? Do you feel you had a hard time understanding those signals? Do you feel like ... you've ... had you understand them do you feel your experience would have been very different? Or, because ... Obviously, we're talking about a community that's being disenfranchised and really being discriminated against. So do you want to speak to that?

DM: Absolutely—I'm a straight-forward person. I think ... you know, I read somebody else as being straight-forward with me. But, you know, people are completely subtle in so many ways. I miss all kinds of subtle things. And as a matter of fact one of my friends in Hilton Head was gay ... who, who was ... It was the strangest thing. I was out—if you're familiar with down there, there's lots of bike paths and walking paths ... and I was walking. There was one night I was out for a walk out with another friend of mine, a woman, and this guy kept riding back and forth and back and forth, and it was like—finally I thought, "What was that guy's issue?" It ended up he figured out I was gay and he was trying to make a contact with me. And, actually, he did, but I didn't really know he was gay, or else I wasn't giving the right signals back ... whatever. And so it's funny. I was friends with him later and we both discovered this ... but I needed somebody to take and hit me over the head with a 2 x 4 or something, I guess. But, for me, it would have been very different because I knew that once ... what ... Actually the way I did come out: I came home to Harrisburg and this time I looked up in the phone book, in the blue pages—if anybody even knows what the blue pages of the telephone book are ...

AM: Anymore, yeah.

DM: There was the Gay and Lesbian Switchboard of Harrisburg with a phone number you could call. Of course, I called it, but somebody was only there certain hours. So I called back and that is the way I came out. So I'm very thankful to the Switchboard. And they said there was gay volleyball on Friday nights ... and, of course, part of me was petrified, part of me was very anxious to go. It was a big, big night in my life. I went to volleyball and then there were, whatever ... 25 men there playing volleyball. And then one of them asked if I was going out afterwards. And I was very ... "Out where?" I had no idea—I didn't say that, (laughing) but I just said, "yeah." I had, you know, completely ignorant of anything, and so I went back to their place to wait to go out—because you didn't go out right away. And we did go out to a bar, and it was ... I can remember that because it was called *The Archives* and it's here, it was on 3rd Street. I walked in there and my jaw must have dropped 'cause there were, you know, a hundred and fifty, or whatever, gay men in a bar, with music and all these young guys were gay. It was like, I can't believe that this is going on right here in Harrisburg and I'm missing all of this. You know, the thing is, I had my first real adult sexual experience that night—gay experience—and once you get out, the barn door's open. There's no going back. I think if this had happened ten

years before it would have been a very big different ... The thing is—I actually had an internship in Manhattan when I was in grad school, and again, I could have, you know, had many—any wealth of gay experiences up there, but I was naive and didn't know how to connect. When I look back, I'm so happy that didn't happen because it was 1985. That was right when AIDS was going rampant. But people didn't know about AIDS. They didn't know much about it. I don't know how old you are, but when you got AIDS ...

AM: 1984—so I'm 29 for the record.

DM: (laughing) So you didn't know any of this then! (Serious) When you got it, you died. I mean some people died within two weeks, some people died within a year. It was ... you know, I've had good friends die from AIDS, so I think back about that. My partner Carl didn't come out either until his early 30s. He was married, and he has his own story, but neither of us came out very young ... but we both missed that whole period. And we often, you know, think if we had come out when we were 20, we could've gotten AIDS and died. So, it's, uh, sort of a blessing that I guess that it didn't work out in that manner, but it made it much more difficult.

AM: I like—so you talk about the excitement and anxiety you felt going to this volleyball game. I think the excitement makes sense to me, but what were you anxious about, going to that volleyball game?

DM: Well, you know, I had heard about ... I had never been to a gay bar. I didn't know any gay people, so you know, you have this whole stereotype in your mind ... Do they—you know, are they these big, burly men that wear leather jackets? And I'm a little guy ... Are they just going to grab me and throw me on the floor? I know that sounds silly, but I didn't ... Would I have gone to a gay bar by myself? There's no way in hell I would have done that. I didn't know it was just like a regular bar with people that are just like me—regular people in there dancing, I didn't understand ... I didn't know how that all worked. So I had a very, you know ... wrong ... but negative perception of what that was, and I was very afraid.

