

# THOMAS F. COLEMAN

ATTORNEY AND PERSONAL RIGHTS CONSULTANT

CENTER FOR PRIVACY RIGHTS EDUCATION AND ADVOCACY  
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September 2, 1984

Mr. Frank Ricchiazzi  
Vice-President  
Log Cabin Republican Club  
1170 Oneonta Drive  
Los Angeles, CA 90065

Re: Meeting with Governor's Office on A.B. 848

Dear Frank:

Thank you for taking the time out of your busy schedule to travel to Sacramento to meet with the Governor's Office on Assembly Bill 848. The following points have been distilled from the enclosed memorandum entitled "Assembly Bill 848: Legal Analysis & Commentary" and should be carefully considered by the Governor before he decides what action to take on the bill:

1. The primary purpose of the Ralph Civil Rights Act is to punish those who subject others to violence or threats of violence simply because of the victim's race, color, religion, ancestry, national origin, political affiliation, sex, or position in a labor dispute. By passing A.B. 848, the Legislature has determined that an act of violence committed against a person simply because of his or her age, disability, or sexual orientation should be similarly punished.

2. The punishment specified by the Ralph Civil Rights Act is a mandatory fine of \$10,000 regardless of the financial status of the aggressor. This punishment is over and above any other liability which may attach to such wrongdoing, including criminal prosecution, or the assessment of actual or punitive damages in a civil lawsuit.

3. The victim is assured that the aggressor will be punished for such vicious activity because the victim is authorized to collect the fine in a civil action, even though the police or prosecutor fail to successfully press criminal charges.

4. This law increases the likelihood of punishment because it is a mandatory minimum penalty imposed pursuant to civil rather than criminal proceedings. Because the fine is collectable pursuant to a civil suit, the victim only needs to establish the defendant's guilt by a preponderance of evidence (rather than beyond a reasonable doubt). Unlike a criminal prosecution where the jury must be unanimous in its determination

of guilt, punishment for violating the Ralph Civil Rights Act may be meted out based upon a jury verdict of 9-3.

5. The Ralph Civil Rights Act avoids the ambiguity and loopholes in the law governing the assessment of punitive damages. Once the jury determines that the defendant committed an act of violence simply because of the victim's membership in one of the enumerated classes, punishment must be imposed. Neither the judge nor the jury can let the defendant off the hook as they presently can with respect to punitive damages.

6. The likelihood of civil prosecution is increased when a minimum judgment of \$10,000 is guaranteed in a factually strong case. The guarantee of such an outcome encourages attorneys to represent victims on a contingent fee basis, rather than demanding an hourly fee for their services. Without the services of an attorney, most victims would not be able to prosecute the civil action.

"Gay bashing" occurs all too frequently in our society. Statistical and other empirical evidence supports the need for A.B. 848. It should be self-evident that elderly and disabled persons deserve to be included in the Ralph Civil Rights Act.

The Legislature has expressed its desire to punish "gay bashers" and those who would attack others simply because of their age or disability. The only remaining question is whether the Governor believes such aggressors should be so punished or whether he thinks they should escape additional penalties.

A veto of this bill would not only be an insensitive move for the Governor to make, it would be dangerous to the well being of elderly and disabled persons as well as the personal security of lesbians and gay men. After the Governor reviews the factual and legal data supporting A.B. 848, I trust that he will sign the measure into law.

Very truly yours,



THOMAS F. COLEMAN

✓ cc: All Members of the  
Commission on Racial,  
Ethnic, Religious and  
Minority Violence

Frank N. Ricchiazzi

14 July 1984

Dear Senator,

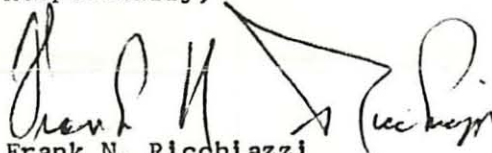
Please find enclosed copies of information which were given to me by Mr. Thomas F. Coleman of Glendale. Mr. Coleman was a member of the Commission on Personal Privacy Rights.

During the next few weeks, the Senate will be asked to approve AB 848. This bill would add "age", "disability", and "sexual orientation" to one of California's anti-violence statutes. The statute provides that a victim of violence or threat of violence on account of one's status may recover a minimum of \$10,000 damages from the perpetrator. Passage of this bill will send a strong message to would be attackers. This bill has passed the Assembly and all Senate committees and now awaits a final vote on the Senate floor.

I am sure that once you have read the enclosed material, you will understand the need for this bill. Many of you have shown a true sense of understanding over the past year in your approval of SB 910. Many of you voted for AB 1 and many of you who did not support AB 1, have gained a greater understanding of the difficulties associated with being of a different sexual orientation. To lead a life of fear because of one's sexual orientation is not something desired. As a member of the Legislature, this bill will attempt to convey the right of Americans and Californians to walk the streets in safety. With the potential of being killed or harrassed at least minimized.

Your response to this letter is appreciated.

Respectfully,



Frank N. Ricchiazzi  
Vice-President, Log Cabin Republican Club  
Chairman, Republican Party, 55th A.D.