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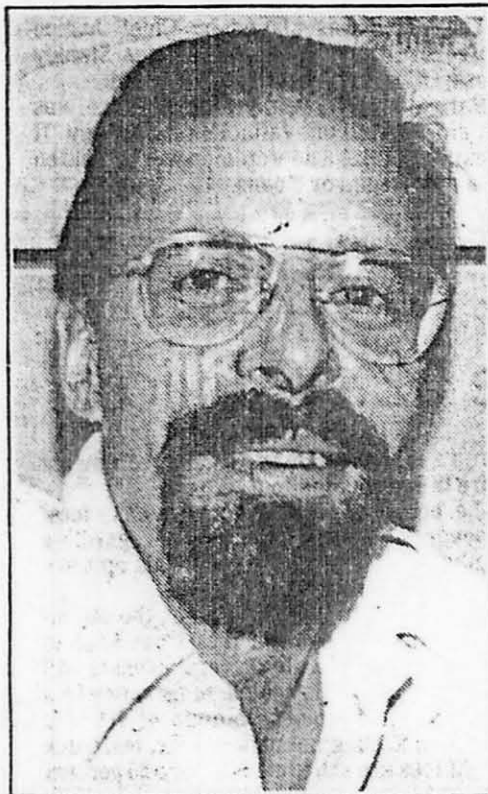
Profile

When Don Pryor walked into the office of gay rights attorney Thomas F. Coleman in 1977, Coleman was confident he had found an ideal test case to challenge a state statute often used to prosecute homosexuals.

Pryor was arrested in a gay area in Hollywood, allegedly after soliciting an undercover policeman. He was charged with lewd conduct under section 647(a) of the state's Penal Code. Coleman had been attacking section 647(a) since he began practicing law in 1974, arguing that it was unconstitutionally vague and was applied selectively against homosexuals.

Coleman had already been involved in four cases attacking the law, none of which had gotten past the state court of appeal. But his hunch on Pryor's case proved correct.

After a mistrial in municipal court, Coleman succeeded in persuading the state Supreme Court to hear his challenge to the law. And, in *Pryor v. Municipal Court*, 25 Cal.3d 238 (1979), the high court narrowed the con-



Thomas F. Coleman

struction of the law to prevent its application to solicitation of lawful sexual conduct in private.

For Coleman, who is now the executive director of a state commission studying discrimination against homosexuals, the issue of gay rights is both personal and ideological.

Coleman came to California in 1970 from his native Michigan, where he felt stifled. "I was gay, and in a relationship," he recalls, "and Michigan was not an environment conducive to being one's self in 1970 if you were gay."

In 1972 he successfully lobbied the American Bar Association's Law Student Division, meeting at the Los Angeles Hilton, to pass a resolution condemning states that discriminated against new lawyers on the basis of sexual orientation. The next night, he startled some observers by dancing with a male friend at one of the convention's social events.

The same year, he organized a gay students' association at Loyola Law School. The dean warned him he might be called before the bar ethics committee to discuss his homosexuality.

'Relationship of 14 Years'

Coleman's 10-page resume lists his extensive activities in gay rights: lectures, speaking engagements, articles, and more than a dozen appellate cases. Under the category of "family," the resume reads: "Relationship of 14 years; A foster son raised from age 9 to 18" — a reference to Coleman's former lover and the foster son they raised.

Next month, Coleman and his new lover have planned a wedding ceremony to be conducted in a chartered boat in international waters off Long Beach. Posters prepared for the event note that the marriage is "Recognized by No Nation."

Coleman, 33, has made a national reputation for himself through his appellate litigation and his publication of a legal newsletter, the *Sexual Law Reporter*. In addition to the *Pryor* case, he filed an amicus brief in *Gay Law Students Assn. v. Pacific Telephone Co.*, 25 Cal.3d 458 (1979), which prohibited government agencies or state-regulated utilities from discriminating against homosexuals. He has sought to block prosecutions of homosexuals under various criminal laws and to establish homosexuals' rights to child custody.

He has put his law practice aside for the moment to serve as executive director of the Commission on Personal Privacy, a 25-member commission chaired by former Los Angeles City Attorney Burt Pines. The executive order by Gov. Edmund G. Brown Jr. creating the commission last October called for protection of "the fundamental right to personal privacy against the threat of discrimination for reasons of an individual's sexual orientation."

The commission will hold public hearings in Los Angeles on Nov. 13 and in San Francisco on Nov. 20.

"Our approach is something like a grand jury approach, in that we won't be stating our opinions until all the facts are in," explains Coleman. "We'll file a report by December of 1982. In the meantime, we're gathering information rather than giving it out."

'Personal Privacy Movement'

Although the governor's executive order indicates the major focus of the commission's work is gay rights, Coleman talks

about broader privacy issues too. He says he wants to be part of what he sees as "a whole personal privacy movement going on all over the country right now."