AM: Where do you think that perception came from?

DM: Well, you know, society in general ... you know, you never saw a gay person on television. If you did, it was some dark shadowy thing in the movies who was some eerie person—so that whole aura is what I projected on being gay. It's hard to express how ignorant I was of the whole ... everything.

AM: Well, let's go ahead and more into your time at DeMuth. So you want to talk, the 1985-1990, those first five years? Just want to talk about that time?

DM: It was a very interesting time, because I had just moved back from Hilton Head. There was a woman that I had dated—I liked a lot, and still like—and we went out for several years ... and then I went to school. We still ... you know, sort of dating, but not madly in love obviously. But people thought we were going to get married and she would make a good wife, you know—and I am sure she has—and I moved back to Harrisburg from Hilton Head, and we went on a trip out west for two or three weeks. It was a great trip in many ways, but it was

also—there was no way I could get married. I just couldn't do it and it wouldn't be right for her. It wouldn't be right for me. That I think solidified that, I think that trip ... So when I came back from that, got this job with DeMuth—and then I realized I needed to come out. Actually, this is—this is how I came out. Now that I realize this ... I'm sorry. I'm rambling ... Karen is her name. We were having some friends over for dinner and we went to the grocery store. We were in line and I think it was *Newsweek*. *Newsweek* was there at the counter, and there was a picture of these two guys like 25, and it was like "Growing Up Gay in America" or something like that. And it was like, I completely identified with that for the first time. I felt like ... that looks like me—that's me! And I desperately, desperately, wanted to buy that magazine. After we left, you know, I came back, and I got that, and I read that article. It was about a guy that—I think he had gone to college, and he lived in Seattle, and he was 25 and he was gay, and he had his partner and they had an apartment, and it was like—it was just a normal life. But he was gay! It was like ... "O--kay!" Now that was really the thing that got me to come out finally.

AM: What do you feel were significant events? And, before your termination with DeMuth, though, where you felt like ... you came out to family or friends—and then that next ...?

DM: It all happened at once, basically. I went to this bar and then, I think it was either the next day, or Monday or something, I called my oldest sister, who I am closest to, and I said I wanted to come down and talk to her. And I told her over the phone. I said, "Listen, I'm gay. I want to come talk to you about it." (laughter) —I thought it would be easier to get it out there and let her work on it till I got to her house. So I did that. So then she called my other sister, my second sister, and—cause she couldn't keep it inside herself or whatever. I called my second sister Sharon, and I went and talked to her about this. So okay, two down. Well then, this created this huge controversy in my family, I think, because they felt that they needed to tell my other sister, which I think they did. And then they wanted me to tell my parents, because, you know, they needed to talk about it for whatever reason. And so I went to my parent's house. It was the weirdest thing. Because there was this show on ... Do you remember ...?

AM: I do not remember either.

DM: Anyway—there was a TV show, my parents were watching it. It was unbelievable! there was a guy in the show who goes to his parent's house to tell them that he's gay. And I said, I'm here to do the same thing! So it made it, in some sense, easy. My parents just looked at me. I finally said, "Listen, turn the TV off." So I told them. My mother didn't really even know what it was. I remember, when I left my mom padded me on the rear end and said, "We still love you anyway." It was very ... My Dad was a very rational person, and I didn't think this was going to be an issue in any way with my parents. And then, they all, my whole family had a meeting on Friday night, which I wasn't invited to, and they all talked about this. So that's how I came out to my family. And I started this new job with DeMuth. I'm sorry; I'm not really getting around to that ...

AM: No, this is very good. A couple more questions about your family though. Do you feel—it sounds like it went better than you had hoped for, is that right? Or is it, is it that—I mean, do you just want to talk about, in terms of emotions you went through, their embrace— or even

other members in your family too, like your extended family or your grandparents—before we move on to DeMuth? Because I think I want this to be part of this too.

