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Probation Condition Barring Ties With Gays Challenged

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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.