

Promoting Diversity in the Courts: Diego Santiago, "Out and Proud"

John Caher: Welcome to a Pride Month episode of Diversity Dialogues. I'm John Caher, host of the Amici podcast series.

Today, I'd like to introduce you to Diego Santiago. Diego is a Court Attorney-Referee in New York County Supreme Court, who, in his own words, is "Out and Proud," both of his sexual orientation and his Puerto Rican heritage. Today, we'll learn about Diego's journey, his job, and his aspirations.

By way of background, Diego is a child of parents who came to New York City from Puerto Rico. And note that I did not say they are "immigrants"; Puerto Ricans are American citizens.

Diego is an attorney with degrees from St. John's University and Touro Law School. He has taught at several colleges including Manhattan, Plaza, and Monroe. He's worked for the New York City Administration for Children's Services, as well as other not-for-profits that assist children and families. And he's been a volunteer with many organizations, including the New York City Gay Men's Chorus.

Diego, thank you for coming on the program, and welcome to the program. On your LinkedIn page, you say you have a "passion for social justice." Where does that come from?

Diego Santiago: Well, first of all, I want to thank you for the opportunity to speak with you. It's a pleasure to be with you.

My passion for social justice comes from many things, actually, or many areas.

First of all, from my legal education, how I was trained to be a lawyer has had an impact on my passion for social justice, and also my experience as a lawyer, because when I was sworn in as a lawyer back in 1993, I took an oath to uphold the Constitution. And for me, that's very important because the Constitution is the cornerstone of our democracy, and as an attorney that oath has to mean something. I have a passion for justice because that oath means something, to uphold the Constitution, to uphold the Bill of Rights.

And I've always been concerned with the well-being of marginalized and oppressed individuals, such as women, African Americans, Latinx people,

and of course the queer community. So that's where my passion comes from.

John Caher: That's beautiful. Let's take a step back, though. Social justice is one of those terms that's bandied around a lot these days, but rarely defined. What does it mean?

Diego Santiago: That's a very good question. In my opinion, we achieve social justice when everyone receives equal political, economic and social rights, opportunities, and legal protections, regardless of their gender, their race, their ethnicity, their sexual orientation, their gender identity, and socioeconomic status, just to name a few.

John Caher: So, basically, the promise of our Founders, that we're still working to realize fully.

Diego Santiago: Correct.

John Caher: You mentioned the ability of the law to achieve justice. Can we elaborate on that a little bit, and things you saw or things that you encountered as maybe a young lawyer? Let's explore that a little bit if we could.

Diego Santiago: Sure. The quest for social justice, lawyers have been at the forefront of it, whether it's civil rights for African Americans, whether it's the struggle for equality among queer people, lawyers have been there at the front lines, marching, advocating, but also lobbying Congress and other elected officials for change, helping to write legislation.

So, for me as a young lawyer, my ability to make an impact on social justice and inequality is such an important aspect of my job, because I wanted to make sure that everyone I come into contact with in my practice, and of course, since I work for the court system, all the litigants, I want them to be rest assured that anytime they appear before me, they're getting a fair shake regardless of their background, regardless of their political ideology. It doesn't matter, they will get a fair shake in the courtroom.

I will treat people with the respect that they deserve, and especially when it comes to people who, for them, the legal system could be very intimidating, such as people for whom English is their second language, or immigrants, or the disabled, or other people who may be intimidated by the legal system because it's hard to understand for laypeople in general, but especially for people who have other obstacles in front of them.

John Caher: That's a wonderful answer to my question, and also a wonderful description of why the court system exists.

Diego Santiago: Thank you.

John Caher: Now, I noticed you used the word "queer." Once upon a time, that was a very, very derogatory term. How did it become not a derogatory term?

Diego Santiago: Well, it's interesting because like any marginalized community, sometimes we take the words of our oppressors and turn them around to take the power, the negative power, away from them, and to reclaim them for ourselves.

I always knew I was gay, but I even identify more as "queer" now because I feel it describes me as a person more so than "gay." "Gay" is correct, but I feel "queer" is more comprehensive of who I am as an individual, both regarding my gender identity and my sexuality or sexual orientation, which are two separate things. So, the word queer can also be a political statement. People who identify as queer sometimes have a very specific political ideology or orientation as to where they want to be in the process of advocating for our rights, whether it's behind the scenes, giving money to organizations, or even on the front lines, marching. So, for someone to say they're "queer" could mean very different things, sometimes it's political, sometimes it's social, and sometimes it's identity-based.

John Caher: And in this month it's particularly apropos because "queer" is now not a word to be used in shame, but a word to be used in "pride." Correct?