DM: Yeah, that's—it was all happening very fast for me, so I wasn't really thinking what their reaction would be. I mean I'm hugely optimistic—that's probably a big fault of mine. It's a big probably advantage, but it's also ... It never dawned on me that that would be a problem for my family and all of this happened so quickly. So ... so, I came right out to them right away. So in a way it was great, because I did get to know so many guys that were "out" but never really talked to their families, and they said, "Oh, well they know." I didn't have that issue, so I could really still have a real relationship with everybody in my family. I think the bad part mainly—I don't want to blame this on my brother-in-laws, but I had two brother-in-laws that this was a huge problem for. And all of my sisters have kids, little kids at the time. Or even some of them didn't have kids. They had all kinds of strange ideas. I would say ... I'm very close to my oldest sister. It really did hinder my relationship with my two other sisters, and their family and that's been the only real problems. That's part of life.

AM: So let's talk about DeMuth. So you had been working with him for some time, anything you want to connect or talk about before we talk about October 17, 1990, when you were fired? Anything you want to talk about before you talk about that day?

DM: I would say, I mean when I started at DeMuth's office, I hadn't come out. And so that whole process happened to me, you know. It happened within about the first three or four months that I was there, and in some ways DeMuth was a great job for me at that time in my life, because he—it was a good opportunity and it gave me a lot of flexibility or freedom to, to do the job. And I think there's a lot about that in your career. When I got out of college, I was 20 years old. I wasn't ready to work. You know now I was like 29 I think, and when I was working with DeMuth I had been around, done some things. I was ready for a career and ready to be a good employee. If you want to say they're a committed employee ... it's more about that: to do a good job. Not that I had done a bad job before, it just wasn't my top priority. So I worked hard for DeMuth. I did a lot for him. He said I was the best employee he had had until that point. I don't know about since then, but he was really pleased with me. I was pleased with me. I worked, I went out to a lot of clients. They liked me. It was really ... the job really went well for me and meshed with me. I used my computer skills, that's when computers were just beginning. I had those skills. He didn't have them, our clients didn't have them, so we computerized a lot of our clients with accounting. So I felt good about the job and was making very good progress. He wanted me to become a partner. So we talked about it. We had scheduled to become partners in the next year. And we were looking at buildings to purchase to move our practice to—it was growing ... And a building—we would both own part of it and be partners in the building and partners in the practice. So that was sort of the path.

AM: Okay, okay, so then, you want to talk, really briefly though, about the provision in your contact which specifically labeled "homosexuality" as a fireable offense? Am I correct?

DM: Yeah, that was a tricky thing. This is a good thing to bring up. You know, not only then ... this goes back to—you know I came out when I first started there, and then when you get into an organization and people see you have some skills they immediately want you to get involved in

it. So I got involved in the Gay and Lesbian Switchboard, and actually I ended up being the chair of the group for a little while, and then I realized we don't have any rights. We don't have Civil Rights. You can be fired for being gay. I got involved with, started a group called The Pennsylvania Justice Campaign to lobby legislators. It was state wide. I was working with people from Pittsburg, from Philadelphia, with state reps. Trying to get ... So this whole sort of activist part of me began to blossom while working at DeMuth. Of course, you know, I didn't talk to him about this. But that was all going on in addition to me working at that. Well, I had this contract that, it's called a non-compete contract. Basically, DeMuth was afraid that ... okay: "he hires me, I come in, the clients like me, he introduces me to the clients, and I decide, 'Oh, I don't want to work for you anymore, I'm going to start my own business.' And I take clients." ... So we had that non-compete contract. So I signed it. Because this was back, right at the beginning, and I was naive, I didn't think it would be an issue. So a couple years go by, and this—in the contract there was a clause that I could be fired for moral turpitude. Now I'm a much more self-assured gay person, and I'm much more self-assured within his firm, etc, and I said, "Well, what's this clause? What's this doing here? I want to get rid of this clause." And he said ... well I was really afraid he was going to find out I'm gay, ... and he's going to fire me, ... and this clause is in there. So we were negotiating and he wanted to keep the clause. And I said, "Okay, then why don't you define what 'moral turpitude' is? What do you mean by that?" Never dreaming he would say put homosexuality in there, cause I thought "oh, he's gonna say whatever, stealing, whatever." He even had some weird things in there, having sex with his wife or something.

