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High Court Rejects Landlady's Appeal

She refused to rent to unwed couple

By Harriet Chiang
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The U.S. Supreme Court left intact yesterday a landmark civil rights ruling that a Chico landlady cannot refuse to rent to an unmarried couple for religious reasons.

Without comment, the justices refused to hear the appeal of Evelyn Smith, who claimed that she was entitled to an exemption from California's civil rights laws because of her Christian beliefs.

Civil rights lawyers say the case will protect the rights of gays and minorities as well as unmarried tenants.

"It means if you start a for-profit business and advertise to the public or deal with the public, you have to obey the civil rights law," said Los Angeles attorney Thomas Coleman, who represented Ken Phillips, one of the unmarried tenants.

"You can't impose your religious beliefs on your customers or your tenants."

The high court's action came two days after the justices struck down the Religious Freedom Restoration Act of 1993, a law designed to expand the constitutional religious freedom protection.

Smith's attorney, Jordan Lorraine of Fairfax, Va., said that his client's case had the misfortune of being "in the wrong place at the wrong time" because of the court's striking down of the religious freedom act.

"This dilutes down the whole concept of civil rights to say what Mrs. Smith did is as morally reprehensible as a racial bigot discriminating against a racial minority," he said. The Smith case began in

April 1987, when Phillips and Gail Randall paid a deposit on one of four rental units owned by Smith in a quiet residential area of Chico.

Smith, a member of the Bidwell Presbyterian Church in Chico, told them that she did not rent to unmarried couples because she believes that sex outside marriage is a sin.

Phillips and Randall told her they were married, but just before they moved in, they admitted that they were not. Smith promptly canceled the rental agreement and returned their deposit.

The couple filed a claim with the Fair Employment and Housing Commission, claiming that Smith was illegally discriminating against them.

The state civil rights agency ruled in their favor and ordered Smith to rent to the couple. But a state appeals court in Sacramento reversed that decision, finding that Smith was protected by her religious beliefs.

The state Supreme Court overturned the lower court ruling, finding in a 4-to-3 ruling that the state ban on discrimination did not impose a "substantial burden" on Smith's religious beliefs.

The California Fair Employment and Housing Commission opposed the appeal, saying that Smith sought "the right to discriminate in business activities affecting the public interest."

Phillips, who split up with Randall several years ago, was elated when he heard about the high court's decision. "It's been a long, drawn-out battle," he said. "It's kind of nice to have it over and obviously in our favor."