Diego Santiago: Absolutely. The word "pride" in Pride Month means being happy with who you are, loving yourself and releasing all of the shame and all of the negativity that has been hurled at us over centuries, really. And with the modern gay rights movement, which was in the 1960s in San Francisco and in New York City, Stonewall, the queer diaspora, if I were to call it, is such an important aspect of American history, and for June, because the Stonewall riots occurred in June of 1969, the first time queer people stood up to the oppression by law enforcement. And it is a benchmark for our community to stand proud.

The Pride parade is attended by millions every year, and not just in New York City, but cities around the world, even Tel Aviv and other cities around the world. So, Pride Month, June, is such an important month for queer people because it's an example of us being free, and comfortable

in our skin, and self-accepting, not just waiting for others to accept us, but to accept *ourselves*.

John Caher: That's a beautiful answer, and thank you for that. I have heard straight people say, "I'm heterosexual. I'm not proud of it. I'm not ashamed of it, but I'm not proud of it," And I think you just nicely explained what the difference is and why that term is used, and I appreciate that.

Now, you said that you always knew you were queer. So, was it initially a "Oh no!" or a "So what?"

Diego Santiago: An "oh no", or maybe "what's going on?" is more likely the feeling of the time.

When I was four or five years old, I realized something was different about me, and I couldn't put my finger on it. As a four or five-year-old, you're not a sexual being yet, you haven't reached puberty. So, you don't know. I didn't know what exactly it was, but I knew something was different. I had different sensibilities perhaps, and attitudes than most of my young male peers. I identified a lot with women and how they felt about things. So, I was more in touch perhaps with my feminine side, and maybe that's what tipped some people off that I might be gay. And I started to like boys. I wanted to hug them, hold their hand, kiss them, just like a boy would want to kiss a little girl. And then I said, why me? Why is that happening to me? I didn't understand it. And the more I tried to fight it, the stronger it got.

John Caher: So, were you always out, or was there a time when you came out?

Diego Santiago: No, I did not come out to everyone until I was 26.

John Caher: Wow!

Diego Santiago: I came out to my college girlfriend at 21, and we stayed together, but then she realized that it was not a good idea for us to be together romantically. I didn't say I was gay because I didn't know it yet, I just said I'm attracted to guys. And so, I didn't come out as gay until 26, to my law school girlfriend. And then in 1993, I came out to my friends, co-workers, and family. And for the most part, they've been very supportive.

I came out to my mother in 1997, the same year Ellen DeGeneres came out, and she took it very hard at first, but she came around. My siblings, my nieces and nephews had been very, very supportive, and my father, who was ill with Parkinson's at the time, I never officially came out to

him, but he knew. He found out, and he was fine with it. So, the coming out process has been really very positive for me, for the most part, with very limited exceptions. And I'm very lucky. I feel very fortunate about that.

John Caher: That's great. What is your advice to a 14-year-old teenager dealing with that right now? Do I come out? Do I keep it quiet? What do I do? Or is that just basically an individual decision?

Diego Santiago: One of the most wonderful things about being 59 years old and gay is that I feel that I have a lot to say to younger people. So, if I had an opportunity to speak to a young person, whether they're in their preteens or teens, I always tell them first, if you feel that may have feelings for the same sex, or may be queer, no one should force you to come out. You only do so when you're ready, and you feel safe to do it. The second is to surround yourself with people who are supportive and open-minded. And when you're ready to tell your parents and your family, sit them down and tell them. And it's a scary thing, some people unfortunately have bad experiences with coming out, such as being disowned or rejected, ridiculed or ignored, and it's a calculated risk to take. It's a very difficult one.

But I think if children know and the young know that there are organizations out there that can help them come out, such as the Hetrick-Martin Institute in New York City, and the New York City LGBTQ Center's Youth Services, they can really understand how it's much better these days to come out than it was 20, 25 years ago, especially since we have openly gay actors and politicians and other prominent individuals. So, that's my advice to a teenager— first and foremost, to be happy with who you are, to be proud of who you are, and to love yourself. And to understand that it's okay to be afraid because it's normal to feel that way.

John Caher: That's probably good advice to any teenager.

Diego Santiago: And things get better, they do.

John Caher: What's your advice to the parents of that teenager?

Diego Santiago: Love. Love is the most important thing. If a child knows that they are loved regardless, if they're loved unconditionally, that is the biggest gift you can give your child. To be patient, to be accepting, and tell them that you support them. And if you have some trouble adjusting to it, because it's normal for parents to feel thsy way, you can be honest with your

child, and say, "I'm having a tough time with it," and tell them you're processing it, and they will understand. They will understand that you might need time to come around. But let them know that you love them. And remember, your dreams for your children are not the same as theirs. And so, even though their dreams may not be the same as yours, it doesn't mean that it's bad. And so, for me, love is the most important thing. If a child knows that they're loved, that's a great foundation for everything else.

