

DEPARTMENT OF INDUSTRIAL RELATIONS

DIVISION OF FAIR EMPLOYMENT PRACTICES

455 GOLDEN GATE AVENUE, SAN FRANCISCO

Address reply to: PEPC, P.O. Box 603, San Francisco, CA 94101

Administrative Office 357-2000

Complaint Section 357-2005



April 26, 1979

Ms. Susan McGrievy
Mr. Jack Jones
American Civil Liberties Union
of Southern California
633 S. Shatto Place
Los Angeles, CA 90005

Dear Ms. McGrievy and Mr. Jones:

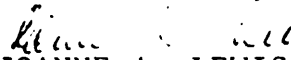
I am responding to your recent letter to Alice Lytle who, as you may know, has been appointed Secretary of the State and Consumer Services Agency.

As you note, it is by administrative directive that the Division is accepting complaints under the Unruh Civil Rights Act only on the basis of grounds specifically enumerated in the Act. There are, of course, many groups besides gay people which are not so enumerated.

I am enclosing a copy of that directive as well as an attachment--"To Persons Wishing To File Unruh Act Complaints"--which sets forth the Division's reasons for taking complaints only from those protected classes specifically named.

I hope this information is helpful to you.

Sincerely,


JOANNE A. LEWIS
ASSISTANT CHIEF

JAL/lmk

Attachments



ACLU GAY RIGHTS CHAPTER

AMERICAN CIVIL LIBERTIES UNION OF SOUTHERN CALIFORNIA
633 S. Shatto Place, Los Angeles, California 90005 Telephone (213) H-O-M-O-S-E-X

25 July 1979

Dept. Of Industrial Relations
Fair Employment Practices Commission
455 Golden Gate Ave.
San Francisco, Ca. 94101

Dear friends,

The American Civil Liberties Union Gay Rights Chapter has been in contact with Ms. Joanne A. Lewis over The Division of Fair Employment Practices administrative decision not to take cases which deal with Gay discrimination under the Unruh Civil Rights Act. Our office has evidence of the hardships this decision has brought to Gays and would like to present evidence of this at the next meeting of the Commission which is held in Los Angeles. We are requesting that we be scheduled on the agenda of the next meeting.

We remain respectfully yours,

Tom Coleman
Sexual Law Reporter

Susan McGrievy
Legal Chair
A.C.L.U.G.R.C.

SM:elg

Law Offices

THOMAS F. COLEMAN

Thomas F. Coleman

Jay M. Kohorn, Of Counsel

1800 North Highland Avenue
Suite 106
Los Angeles, California 90028

(213) 464-6666

August 8, 1979

Mr. John Martin, Jr.
Fair Employment Practices
Commission
455 Golden Gate Avenue
San Francisco, California 94101

Dear Mr. Martin:

A few days ago, a letter was sent to the F.E.P.C. requesting a public hearing at the next meeting of the Commission in Los Angeles. This request was sent on ACLU Gay Rights Chapter stationary, and was signed by Susan McGrievy and myself. I am attaching a copy of that letter for your information.

Section 1419 (f) (2) of the California Labor Code states that it is the duty of the Division to "receive, investigate, and conciliate complaints alleging a violation of §51 or 51.7 of the Civil Code. The remedies and procedures of this part shall be independent of any other remedy or procedure that might apply." Section 51 of the Civil Code, more commonly known as the Unruh Civil Rights Act, prohibits housing and public accommodations discrimination for any arbitrary reason. (See In re Cox (1970), 90 Cal Rptr. 24.) This section has also been interpreted by the California Supreme Court to prohibit discrimination against homosexuals. (See Stoutman v. Reilly (1951), 234 P.2d 449.)

Recently, several persons have come to the Commission with complaints of housing discrimination in violation of the Unruh Civil Rights Act. They have claimed that they were discriminated against by landlords because of their own homosexuality. The Commission has refused to accept these complaints for investigation.

What we are asking for is that the Commission direct its employees to accept complaints for violations of the Unruh Civil Rights Act when such complaints allege housing discrimination on the basis of the sexual orientation of the tenant or prospective tenant. We

Mr. John Martin, Jr.
August 8, 1979
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would like to have this issue publicly aired at your next Los Angeles meeting. Could you have this item placed on the agenda? I would like to hear from you in this regard.