AM: Sex with co-workers I think it mentioned.

DM: Some different weird things in there. The last thing was homosexuality and I was just dumbfounded because now I was really caught. I'm the one who asked him to define it. He defines it and I say, "Oh no, cross that one out!" (laughing) You know what I mean? So I couldn't really do that. So I had to sign that contract... so I did sign that. Later I did not sign the contract. And we did not have a signed contract at the time. But the court ruled it was still enforced.

AM: Now, do you want to talk a little about this Pennsylvanian Justice Campaign? Can you connect for me the dots between going to the gay bar and then connecting with Switchboard, and then being a leader in the campaign for state rights for the LGBT community?

DM: It's just sort of my personality. It's so funny because, you know my sisters and family got together that Friday night and had that meeting, my—the two of my sisters, especially the one, said, "Oh I just know he's going to end up on television and blah, blah, blah." Of course, I thought that was the furthest thing from my mind. But in retrospect, you know, I'm probably the most openly gay person in Harrisburg over the past 30 years or something like that. I ... I don't know ... I just felt there was a huge injustice. It was right there. I had it in my contract and there was nothing I could do about it. It wasn't right for me. I don't think it was right for other people. Obviously, I wasn't the person that really was—there were other groups doing things in Philadelphia. The Gay and Lesbian Task Force—there was a group in Pittsburgh, and there was this Justice Campaign ... and I had a meeting in Harrisburg. There weren't many people that came, but you connected with people. And we started this group. And we felt—we and I felt,

and other people felt, we needed a state-wide campaign. We needed a state-wide office here in Harrisburg to lobby the legislators in Harrisburg. You know Philadelphia and Pittsburgh sort of did everything and they had a lot of money, but they weren't *here*. They weren't here where the legislators were.

AM: So you say that being on television was the farthest thing from your mind, but that's what happened. And that's how DeMuth finds out about you. So did you feel that that was—using that specific example of going on a television, do you feel like, when you got there ... Is that something you felt was a choice that you had or you do you feel that circumstances pushed you to that point?

DM: There were two, two situations on that. It was ... I guess the summer of '85 and gay bashing was more prevalent back then. There were several gay bashings. If you don't know what that is, some gay person gets beaten up on the street by straight people that want to beat them up, and they did that. There was a guy ... I don't even remember his name. At the time, I was the chair of the Switchboard, Gay and Lesbian Switchboard which—there weren't that many organizations, or visible organizations in town, and that was one. So this man, his roommate, got really beaten up, had to go to the hospital. He was very upset. You know, he should be upset about it. And this was like the second or third gay bashing that had happened that summer and this guy organized in a sense a meeting to talk about this. What he did, is he called all the leaders of the other groups, like there was a church, the Switchboard, the Men's Chorus, maybe, some other groups in town, and he called the media—which was just totally unheard of, that he would call. At the time, there were four television stations in Harrisburg, plus *The Patriot News* or whatever. It was in a bar that's on 2nd Street. I don't know what the bar is now; it was called *The Orpheus* then. And so we went, and—it's so vivid in my mind because we were in this room there, and when I say “we” I mean the leaders. This guy wasn't an organizer, but just a roommate, but he had gotten his people there. There were maybe twelve of us or something standing around and there's all this media outside. Well, we had never dealt with the media before and somebody had to go deal with them. This person said, “I can't do it because my job”... “I can't do it” ... It went all the way around the room. Nobody could do this. It gets to me and it's like, well, I guess I'm gonna have to do it because nobody else would do it. Somebody has to do it, I didn't want to do it either, and I went out and I spoke to the media that night. And I was petrified you know. And, I don't think anything—I think that was in August. And, actually, I don't think anything happened to me at that point in time. We were on every television station. It was labeled “Dan Miller-Gay Activist.” (laughing) That's horrifying you know? It was for me, at that time. But then, we were still pursuing this and we were going to City Council, and we wanted City Council to take action and we wanted better police protection around the gay bar area, so we contacted them. And I had another great friend Dina Crumbling, and she was a little activist with me. We were trying to get City Council to do something, and it was just very weird because they ... The meeting we scheduled—they canceled the meeting, we couldn't go. So the next meeting they canceled that meeting, we couldn't go. For three times in a row the meeting got canceled and we didn't know if they were trying to avoid us, and what was really happening, and I don't know ... So I'm at work, it's like going on 5 o'clock and Dina calls me up and says, “Dan, you've got to meet me down here at City Hall now,” or something. And this is going on. I didn't want to go actually, but I wasn't going to let her there by herself. So I go down to City Hall and Dina's down there, and there's