"It's an issue whose time has come with the electronic media, the use of computers, credit reporting services, renters reporting services for landlords and criminal justice systems being on computers, and two-way cable TV on the horizon," Coleman says.

Coleman says he took a pay cut to accept the \$36,000 post with the commission, a marked contrast to his early lean years as a lawyer specializing in gay rights cases. His take-home pay the first year out of law school was \$4,000. It doubled every year for a couple of years; but, he notes, "double \$4,000 isn't a lot of money."

"I've always been kind of reluctant to make a lot of money," Coleman said. "I guess I figured that if my primary motive is to make money, it would take me away from my doing the things I want to do."

Coleman first became involved in gay rights cases while still a student at Loyola Law School. He worked with the Arraignment Intervention Project, sponsored by the Gay Law Students Association, that provided counseling for gay men arrested for lewd conduct, solicitation, or other offenses involving plainclothes vice officers.

"To my knowledge, we were the first openly-gay lawyers to be involved in the legal system," Coleman said. "We would just go into the courts, get into the lockup and say, 'I'm with the Gay Law Students,' and then go into our spiel, to see if they needed a job, or counseling, if they have housing problems."

Coleman says the program often succeeded in getting the city attorney's office to agree to a probation program that kept defendants out of jail.

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Practice Builds Slowly

After his graduation in 1973, Coleman wanted to open his own law practice, looking for cases from the gay community, where he had become known through his work in law school. He did interview with the district attorney's office, but concluded it would not hire an openly gay person.

His practice in sex-related cases built up slowly. "Most of those cases didn't go to trial; people would plea bargain," Coleman recalls. "But when they found out there was a lawyer who would challenge the facts and challenge the law I started getting a lot of referrals in that area."

Soon 80 percent of Coleman's business dealt with various sex-related sections of the Penal Code, including lewd conduct, 647(a); prostitution, 647(b); loitering in a public restroom, 647(d); indecent exposure, 314.1; and pimping and pandering, 266(h) & (i). The courts were not receptive to his arguments.

"In the early years, some of my cases were apparent losses," Coleman said. "The courts were just not ready to take on some of the issues or strike down laws or make changes I felt needed to be made. I had a whole string of losses at the appellate level until *Pryor*, when I had my big victory, and was able to say 'gee, I wasn't so far off base all those years.'"

Coleman thought the facts of *Pryor's* case were ideal for testing the lewd conduct provision. "If you're willing to fight it," Coleman told *Pryor*, "yours is the case that will change the law."

Pryor had met the undercover policeman in a gay area in Hollywood. The accounts differed somewhat, but *Pryor* acknowledged suggesting they go to the officer's home for some "necking" or perhaps oral sex.

Homosexual conduct was no longer against the law in California, but because the "solicitation" was made in a public place section 647(a) could be invoked. *Pryor's* guilt or innocence hinged on whether oral copulation was considered a "lewd act."

Couldn't Say Gay

At the trial, the municipal court judge —

now retired — told Coleman not to use the words "gay" or "homosexual" in the courtroom, but to use the words "sexual pervert" or "sexual deviant" instead. The jury deadlocked 7-5 in favor of *Pryor's* acquittal.

Before the retrial could be held, Coleman filed a writ in the state Supreme Court to stop the trial until after a hearing on the constitutionality of the law. The court took the case and rewrote the law in a way that Coleman said he believes to be fair and constitutional.

The court ruled that sexual conduct in what is technically a public place is not automatically a violation. Rather, the court said, the totality of circumstances have to be considered.

In addition, the court limited the definition of lewd conduct to specified sexual contacts "for purposes of sexual arousal, gratification, annoyance or offense in a place that is open to the public or exposed to public view if the actor knows or should know that there are persons present who may be offended."

After the high court handed down its opinion, the city attorney's office dismissed the case against *Pryor*.

Coleman, then 18, was attending Wayne State University in Detroit when he began his 14-year relationship with David Sterling, a Detroit businessman. He enrolled in Detroit Law School, but decided to move to California after one semester. Sterling and the foster son they were raising followed not long afterward.

He and Sterling separated in December. In May Coleman met Michael Vasquez, a psychiatric technician at a state hospital. They will be "married" Oct. 17; Coleman sees their relationship as "a lifetime commitment."

Coleman's law practice is still there; but his associate, Jay Kohorn, is taking all his cases while he works with the privacy commission. When the commission's work is over, Coleman plans to take six months or more off. When he returns, he wants to continue his work in the sexual privacy area but do less criminal trial work.

In his spare time, Coleman enjoys working out at the gym, going to the beach, and swimming. He also mentions that he is taking a course in "mastery," given by a psychologist and designed to help one become a master over all aspects of one's life.

— KARL DISTAD