



Gill et al. v. Office of Personnel Management et al.
Plaintiff Profile

Al and Keith Toney



The son of a teacher and a Massachusetts State Police Sergeant, Al joined the police force in his native Worcester at the age of 20. He became the first openly gay officer in the Worcester Police Department. Nearly 10 years later, in 1995, Al retired from the force after being shot in the line of duty. He was injured and needed major surgery, but he survived. But his boyfriend and another friend who was with him at the time died from their injuries.

Years later, in 1999, Al got a second chance when he met Keith. Since then, Keith has not only been committed to Al, but also to Al's daughter Kayla (now 21), whom they have raised together in their home in Jefferson since she was 12. The couple are active members of their community who have opened their home to foster children for both long-term and respite care.

When Al, 42, and Keith, 37, legally married in Massachusetts in 2004, Keith changed his name so everyone in their family would share the same last name. He had no trouble updating his Massachusetts driver's license. But when he applied to change his name on his passport—as many married people do—the federal government said no.

“Security is the most important thing for our family, and in a post-9/11 world it's more important than ever to have identity documents in order so our family is safe and secure,” says Keith. “But federal discrimination compromised our safety. When we would go through airports my identity documents didn't match. It made us all nervous.”

On May 27, 2009, the State Department modified its policy for name-changes on passports to include individuals who have changed their name after marrying someone of the same sex. Keith was able to successfully apply for a new passport in his married name on June 22, 2009. While this was a tremendous victory, Al and Keith remain aware of the federal government's continued discrimination against their marriage and the marriages of other same-sex couples.

Al and Keith have built and now run a consulting business to educate people about inclusion and diversity, and often share their own experiences with discrimination. “As an African-American man who works to educate others about discrimination, it is especially important to me that the government treats our family as equal before the law,” says Al. “What we tell people in our business—and what we believe—is that there are no first- and second-class citizens in this country. Everyone is equal before the law. But in denying us the legal protections it gives other married people, the federal government says our family isn't equal.”

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