some people, City Council people, going into the meeting and one of them, Bob Jones, was down there and somehow I got talking to him, and it got somewhat confrontational. And the next thing you know all the press is on us, filming this. And then—this was in September I think, late September. And again, I was horrified, and we went home that night and we just flipped from channel to channel and they had all these little teasers, you know, "Gay activist protesting at 11:00." So there I was again, and DeMuth didn't see it the first time and he didn't see my name in the paper. He didn't see this either, I found out. However, he talked to a client, and I thought I'd go to work the next day and get fired actually. He didn't see it. I didn't get fired. But a client called and said, "Oh, I saw Dan on television last night. I thought he did a good job." You know, it was positive. And Don said, "Oh, what for?" "Oh, he was on talking about gay activism!" And DeMuth's own testimony says he was just floored and dumbfounded. He felt betrayed and all kinds of stuff. And that's how he found out. But he didn't fire me, because I was working—and this comes out in his testimony—So nothing happened. Nothing happened the next day. Nothing happened for two weeks. I really felt like I had worked there for five years. This guy wants me to be his partner. So what if I'm gay or not. He was okay with this. But, apparently, he wasn't okay. And after I finished the project, then he fired me.

AM: So can you talk me through that day you were fired: October 17, 1990? What do you remember?

DM: Well, I went to work in the morning. The other thing that was very interesting is that we had a secretary that started basically when I started. So I had been there almost five years; she had been there about five years. We were great friends. And it was interesting ... she was divorced and so she was newly single. You know, and I was single, and she would always tell me about her love life. This is backtracking a little bit, but we had a really close relationship. But one day she came in and she said, "I always tell you about my relationship, I want you to tell me about yours. You never tell me anything." So, I just I figured that was—whatever. I don't know, maybe she knew I was gay, or ... whatever. Well, anyway, it just so happened I had a pretty interesting weekend. I told her about it. (laughing) She acted cool about it, but later she told me she was floored. She was like—she said she was dumbfounded. At the end of me talking to her about my weekend, obviously coming out to her, she said, "Whatever you do, don't tell Don." Don DeMuth. And so Susan had given me that heads-up. But, anyway, going back to that day. Susan had had a baby and was out on maternity leave. So we had some temporary person who I didn't know ... and I feel in a way bad for that woman, because of what her opinion of what that day was like, it was strange. We had separate offices, and they weren't ... they were separate. So I was in my office and Don buzzed me and said, "Oh could you come over here?" That wasn't unusual. I mean, he could be talking about work papers he was reviewing. We could talk about a client. Anything could have been ... I went into his office and I don't know what he said ... He said something like, "Well you know what this is about." I didn't have any idea, because it was two weeks after all this had happened. I figured everything was fine. And then he said something like he's gonna have to let me go. This kind of stuff doesn't necessarily register with you when you're totally surprised by it. So I don't know what was really going on in my mind, but I obviously wasn't happy. Then it did register. He's firing me.... And he was acting sorta nice from his perspective. You know, he was saying, "well you know, maybe you can go get a job with the State." And then he said—this is what really set me off. Because I figured out what this was all about, but he never really came out and said... And

