

## The Second Coming (Out)

*Matthew Feeney*

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During my first week in prison, my name was called over the P.A. for a visit and I was stunned when the entire cell block started chanting, “HO-MO! HO-MO! HO-MO!” It was just like those classic prison movies right before a riot breaks out: loud, scary, and intimidating as hell. Shaken, I went to my visit and shared the experience with my parents. I told them I did not know how I had been outed as a gay man to the entire cell block, and I remember naively stating my profound relief that “at least they don’t know I’m a sex offender”. Two hours later, I returned to my cell block only to learn everyone had actually been chanting “CHO-MO” — prison slang for a child molester.<sup>1</sup> Thus, began my six-year prison sentence. Remarkably, I survived and served my entire prison sentence, the maximum allowed by law.

I was then civilly committed. Civil commitment still exists in 20 states and consists of additional time served in a prison-like facility for the exact same crimes for which one served their prison time.<sup>2</sup> I am now serving a new “indeterminate” (de facto life) sentence in a state mental asylum, known as the Minnesota Sex Offender Program (MSOP), which Federal Judge Donovan Frank has called “draconic”. Civil commitment in general, and within the MSOP specifically, is wrought with Civil Rights issues. On 1 July 2022, the United States Department of Justice (DOJ) filed an Amicus Curiae brief supporting the clients at MSOP and demanding immediate changes and reforms.<sup>3</sup> Even England’s Highest Court of Justice has specifically ruled Minnesota’s civil commitment law to be “a flagrant denial of... rights enshrined under Article 5.1” of the European Convention on Human Rights (ECHR).<sup>4</sup>

I am attracted to males and have been all my life. Back when I was growing up, being homosexual was not only socially unacceptable, but it was also actually illegal and considered a diagnosable mental illness. This abhorrence towards same-sex attractions was reinforced growing up in a Catholic family, which included my attending a Catholic High School followed by a Catholic College. Living under the severe homophobia of the Roman Catholic church during these formative years taught me that my sexual attraction towards my male classmates meant I was “inherently flawed”. I was encouraged to “love the sinner but hate the sin”. It was bad enough to hear masturbation was morally wrong, but as a normal teenager with a healthy imagination, I was mortified to learn even thinking sexual thoughts was apparently just as sinful as committing the act itself. I felt as though I was screwed, so I buried all my secret attractions and fought like

hell to hide and deny my homosexuality. I tried dating females in college and even explored becoming a priest as a valid, if not noble, explanation as to why I was still single and a virgin. I was not happy or healthy.

The American Psychiatric Association eventually dropped homosexuality as a diagnosable mental disorder, but I never got the memo. I struggled with loving myself and never got over the shame I was forced to carry about my homosexuality. Even after eventually coming out of the closet, I was a damaged man with very low self-esteem and embarrassed by my lack of sexual experience. Eventually, I tried to find acceptance with males younger than myself, including teenagers.

I fully admit I screwed up. I broke the law. I betrayed my friends and family, while causing inexorable harm to innocent people. I tried guilty “straight up” (without any plea agreement) and I gladly served the maximum sentence allowable under Minnesota state law. While incarcerated in the Minnesota Department of Corrections, I underwent three years of intensive sex offender therapy run by MSOP. Homophobia ran rampant in this program, as evidenced by the fact when gay men were given polygraphs, they were asked if they have sexually acted out, while straight prisoners were asked about selling Ramen noodles. I had ample opportunities to have consensual sexual activity with attractive prisoners, some who humorously self-identified as “gay for the stay, but straight at the gate”, but I chose not to. Knowing the possibility of civil commitment was looming over my head, I knew that any sexual activity while in prison would be used against me during my civil commitment trial as evidence of me not being cured, and that I was unable to control my deviant sexual desires even when under intense supervision.

As my six-year prison sentence was nearing completion, I was informed that the State of Minnesota was pursuing civil commitment for me. Instead of releasing me, they scheduled me for civil court trial. They used the same facts and criminal history that precipitated my original prison sentence to now claim that I had a mental disorder and needed to be locked up for the rest of my life in a secure mental hospital. Several of the homophobic actuarial tools used to assess potential targets for civil commitment raise your risk score if you provide an affirmative answer to “has at least one male victim”. Partly due to such biased “tools”, homosexuals are vastly overrepresented in the civil commitment population, with a recent survey showing well over 60 percent of MSOP clients identifying as LGBTQ+. My only current mental health diagnosis is that I am sexually attracted to other males, including post-pubescent (late teenage) males.