Very truly yours,

Thomas F. Coleman

/mbo

Enclosure

cc: Paul Hardman

NATIONAL COMMITTEE
FOR
SEXUAL CIVIL LIBERTIES

Thomas F. Coleman, Esq.
Co-Chairman

Dr. Arthur C. Warner
Co-Chairman

1800 North Highland Avenue, Suite 106
Los Angeles, California 90028

(213) 464-6666

August 28, 1979

Senator David Roberti
Senate Majority Leader
State Capitol
Sacramento, California 95814

Dear David,

Thank you for meeting with me yesterday to discuss various issues of concern to this Committee. I hope Michael Woo will keep us informed of any developments with respect to Senate Bill 18, including the proposed hearing dates. Tony Kline of the Governor's Office has agreed to appear at the Committee hearing on that Bill to publicly support it on behalf of the Administration.

We met yesterday with Alice Lytle, and ironed out some of our differences. She may wish to meet with you to discuss your bill and offer some possible amendments to it. I would like to discuss those proposed amendments with you before you actually make any changes. Some of her concerns are legitimate, but there are political considerations involved. I might suggest that Michael Woo also get in contact with the Agnos people to find out more directly what their plans are. I would like to hear from Michael regarding any information he may discover.

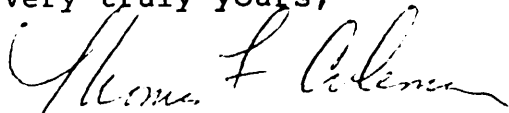
I will send a copy of this letter to Jim Dantona of your Los Angeles office. Yesterday we discussed setting up a meeting with some gay leaders during the Legislative recess. I think you should meet with gay leaders on a regular basis, at least every three months. It shouldn't take too much time, and would help give you more visibility. I know you are seriously interested in issues surrounding sexual orientation discrimination, but unfortunately, the majority of gay people are not aware of your positions. I would also like to discuss with Jim Dantona the matter of publicity for you in this regard. I could provide him with a list of names and addresses of gay publications throughout California, and even nationally. I think a carefully worded press release issued to the gay media every two or three months would be very helpful for your image.

Senator David Roberti
August 28, 1979
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At the Los Angeles meeting, I would like to more fully discuss the matter of the Advisory Council to State Government on Sexual Orientation Discrimination. It has become apparent to me that the state bureaucracy is so large and complicated that without such an advisory council, it will take a lifetime to make a substantial dent in state government.

Again, thanks for meeting with us, and I hope to see you in late September.

Very truly yours,



Thomas F. Coleman

/mbo

SACRAMENTO ADDRESS
STATE CAPITOL
SACRAMENTO, CA 95814
(916) 445-8390

DISTRICT ADDRESS
6640 SUNSET BOULEVARD, SUITE 202
HOLLYWOOD, CA 90028
(213) 464-1178

REPLY TO:
 DISTRICT OFFICE
 SACRAMENTO OFFICE

STATE SENATOR
DAVID A. ROBERTI
MAJORITY FLOOR LEADER

California Legislature

TWENTY-THIRD DISTRICT
LOS ANGELES COUNTY

CHAIRMAN
JOINT COMMITTEE ON
THE REVISION OF THE
PENAL CODE
SELECT COMMITTEE ON SMALL
BUSINESS ENTERPRISES
COMMITTEES
BUSINESS AND PROFESSIONS
(VICE CHAIRMAN)
ELECTIONS AND
REAPPORTIONMENT
FINANCE
JUDICIARY



September 27, 1979

Mr. Thomas F. Coleman
NATIONAL COMMITTEE FOR SEXUAL
CIVIL LIBERTIES
1800 No. Highland Avenue, Ste. 106
Los Angeles, CA 90028

Dear Tom:

Thank you for your letter of August 28th.

I will wait to hear from Alice Lytle to see how she can help us with the amendments to SB 18. I will have Michael Woo contact Assemblyman Agnos regarding his plans with his legislation. Jim Dantona will be setting up periodical meetings between the Gay Community and myself. He should be contacting you shortly regarding this.

Sincerely,

A handwritten signature in blue ink that reads "David".

DAVID A. ROBERTI
State Senator

cc: Michael Woo
Jim Dantona

AD 103

NATIONAL COMMITTEE
FOR
SEXUAL CIVIL LIBERTIES

Thomas F. Coleman, Esq.
Co-Chairman

Dr. Arthur C. Warner
Co-Chairman

1800 North Highland Avenue, Suite 106
Los Angeles, California 90028
(213) 464-6666

August 28, 1979

Ms. Alice Lytle
Secretary of State and
Consumer Service Agencies
1220 "N" Street
Room 409
Sacramento, California 95814

Dear Ms. Lytle:

Thank you for meeting with members of the National Committee for Sexual Civil Liberties yesterday. I think the meeting was productive. I have written to Ms. Joanne Lewis of the Division of Fair Employment Practices regarding modifying the memorandum you issued last year. Any assistance you can give in this regard would be most appreciated. I have asked her to issue a directive to the effect that gay housing discrimination cases will be processed by the Division. We are not asking for public accommodations protection by the Division at this time, because it is not as pressing a need.