he says, "Dan, what do you want me to tell the clients?" Now, my interpretation of that was—I was embarrassed at being gay and he understood that I would be embarrassed at being gay and we were going to make up some story that—whatever. Something that would look like, "Oh, well Dan decided to ..." You know, "Dan left for health reasons." Or whatever he would make up. That just went over the top! Because I wasn't embarrassed about being gay. I had, you know, gone from this person who was completely ignorant to this completely other type of person, and I was just livid. It just lit my fire when he said that. I said, "Tell them the truth!" I said, "Tell them you're firing me because I'm gay!" And that was it. I got up and I left that room and I went and got my car keys—whatever, and drove right to Susan's house. And before I had gotten to Susan's house he had called her and he told her what happened and he told her not to talk to me and not to give me any information or anything like that. It really was unfortunate because Susan would have been a big asset to me right at the time. But she wasn't there and didn't have access to the information, anything. But we talked and it was, you know, it was very good to go to her. And then actually I went to one of our largest clients, to the office manager—I had a lot of good relationships with our clients. And this guy was horrified. It was like, I don't know what I'm going to do. Oh, I know ... Then after I did that, I went to Carl's office and, uh, it was a really traumatic day for me. What can I say ...

AM: Sounds like it. Now, do you want to speak—and you kind of hinted at this already—at your response in absolute frustration that he would think—when he wanted you to say “how am I going to frame this for the clients?” You just—absolute disgust! That just set you off. Do you feel that set you off because of your own identity in terms of the struggle you spent so much of your life going through—a period of time where you yourself were quiet about your own identity? Or do you just feel like at that point you were setting a new standard for yourself? What is it about that that you feel such a ... a rage within you?

DM: Well, I had grown tremendously from that first coming out, when I was working there. This was four and a half years later ... to where I was going to gay volleyball. I knew lots of gay people. I was director of the switchboard. I was lobbying legislators. I was really very confident about being gay. And I didn't see it in any way a problem. When I talk about my optimism ... I project that onto somebody else: well DeMuth has been with me for four and a half years, and you know, he knows me as a person, and just because I'm gay doesn't mean that I'm going to be any different than I was over the four and a half years where he wanted this person to be his partner.

AM: Why do you feel Don wanted you to be ... Do you feel that Don wanted you to be embarrassed?

DM: No. From his perspective, being gay was embarrassing. Here's a man who probably had no concept of being ... I had no concept of it five years before, *really*—he had no concept of it. It wasn't in his world. Did he know any gay people? No. Does he have many close gay friends? Now it's hard for me to know that. I have no contact with him. The world was very different then and you didn't know gay people and he didn't know any. He had his own kind of strange ideas of what a gay person was like. And I guess he was projecting them on me.

AM: Let's go ahead and spend the last ten minutes talking about the trial and let's talk about ... you know—you were thinking about suing him. And just when it seemed like you were not going to file a lawsuit against him ... And do you want to talk about why—for obvious reasons, but just for the record—what your lawsuit was that you wanted to bring to the case and what that looked like.

DM: You know I started a business, my own business, after this happened. That was very scary. It was October, November, I had to buy equipment, get an office. There was a lot I had to do. Contact clients. All that went well, and, frankly I knew I couldn't sue him because I knew the law. I was lobbying to enact a law to protect people and we didn't have that law. There was nothing I could do. As a matter of fact, I had a friend who worked at the Pennsylvania Human Relations Commission, and I went there. There they would not even record my case because it wasn't covered under the law. And they were prohibited from recording discrimination cases based on sexual orientation—completely absurd, but that's the way it was. That made me—infuriated me—more. Because here is real discrimination. It's blatant discrimination and this is what you're supposed to stop and you won't even record my case. So I knew, really, there was nothing I could do about it. A year went by, he didn't sue me for the first year, although he sent me threatening letters, I believe. This was a while ago, I don't remember everything, and then I got sued. I don't recall, I think I might have gone to an attorney or something, but there's really nothing I could do about other than just start my practice. And that was the other thing--there was so much bad about it. I did go to an attorney to discuss it, because in a non-compete ... generally, the courts don't like them. They want them to be narrow, which means if I'm a physician, and you work for me, and you have a "no compete" with me, I could restrict you from opening an office, maybe within a mile of my office, for a period of one year. Those are the kind of things that are upheld by a court. My contract said that I could not compete with him for five years within a 50-mile radius of a former or current client. It's just absurd! Because we had doctor clients that had moved up and down the east coast. You couldn't even identify what that area was. I didn't know what that area was—and for a five-year period. So, I had talked to somebody. Because maybe we thought I should go and open an office in Maryland for the first year and work down there. I could still go out and see my clients with computers or whatever, but, you know, we couldn't identify that, so I just decided, I'll just open it up in Harrisburg. So it was maybe within a mile of him. So that was, really was, the crux of everything—was this non-compete contract. I don't know if I answered your question. (laughing)