Of course, the MSOP civil commitment “treatment” program is actually a cruel joke used to provide the required legality for an otherwise unconstitutional civil commitment program. Like the Catholic Church, MSOP promotes total abstinence and the program specifically prohibits any healthy sexual activity of any kind between clients, some who have been civilly committed for over 30 years. Despite the courts determining we are apparently unable to control our deviant sexual behaviour, MSOP forces me to live, sleep, and defecate in the same private room as another gay man. I would love to see a heterosexual male DOC prisoner forced to live for years in the same bedroom with an attractive woman without becoming physical. However, anyone caught violating MSOP’s policies is locked up in segregation, written up with multiple BERs (“Behavioural Expectation Reports”), and punished with room restrictions, loss of privileges, and having to do additional “treatment assignments” connecting their current “acting out” to their original offending behaviour. Since I have been locked up, same-sex marriage has become legal in Minnesota. While MSOP policy has to now officially allow two male clients to get legally married, the married couple is still subject to the same “no touch” restrictions – they are moved to separate living units and not allowed any physical contact or display of affection.

Ironically, my Special Release Board (SRB) assessor noted that, “It appears Mr. Feeney has had one romantic relationship throughout his life and desires to be in a romantic relationship in the future... It will be important for Mr. Feeney to explore what contributes to a healthy relationship and strengthen his ability to communicate his thoughts and feelings with a partner, taking appropriate steps to get his sexual and emotional needs met”. A second SRB assessor noted, “Mr. Feeney’s capacity for relationship stability will remain a risk factor for him until he has resided with a romantic partner in a stable relationship in the community for two years”. It is frustrating to be told I will not be released until I can reduce my risk by exploring healthy adult sexuality, but then I am forced to live in a place in which that is an impossibility.

It is ominously comfortable for this recovering Catholic to once again be living in such a homophobic environment where I am being constantly watched, as well as reminded how any and all sexual activity is bad and needs to be kept as a dirty little secret because we will get punished if we are caught. No wonder no one ever completes this “treatment” program when healthy, consensual same-sex sexual activity is not only punished, but used against us in court as further evidence of our deviancy and need for further

confinement. This program makes the old fashioned “ex-gay conversion therapy” seem like summer camp.

So here I am, an openly gay man, spending the rest of my life in a mental hospital, which is pretending to provide “treatment” for a homosexual, regardless of that fact that I have already served my entire prison sentence for having inappropriate sexual relations. I am told that, in order to get released, I need to work on cultivating healthy sexuality, but I am forced to live inches away from another gay man, while being simultaneously prohibited from engaging in any consensual age-appropriate same-sex relationships. Furthermore, this “treatment” is costing taxpayers \$404.00 a day for the rest of my life. It is time to end the atrocity.

### ENDNOTES

- <sup>1</sup> The exact terminology seems to vary by region. In Massachusetts, the term is “Ripper” (pronounced Rippa) or “Skinner” (pronounced Skinna).
- <sup>2</sup> According to the Association of Treatment of Sexual Abusers’ website ([www.atsa.com](http://www.atsa.com)), as of 2015, the 21 states with civil commitment laws were Arizona, California, Florida, Illinois, Iowa, Kansas, Massachusetts, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Pennsylvania, South Carolina, Texas, Virginia, Washington, Wisconsin, and the District of Columbia. Pennsylvania’s law is unique in that it applies only to youth adjudicated for a sexual offense who are “aging out” of the juvenile justice system.
- <sup>3</sup> Federal District Court File No. 0:11-cv-03659.
- <sup>4</sup> Sullivan v The Government of the United States of America (Case No: C0/1672/2011).

### ABOUT THE AUTHOR

*Matthew Feeney* is currently imprisoned. For further information on the initiatives he is involved in, join the Facebook group “End MSOP” and check out national organizations fighting against civil commitment such as CURE-SORT.org, NARSOL, and aJustFuture.org. He can be reached at the following address:

Matthew Feeney  
1111 Highway 73  
Moose Lake, MN 55767  
USA