With respect to your objections to AB 1, I have written to Senator Roberti telling him that you wish to speak to him regarding his bill, Senate Bill 18. Please let me know the outcome of that meeting.

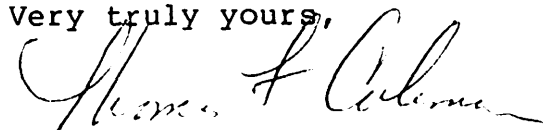
At yesterday's meeting with the State Personnel Board, Mr. Hank Harvey of the Public Employment and Affirmative Action Division informed me that a grant proposal was submitted under the Intergovernmental Personnel Act, to help implement the Governor's Executive Order on sexual orientation discrimination. It is my understanding the grant must be approved by the Personnel Board, an Advisory Panel, and finally, by you. Any assistance you can give in securing the necessary approval for a grant would be most appreciated. At this point in time, we are operating on a purely voluntary basis, using our own private funds to insure the Executive Order is implemented. However, since we are people of modest means,

Ms. Alice Lytle
August 28, 1979
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this cannot continue indefinitely. We need grant money and financial assistance to make the Governor's Executive Order meaningful. Please let me know if there is anything else we can do to help with this grant.

Again, thank you for meeting with us yesterday.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Thomas F. Coleman".

Thomas F. Coleman

/mbo

NATIONAL COMMITTEE
FOR
SEXUAL CIVIL LIBERTIES

Thomas F. Coleman, Esq.
Co-Chairman

Dr. Arthur C. Warner
Co-Chairman

1800 North Highland Avenue, Suite 106
Los Angeles, California 90028
(213) 464-6666

August 28, 1979

Ms. Joanne Lewis
Division Chief
Division of Fair Employment Practices
455 Golden Gate Avenue
San Francisco, California 94101

Re: Transmittal No. 44, Dated September 15, 1978,
Issued by Alice A. Lytle

Dear Ms. Lewis:

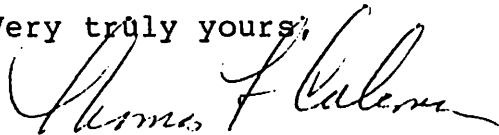
On August 8, 1979, I sent a letter to Mr. John Martin, Jr. regarding the document described above. I am enclosing a copy of that letter for your information, as it contains my objections to that Administrative Directive. Yesterday, I met with Alice Lytle in Sacramento to discuss the basis for that Directive. She admitted there was no legal basis whatsoever for limiting the Unruh Act jurisdiction, including no basis for limiting gay housing discrimination cases. She indicated it was strictly a way of setting priorities and saving resources. When we discussed the possibility of an administrative change in the Directive, she suggested I contact you.

As this Directive was issued administratively by a Division Chief, so may it be modified by a Division Chief. I am asking you at this time to issue an Administrative Directive, which would acknowledge the Division's jurisdiction to receive and remedy complaints of housing discrimination against gay persons. We are not asking for public accommodations to be handled at this time, as the need is not as pressing. If such an Administrative Directive were issued, there would be no need for a public hearing on the matter before the full Commission, nor any need for litigation over the matter. I hope you will seriously consider modifying the Directive at the earliest possible date. I would suggest that you might discuss this matter with Ms. Lytle, who originally issued the Directive.

Ms. Joanne Lewis
August 28, 1979
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Mr. Paul Hardman, of this Committee, will be calling you for a meeting to discuss the matter more fully. If you have any questions, please give me a call.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Thomas F. Coleman".

Thomas F. Coleman

/mbo

Enclosure

DEPARTMENT OF INDUSTRIAL RELATIONS

DIVISION OF FAIR EMPLOYMENT PRACTICES

455 GOLDEN GATE AVENUE, SAN FRANCISCO

Address reply to: FEPC, P.O. Box 603, San Francisco, CA 94101

Administrative Office 557-2000

Complaint Section 557-2005



September 12, 1979

Mr. Paul D. Hardman
Paul D. Hardman and
Associates
1782 Pacific Avenue
San Francisco, CA 94109

Dear Mr. Hardman:

This will confirm my telephone conversations with you regarding Directive Transmittal 044. The Division has reviewed this Directive and will be revising the instructions to our staff regarding the acceptance of housing discrimination charges under the Civil Code Section 51.