AM: Yeah, you did, so let's then talk about ... Is there anything you want to say about ... what was your reaction then to the outcome of the trial? Were you surprised? Was it what you expected?

DM: Well, two things. A couple things happened on this. People were outraged when—by DeMuth—when he sued me. Something happened that I didn't know about. And he sent out a letter to clients. And ... it's very interesting how people work. People intimated something, but they didn't tell me ... Until finally, somebody gave me a copy of this letter. In the letter, DeMuth talked about homosexuals and about how they get AIDS and die. And while he doesn't know my medical status, he assumes that, he assumed, I would not be living for very long. And if my clients wanted to use me on some kind of long-term basis, they should be well aware of the fact that I'm gay and probably have AIDS and I'm going to die soon. Which was just horrifying.

And that *really* sent me through the roof. I didn't have AIDS. I don't have AIDS. And, obviously, it's twenty some years later. He was really reaching low. It was a situation where he's wealthy, his father was a physician; his brother's a physician. He comes from a somewhat wealthy family. He had a wealthy practice. He was making the money—his wife was a psychologist. They had money. I'm just an employee, I have no real money at all. He has all the power to try and stamp on me, and write a letter like this and take clients. In some ways, I think it had the reverse effect. I think clients were horrified by this and it drew them even closer to me. So that was good. As far as the trial; frankly, I never thought I'd lose. It's absurd. Okay, first of all you have this non-compete contract that in no way should ever be upheld. As a matter of fact, people in law school have told me that in their law books, when they study non-compete contracts, that my contract is listed because it's, like, the most over-broad contract that was ever upheld. The book says, while we would not recommend it, this contract was upheld for this fifty mile radius ... You know I just didn't have good representation. Because back then you couldn't call up a gay attorney. I didn't know a gay attorney. You wouldn't have people who specialize in this. You did have Lambda Legal Defense Fund in New York City and I called them, but they have a whole intake procedure and I was busy with my practice. They wanted me—I didn't get maybe the best person on the phone when I connected ... And I thought, "that's a big place, they're not going to take my case, you know," etc. And I let it drop because they wanted me to some extra things which—I didn't understand the process. And I didn't think my case was important enough. It turns out that was a really unfortunate mistake, cause if I would have had them to begin with I could have won. Because what ultimately did happen after I lost ... an attorney in Harrisburg came forward. He did everything. Lambda loved my case. I was a big, big case for them. But, unfortunately, once the ground work is set at the first trial level, it makes it much harder. But I didn't have good representation. Even though I had a big law firm in Harrisburg, what did they know about this issue? The real problem was the judge over there in Cumberland County. Kevin Hess was the judge. He did not want this "gay" issue in his courtroom. He did not want to make Civil Rights Law for gays and lesbians. I thought it went fine during the trial; however, he would not let us argue something. I can't tell you exactly what. You know the Pennsylvania Constitution is really very liberal about this type of thing. And there would be a good way for us to argue it. He said we weren't allowed to do that. I know I'm not articulating that well, but I know we weren't allowed to do that. However, at the end of the testimony, and when he gave the instructions to the jury, well I knew we lost. Because he gave the instruction in such a way that, that I knew that we were going to lose. It was a three-day trial. It was horrible. It was the most horrible experience in my life. My parents happened to be on vacation when this happened, so they were out of town, so they weren't with me. I was very much alone. Some friends did go with me. Carl went with me one day or two, but the press was all over it. It was just a hellacious experience and especially this—after he gave the ruling—he gave *the instructions*—he did, I knew I was going to lose. When you talk to the jury—a woman on the jury wrote an article about it, and she said the jury felt I was wronged and they felt I should win. The judge had put it in such a way that many on the jury felt that they had to rule that way.