John Caher: One of the things that strikes me is the advice you gave for the teenager and the parents is equally applicable to someone who is gay and someone who is not. The advice for parents is precisely, what every parent should aspire to do; the advice for the teenager was exactly what a teenager should aspire to do, which I think says something in itself, that it's very much the same.

I want to switch gears a little bit, I mentioned that your parents are from Puerto Rico, when and why did they come to the mainland? And note that I did not say "emigrate," intentionally.

Diego Santiago: Correct. You are correct. That is a trigger word for Puerto Ricans because we do not emigrate here. We're not immigrants, we are US citizens, through and through, with some limitations, unfortunately, because we are a commonwealth of the United States, so we do not have full voting rights if you live on the island, right? You're a resident of Puerto Rico. But our history of Puerto Rico, and being a colony, as I like to call it, of the United States, and how the colonization of Puerto Rico has been difficult for people... It was difficult for my parents because of some of the laws that the United States has imposed on Puerto Rico. It's difficult. It's expensive to get goods, very difficult to get goods, a lot harder than if you live in the mainland.

So, my parents came here in 1964 to seek better opportunities for themselves and for their children. I'm the youngest of seven, so my parents had a lot riding on this journey to New York City, which of course, at that time was the place to be if you were coming from Puerto Rico.

John Caher: Now, you're the youngest of seven, so how many children did your parents have when they came up?

Diego Santiago: Six.

John Caher: Wow.

Diego Santiago: I was the only child born in New York, so I'm considered "Nuyorican."

John Caher: "Nuyorican!" I like that.

Diego Santiago: Yes, Nuyorican! I am very proud to be Puerto Rican. I go to Puerto Rico. I feel like I'm at home over there. And that's the wonderful thing, even if you come here, as a Puerto Rican, you can always visit the homeland of your people and feel just as at home as you do in New York, if New York is where you were born and raised.

John Caher: Yeah, you don't need a passport to go to Puerto Rico.

Diego Santiago: Absolutely not.

John Caher: Do you think you have faced any distinct or special challenges being both gay and Puerto Rican?

Diego Santiago: Yes. I would like to preface what I'm going to say with, only in the last 10 years do I feel that I've been able to reclaim my ethnic identity and my sexual identity because I've had to deal with religious dogma about marriage, children, et cetera, from the Catholic Church. I was raised Roman Catholic, and that made me feel like an outsider, like an outcast. I've had to deal with homophobia in the Latinx community, the idea of *machismo*, as we say, that if you're a male, you have to be masculine, and you have to act a certain way, otherwise you're not man enough, so to speak. So, that's a difficult issue for many queer Latinx people. And of course, I had to deal with racism within the LGBTQ community.

So, those are, I think, the special challenges of being both queer and Latinx, in my case, Puerto Rican, is that we've gotten it from both sides. And of course, I've gotten, comments from people who don't think I'm "Puerto Rican enough" because I wasn't born on the island, and then people have asked me stupid questions like, "Do you have your green card?" Or even microaggression, as we call it, "Diego, you're so articulate!"

John Caher: Are we supposed to be surprised?

Diego Santiago: Exactly. There is nothing wrong with having an accent, but that is the stereotype that they assume. And so, yeah, the special challenges were to overcome the stereotypes that people have about Latinx people and about queer people. And I've overcome it by showing myself, and being comfortable with myself, and being the best lawyer I can be, being the best person I can be, being the best Puerto Rican I can be—loving my

culture, my music, my food, all of those things. And of course, knowing my gay history as well, not only my Puerto Rican history, but knowing our heroes in the gay community, like Harvey Milk, and Marsha P. Johnson, and Sylvia Rivera. Or my Puerto Rican heroes, such as Pedro Albizu Campos, or other freedom fighters from Puerto Rico. That helps me overcome those challenges I just spoke about.

John Caher: I imagine it was a considerable challenge for your parents, and I can understand where they're coming from with both religious pressure and cultural pressure. You said you're the youngest of seven, right?

Diego Santiago: Yes.

John Caher: Are any of your siblings gay?

Diego Santiago: Yes. I have one more gay sibling, my sister Magda, she is a lesbian, and proud of it. And she's married, as am I. And we both have loving partners in our lives, who are there for us, so we're very fortunate. She came out first. And I'll tell you, it's interesting, when she came out to me, I even had my own stereotypes. When she came out to me, I said, "But you're so pretty!" Which, of course, is a stereotype-

John Caher: Of course.