Effective October 1, 1979, all offices of the Division of Fair Employment Practices will accept housing discrimination charges under this Section. A copy of the revised Directive will be forwarded to you and to Mr. Coleman for your information.

Very truly yours,

A handwritten signature in cursive script that reads "Joanne Lewis".

Joanne A. Lewis
Chief

JAL/clu

cc: Thomas F. Coleman

PAUL D. HARDMAN and associates

1782 PACIFIC AVENUE • SAN FRANCISCO, CALIFORNIA 94109 • PHONE 673-8483

September 14, 1979

Ms Joanne A. Lewis, Chief
Division of Fair Employment Practices
455 Golden Gate Avenue
San Francisco, CA 94102

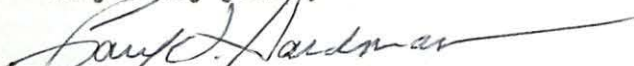
Dear Ms Lewis:

This is to confirm our telephone conversation regarding the intent of your letter to me dated September 12, 1979 regarding the revision of Directive Transmittal 044 and the instructions to be given to your staff regarding the acceptance of housing discrimination charges under the Civil Code section 51.

We shall expect the revised instructions which become effective October 1, 1979, to specifically mention the inclusion of gay persons under the protected classes whose housing discrimination complaints will be accepted under section 51.

The issue of specificity is extremely important; I appreciate your assurance that the new directive shall be specific.

Very truly yours,


Paul D. Hardman,
Regional Director
National Committee

PDH/lc

cc: Thomas F. Coleman, Esq.

NATIONAL COMMITTEE
FOR
SEXUAL CIVIL LIBERTIES

Thomas F. Coleman, Esq.
Co-Chairman

Dr. Arthur C. Warner
Co-Chairman

1800 North Highland Avenue, Suite 106
Los Angeles, California 90028
(213) 464-6666

September 19, 1979

JoAnne A. Lewis
Chief, Division of Fair Employment Practices
P.O. Box 603
San Francisco, California 94101

Dear Ms. Lewis:

I've received a copy of your September 12, 1979 letter to Mr. Paul Hardman.

We expect that your new directive, which will be issued on October 1, 1979, will specifically mention that the Division is accepting gay housing discrimination cases for processing. Since page two of Directive Transmittal 044 specifically stated that the Division would not accept cases involving "discrimination in housing against gay people," we feel it is necessary, indeed imperative, that the new directive specifically mention that you will accept gay housing cases. This could be done in the same form taken in the original transmittal by way of example.

We look forward to receiving a copy of the new directive some time during the first week of October and look forward to seeing the phrase "gay housing discrimination" specifically mentioned in that directive.

Again, we must thank you for taking such prompt action in this matter.

Very truly yours,

Thomas F. Coleman (psp)

Thomas F. Coleman

/psp

cc: Paul Hardman



State of California

GOVERNOR'S OFFICE
SACRAMENTO 95814

EDMUND G. BROWN JR.
GOVERNOR

(916) 445-1915

SF 4/5 557-3326

September 19, 1979

Sheldon Andelson
9200 Sunset Blvd., Suite 625
Los Angeles, California 90069

Richard Kaplan, Esq.
456 North Roxbury Drive
Beverly Hills, California 90210

Dear Shelly and Richard:

I thoroughly enjoyed lunch with you on Saturday and do hope that you both will feel free to contact me in the future whenever you think I can be of assistance or just on matters of mutual interest.

Enclosed, for your interest, is a letter to me from Tom Coleman dated August 28th. This letter accurately sums up Tom's meeting with Alice Lytle regarding AB 1. Frankly, I share Tom's view, set forth in the third paragraph of his letter that some of Alice's misgivings about the legislation are, as he puts it, "extremely overcautious". In any event, as I have explicitly informed Art Agnos, this administration most certainly supports his bill and the companion measures, and we will do our utmost to secure passage when the Legislature reconvenes next year.

As near as I can tell, the public reaction to Steve Lachs' appointment has been positive. I look forward to meeting him when I meet with the Gay Lawyers' Association next month in Los Angeles.

Best regards,

J. ANTHONY KLINE
Legal Affairs Secretary

JAK:kht

cc: Tom Coleman ✓

Enclosure