AM: Now, obviously, the negatives of the outcome of the trial are clear. I mean from a financial perspective and an emotional perspective, too. But would you say that anything positive came out of this trial and experience, either for you—obviously even the article in *The New Yorker*. Anything you want to respond to that?

DM: I will say the emotional was worse than the money frankly. It's hard for me to quantify that. I used to say that took like five years of my life, because, just number one, working very hard to pay that money back. Because my own type of personality, I wanted to pay that money back. I wanted to get it out of—it was like \$200,000 this cost me! That's a lot of money for me. Then there was just always the, "What did I do wrong?" "What mistakes did I make?" You just replay ... I couldn't get that out of my mind for a long time. And then we had little kids. They suffered because we—not in a terrible way, but—we never took them to Disney World. There's lots of things we didn't do because all of my money was sucked away from me. And I had to do a lot of work. And so it was a lot of issues from that. I mean the positive thing is I kept my integrity. You can't do any better than that. If anybody is watching this you must keep your integrity, especially now. I'm 57. I've been through a lot. I've just been through eight years of politics. Do you think there's anyone? There's very few people that I came in contact that have integrity. I can almost say no one, but they're out there. I'm not saying all politicians are bad, because I felt like I was really good elected official, and they're not all bad, but people compromise their integrity in so many ways all the time. That's what came out of this. I had two situations. One was in the room where everybody went around and nobody could speak to the press, and I had the courage to do that, because I didn't know what other choice there was. That was probably the defining moment in my life, that night there. And when you get through this whole trial, you get through everything, you realize what you have is your integrity, and your word, and your honor, and doing the right thing ... and the right thing was to fight this bigot DeMuth. I could have said, "Okay, I'll go get a job with the state." I could have said to DeMuth, "Well, just tell them I'm ill and I'm gonna change course." Or something. I could have done something else and not fought, and not taken his lies and slunk away like many, many people would have done. I'm not trying to pat myself on the back. I just did what I did because I'm me, and I did it that way. As a 50-some year old person you come to recognize how important integrity and honor and doing those things. I did it for me. But I also realized I was doing it for so many other people. What happened then, with all this publicity, many people called me. I was like ... you know when I said people didn't know other gay people? Suddenly there was a gay person in central Pennsylvania, who is on the front page of the paper, and people would call me. And these were sad stories. These were people who didn't have a college education. They were working in some factory, or working in a store, and another employee got wind that they were gay, was belittling them, and finally that person got had got fired. They had been there maybe five or six years, they had built up seniority, had something in a pension plan. They had to leave and go somewhere else. They didn't have the resources. Their family maybe didn't support them the way mine did. I had friends that helped give me money so that I could pay this debt. I borrowed money from them; they didn't have that. I mean, people didn't necessarily have the resources that I ... or the fortitude to fight. So you know, I didn't realize it at the time, but I was doing this for a lot of people and not everybody can do it. And I just happened to be somebody at the wrong place (laughing) at the wrong time, but with the right fortitude to fight. (laughing) I don't know is that ...

AM: That was very good. I think that's a really powerful conclusion to our interview. I think that's a really good way—but is there anything you want to add though? I don't want to end it off here. Is there anything we haven't said?

DM: No, it is exhausting! (laughing) You don't--I don't think of this ... It's almost like it's another person now, you know. So, that happened to somebody else. (laughing) But, anyway...

AM: You have a great story.