

Attorney Challenges Davis' Remarks About Homosexuals

By Judy Willmore

Can any homosexual be qualified to be a prosecutor? Is simply being a homosexual a felony?

These issues faced the Police Commission Thursday when Thomas Coleman, a gay attorney, complained about the remarks of Police Chief Ed Davis made Jan. 10 on a television talk show.

During the talk show, the host, Tommy Hawkins, asked Davis: "What is the law regarding homosexuality?"

Davis answered: "It's a felony in the state of California and it has been as long as I've been on the Police Department and long before that."

Said Coleman to the commission: "Homosexuality is a status, not an act. The Penal Code makes certain acts crimes. A person can be an active homosexual for years and not commit a felony."

During the talk show, the chief said that gays were excluded from employment on the police force because "it is absolutely incompatible with being in a position of trust in the community. . . . And we'd hate to think that the people could say (to their children) 'don't go up to a policeman if your're lost' because they would be afraid that the child might be taken advantage of by an active homosexual."

Davis

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Davis was then asked about the relationship between himself and City Attorney Burt Pines on the subject of homosexuality. Said Davis on Pines:

"He has announced that he has hired homosexuals on his staff. A few, he says, and I suppose you can be a homosexual and be an attorney . . . I don't think you could have a homosexual prosecutor — I don't think you could objectively handle a homosexual crime. I think that you would have a distinct conflict of interest and I think that the policeman would have the same . . . Now Burt Pines does not, to my knowledge, assign any homosexual as a prosecutor."

Said Coleman: "I take exception to the chief slandering gay attorneys — heterosexual prosecutors prosecute heterosexuals every day."

Coleman added: "The chief of police should not make legally incorrect statements. . . . It is improper to use his official position like this. He has prejudiced the police department against gays."

"I want the Police Commission to warn Davis to make factual statements, and tell if something is his opinion or the position of the department."

Salvador Montenegro, of the commission, said attorney Coleman had raised "valid issues," and said the matter would be discussed with the commission and the chief.

Also appearing before the commission was Douglas Sarff, of the Greater Los Angeles Coalition to Insure Fair Employment Practices. He also protested Chief Davis's remarks, and proposed that the commission arrange a meeting between Davis and "responsible spokespersons of the gay community, its purpose being to raise his consciousness concerning us." The commission promised to relay the suggestion to the chief.