

NATIONAL COMMITTEE  
FOR  
SEXUAL CIVIL LIBERTIES

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FOR RELEASE ON:  
Tuesday, October 11th

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SUBJECT: Municipal Court Judge Liberalizes Policy on Gays

Rather than risk a Superior Court order to do so, Municipal Court Judge Jack B. Tso voluntarily agreed to lift the anti-homosexual conditions of probation which he had imposed on Edwin Womble, a Los Angeles gay man. At the request of Judge Tso and Deputy County Counsel David B. Kelsey, Womble appeared with his attorney Steven T. Kelber in Department 109 of the Los Angeles Superior Court today (October 11, 1977).

Kelber, a member of the Hollywood law firm of Coleman and Kelber, acting on behalf of the National Committee for Sexual Civil Liberties, filed legal action last Thursday (October 6th) in Superior Court. The conditions of probation being challenged were: "Do not publicly associate with known homosexuals, and do not frequent places where homosexuals congregate." Judge Tso imposed those conditions notwithstanding the fact that Womble's attorney at the time of sentencing was Thomas F. Coleman, an openly gay attorney. The conditions were challenged on the grounds that they violated the rights of gay people to associate and their right to an attorney of their own choosing.

Coleman and Kelber hope that other gay men who have had similar conditions of probation imposed upon them will now come forward to demand recognition of their rights. In addition, Coleman said, "The County Counsel's office has agreed to formulate a plan with us whereby these conditions are never again imposed in Los Angeles County. This is a victory for all gay people. Even though there has been no leadership in this area by the United States Supreme Court, we are seeing a major change in local judicial attitudes about gay people."

PUBLIC STATEMENT: Womble, along with attorneys Coleman and Kelber, will be available to answer any questions the press may have, immediately preceding and following the court appearance at 9:30 A.M. on Tuesday, October 11th. Department 109 of the Superior Court is located on the 9th Floor of the Criminal Courts Building, 210 W. Temple.

East Coast Office: 18 Ober Road, Princeton, New Jersey 08540

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# Los Angeles Times

FRIDAY MORNING, OCTOBER 7, 1977 -Part 3

## Probation Condition Barring Ties With Gays Challenged

BY CLAUDIA LUTHER  
Times Staff Writer

Persons who are convicted of crimes related to homosexuality should not be issued probation regulations forbidding them from associating with known homosexuals, a court action filed Thursday asserted.

The National Committee for Sexual Civil Liberties lodged the action in Los Angeles Superior Court to try to put an end to the probationary conditions, which it called "leftovers from an era when judges and prosecutors . . . themselves did not want to associate with a homosexual defendant in the courtroom."

The committee filed a petition for a writ of habeas corpus for a Los Angeles man, Edwin Womble, who is on probation after being convicted in 1976 of soliciting a lewd act.

The conditions of Womble's probation are that he not associate with known homosexuals and that he not frequent places where known homosexuals congregate.

The petition asks that Womble be

released from the conditions, calling them unconstitutionally vague and an infringement of his right to associate with others.

According to the petition, which was filed with the Appellate Department, Womble was told at the time of sentencing that the two conditions would be a part of his probation.

Attorney Thomas F. Coleman said in the petition that he approached the bench and told Municipal Judge Jack B. Tso that he, Coleman, was a known homosexual and "if those conditions were imposed then my client could not stand next to me in open court, could not go to my office and could not visit me at home."

Coleman claimed in the petition that Tso replied, "Maybe he shouldn't go to your office or home."

Coleman, who is active on behalf of gay rights and cochairman of the National Committee for Sexual Liberties, advised his client to accept the probation conditions, but filed a writ of habeas corpus in an effort to have him released from the conditions.

The conditions, which many judges have long since abandoned, are an "on-again, off-again" problem that should be clarified once and for all, the petition claims.

Note: Although Womble was arrested for soliciting a lewd act, he was not convicted of that offense. He was convicted only of trespass.

PROBATION

Date \_\_\_\_\_

Defendant \_\_\_\_\_

M.C. No. \_\_\_\_\_

Defendant, given a copy of the following conditions of probation, expressly indicates understanding of, and agreement to the following conditions:

       **HOMOSEXUAL:** (1) Stay out of public parks, streets and sidewalks immediately adjacent to public parks; (2) Stay out of places and areas where homosexuals congregate; (3) Do not publicly associate with known homosexuals; (4) Submit to and cooperate in field interrogation by any peace officer at any time of day or night; (5) Obey all laws.

       **PROSTITUTION (STREET):** (1) Obey all laws; (2) Submit to and cooperate in field interrogation by any peace officer at any time of day or night; (3) Carry at all times a valid California drivers license or D.M.V. ID card containing your true name, age, current address and display such ID upon request to any peace officer or officer of the court, and do not use any other name for any purpose; (4) Do not solicit or accept a ride from motorists or park in a motor vehicle with lone male motorists; (5) Do not approach male pedestrians or motorists or engage them in conversation upon a public street or in a public place; (6) Do not occupy a hotel or motel room or any other residence unless registered in your true name; (7) Submit your person, vehicle and place of residence to search and seizure at any time of the day or night, with or without a search warrant, whenever requested to do so by a peace officer.

       **PROSTITUTION (MESSAGE PARLOR):** (1) Obey all laws; (2) Submit to and cooperate in field interrogation by any peace officer at any time of the day or night; (3) Carry at all times a valid California drivers license or D.M.V. ID card containing your true name, age, current address and display such ID upon request to any peace officer or officer of the court, and do not use any other name for any purpose; (4) Do not be employed by a massage parlor; (5) Do not engage in the act of massaging or be employed by a place where massages are given without a valid police commission permit.

       **FORCE AND VIOLENCE:** (1) Do not annoy, harass or molest the complaining witness; (2) Do not use or threaten to use force or violence on any person; (3) Cooperate with any peace officer in any investigation at any time of day or night; (4) Do not own, carry or possess any dangerous or deadly weapons, and the L.A.P.D. shall keep and dispose of the weapons in this case; (5) Make restitution in the amount of \$ \_\_\_\_\_ to the complaining witness.

       **NARCOTICS:** (1) Obey all laws; (2) Do not use or possess, without a valid prescription, or solicit others to use or possess, or associate with anyone who uses or possesses (except in conjunction with an authorized plan of rehabilitation) any marijuana, narcotics, dangerous drugs or related paraphernalia; (3) Carry at all times a valid California drivers license or D.M.V. ID containing true name, age, current address and display such ID upon the request of any peace officer or officer of the court, and do not use any other name for any purpose; (4) Submit to and cooperate in field interrogation by any peace officer at any time of day or night; (5) Submit person, vehicle and place of residence to search and seizure at any time of day or night, with or without a search warrant, whenever requested to do so by any peace officer; (6) Submit to a urine test upon request of any peace officer or officer of the court; (7) Report to this court in person within 5 days of any arrest while on probation (if in custody report by registered mail).