Diego Santiago: ... that lesbians look a certain way. Even I had that. But I was fortunate, I had my sister to look up to as someone who came out and leads a successful and happy life.

John Caher: So, even after going through that once, your parents still struggled to do it again with you?

Diego Santiago: Yes. Yes. I think it was less difficult because my sister paved the way. It was still difficult for my mother because she was extremely Catholic, extremely religious. My father, less so. My father was spiritual, and yes, he went to church, but he was more of a laid back... He was a World War II veteran. He saw a lot of things. So, his son being gay was not really a big deal. The Santiago name will carry on as both of my brothers have sons, so that probably helped a little bit.

But I will never take for granted how fortunate I was to have two loving parents. Despite my mother's difficulty with it, at first, I was very fortunate. She met my husband before she died, and she adored him. So, I was very happy about that.

John Caher: Now at St. John's, I think you majored in history, right?

Diego Santiago: Yes.

John Caher: Was it your thinking at that point that, "I'm going to go to law school?"

Diego Santiago: Absolutely not. I always loved science, and so I wanted to be a doctor. And I started out as pre-med at St. John's, as a biology major. And unfortunately, it didn't work out. I wasn't dedicated enough at the time. I rebelled a little later in life instead of rebelling in high school. I rebelled in college, finding out all the freedoms I had, that the professors didn't care if you showed up to class or not. So, I started hanging out, and realizing, "Oh wow, I've got all this time to hang out," and so my grades suffered. And then, I realized I didn't have the dedication for a medical career as was necessary.

And at that point—I was already a year and a half into my college studies—they said I probably should choose another path. And it was either journalism or law, and I chose law. And actually, the law chose me because I felt like a calling, so to speak. And I decided to be a history major because I felt that being a student of history would greatly prepare me for a legal career. And it did. I also minored in government and politics, so that helped a lot too. So, that was my path, and I don't have any regrets because it taught me a lot about who I was and who I am. And I still love science. I'm still fascinated by medicine. That has never gone away.

John Caher: Early on, or in law school, what type of lawyer did you think you were going to be? What sort of law did you plan to practice?

Diego Santiago: I knew I wanted to be a lawyer that defended the constitutional rights of people. I wanted to litigate civil rights cases. And of course, at the time, in the early 90s, the job market was very bad. It was very tough. And so, I got the first job that I could get, and that was working for New York City's Human Resources Administration as an attorney prosecuting paternity and child support cases for those who were receiving public assistance. So, the city would recoup those child support monies, and I was a part of that.

And I tell you, it was an amazing experience. I got my feet wet in trying cases, so that was a great experience for me. And I ended up working for the Family Court itself for 18 years. I worked as a court attorney for judges that dealt with child protection issues, like abuse and neglect, and I was a Support Magistrate for four years. So, family law was something

that, once again, came into my life unexpectedly. And it turned out that it was something that I found really rewarding, extremely challenging to deal with issues such as child abuse, domestic violence, things of that sort. But it has been extremely rewarding.

John Caher: I'm glad to hear that. So, what does a court attorney/ referee do?

Diego Santiago: We're called "referees" because judges "refer" cases to us. So, we're quasi-judicial employees that hear and report, or hear and determine or decide financial and other types of cases that Supreme Court Justices refer to us. These cases are mostly financial in nature, such as damages, or financial issues in matrimonial/divorce proceedings, but they can also be factual in nature. So, we do legal research, we write decisions, we meet with litigants and lawyers to try to settle matters, and we try cases. We conduct hearings, we make rulings on evidence, and we determine the credibility of witnesses, just like a judge does. And if we hear and determine, our decisions are appealable to higher court.

John Caher: Now, you've been with the court system, did you say 23 years?

Diego Santiago: Yes.

John Caher: Has the treatment of the gay community by the court system toward its employees improved? Changed? Was it always good? Has it got a long way to go? Where are we with that?

Diego Santiago: It has improved greatly, and has a way to go. But it has improved greatly. I noticed there's much more acceptance and understanding of queer people than when I first started with the court system in 2001, with certain exceptions, of course. The courts have been very adamant about promoting equality and acceptance regarding marginalized communities, such as the LGBTQ community. There are rules in place protecting employees from discrimination. There are many seminars and continuing education classes that the court sponsors regarding queer issues. More openly gay, openly queer people in the court system are employed than ever before. Even at the highest echelons of the system, including judges, clerks.

So, yes, it's greatly improved, and the Access to Justice program and other programs that the court has, especially regarding diversity/equality, are very inclusive, more inclusive than ever. So, yes, it has improved greatly. Could it be better? There's always room for improvement. But the court has made great strides in ensuring that everyone, whether it's

litigants or the employees themselves, feel not only welcome but accepted.

