

Fate of L.A. Gay Rights Law in Doubt

LOS ANGELES — For over 12 years a tough Los Angeles City ordinance which prohibits job discrimination based on sexual orientation has been the model for similar ordinances around the state. When Gov. Wilson vetoed AB 101 last September, L.A. City Council member Joel Wachs lauded the ordinance and vowed that the city would get tougher on enforcement. He was backed by City Attorney James Hahn.

Unbeknownst to Wachs, Hahn, or angry Gay rights activists, in August, Superior Court Judge Diane Wayne had declared the ordinance invalid. In dismissing a discrimination case brought by Jim Delaney against Superior Fast Freight, Wayne ruled that only the state of California, not cities, have the authority to pass legislation to protect individuals, according to Thomas F. Coleman, Delaney's attorney. In this case, Wayne cited the state's Fair Employment and Housing Act which allows discrimination based on sexual orientation.

On December 6, Coleman filed an appeal to overturn Wayne's ruling. In addition to Hahn, Coleman is being supported by San Francisco District Attorney Arlo Smith. Century City attorney Bert Pines, who was the Los Angeles City Attorney when Wachs originally pushed the ordinance through the City Council, has also pledged his support. Other city attorneys are expected to file friend-of-the court briefs to try to protect their own city ordinances.

If Delaney's appeal is defeated, similar ordinances in San Diego, San Francisco, Oakland, West Hollywood, Sacramento, Santa Monica, Long Beach, and Laguna Beach will also be declared invalid.

Delaney's charge of discrimination came after 17 years of employment by Superior Fast Freight. A bisexual man, Delaney claims that he was the victim of continual "outrageous, egregious, lewd" sexual remarks from both male and female co-workers and supervisors. Delaney alleges that the sexual harassment started in 1980: "Several male co-workers would often suggest that the plaintiff perform sexual favors for them, including oral copulation." Additionally Delaney charges that co-workers insinuated that he was a prostitute and left items such as condoms, false eyelashes, and false fingernails on his desk.

Delaney said that he repeatedly reported his objections, finally in Feb. 1989 asking his supervisors to take action but nothing was done. According to Coleman, the stress led to an emotional breakdown. In one instance Delaney called a radio talk show and threatened to "shoot somebody" at work. Later Delaney threatened his employer. He was reprimanded and finally fired in September of 1989.

Judge Wayne dismissed Delaney's case as being without merit. Coleman, who told the *Los Angeles Times* that several of Delaney's former co-workers corroborated many of his allegations in sworn depositions, said the at least Delaney deserves a jury trial to determine the facts and the merits of the charges.

Wachs said he was "shocked" at hearing news that the ordinance for which he had fought so hard was in jeopardy. He also expressed concern over the climate of conservatism sweeping the country, from David Duke's presidential bid to heretofore liberal Democrat Los Angeles Rep. Edward Roybal's complaint that an anatomically explicit sculpture at a downtown federal building either "be removed or modified." But, Wachs said, attorneys working closely with Coleman and the appeal had assured him that Delaney's case would be heard by the court of appeal.

Update

Wednesday, December 18, 1991