John Caher: Plus, society has made great strides, and I'm glad we're not lingering behind, and I hope we're leading that a little bit.

Diego Santiago: That is the hope, but the quest for justice is never-ending. We can never rest too comfortably on our laurels, because there are forces at work, well-funded, well-organized, that are adamant about my demise and the demise of people such as myself, queer people. And I'm aware of that.

It's a little scary out there today. Imagine what would happen if we had no marriage rights? My husband's injured in the hospital, I have no rights to see him. If he dies, I have no rights to any of his property. I could lose everything. The secrets that we have among each other, we don't have the marital privilege. You can't be compelled to testify against your lawfully wedded spouse. Those are things that I worry about, and the current climate, where there are people who really want to take away all of the advances that we've made, it is very scary.

My motto is, if you don't like gay marriage, don't marry a gay person. Simple as that. Don't marry a gay, if you don't like it. And that's why June Pride is so important, because our visibility is our survival.

John Caher: How are you going to celebrate Pride Month?

Diego Santiago: I celebrate in many ways, marching at the Pride Parade, I'll do that, attending Pride celebration events, citywide, wearing the rainbow flag and other queer identifying clothes is important, and posting things on social media that are queer identified, and celebrating what it means to be out and proud.

John Caher: Wonderful. And finally, let's end on a musical note, although maybe not literally, although we could if you want. Tell me about your involvement with the Gay Men's Chorus. So, what is it? Why is it? Why did you get involved? And what do you like to sing?

Diego Santiago: I like to preface this by telling lawyers everywhere, make sure you have an artistic or other type of creative outlet for yourself. Law is a wonderful profession, but sometimes we can get so wrapped up in it, we forget to have another type of outlet other than professional for ourselves. And for me, it was joining the New York City Gay Men's Chorus.

The New York City Gay Men's Chorus is a 44-year-old nonprofit organization committed to celebrating our queer identity through joy and song. We perform throughout the year in New York City, in the New York City area, at schools, community centers, sporting events, museums, and in our major spring and winter concerts at the NYU's Skirball Center in Greenwich Village. And like I said, this is our 44th year, and our message is, "Our joy is a protest." I auditioned for the chorus in August of 2023, and was chosen as a tenor.

It has changed my life by getting me out of the house, being more connected to the gay community, and singing, which I have done since I was a child. I always had an ear for music, and the Chorus was a way for me to sing with my own queer community, and with joy. And once again, about visibility. Everywhere that we're visible, it helps us survive.

I love to sing a variety of music, it doesn't really matter—rock, pop, R&B, country. If the melody strikes me, I'll sing it, of course, if I'm able to, with my own limitations, right? But I love to sing. It takes me to my happy place, and so I highly recommend it for any lawyer out there, or any court employee. Find an artistic outlet for yourself and you will reap untold benefits.

John Caher: Is there a gay anthem?

Diego Santiago: Not necessarily a gay anthem. Of course, anything by Judy Garland, Barbara Streisand, Madonna, those are all big gay icons.

It's interesting, a lot of people ask me, why do gay men love powerful women so much? Or divas, singing divas? We love powerful women because they embody everything that gay men want to be. That feminine side of ourselves, that's softer but strong, I think we identify with that. So, when we see a Judy Garland, or Barbara Streisand, or Madonna, or Cher, strong women, who live life on their own terms, it really speaks to us. So, when people wonder, why do they love Madonna so much? Why do they love Cher so much? It's because they embody all the qualities that we love to love. And of course, they love the gay community, too.-

John Caher: That's fascinating. I don't think any of those people you mentioned are gay. Are they?

Diego Santiago: No. Not one.

There's a great song that we sing with the chorus, it's called *I Will Transform* (by Pax Ressler). I'll sing you a little bit. It goes

"But if I'm not your cup of tea, that's okay by me.

There's no need to moan and groan, leave me and my rights alone.

You do you, and I'll do me, best of luck with your conformity.

While you're following the norm, take a look, take a look, take a look, I will transform."

That's from our song I Will Transform.

John Caher: Wonderful. Thank you. That was beautiful. How could we not be happy in Pride Month, knowing that we're celebrating with joy and song? Diego, thank you so much for your openness, your insight, and this interview.

Diego Santiago: I'm very happy to share my experiences because I benefit from talking about it, and I hope people will benefit from hearing about it. Thank you so much for having me, I appreciate the opportunity, and I want to wish everyone a happy Pride Month, even our non-queer allies. Thank you for your love and support. It's really important.