

Attorney reflects on his years of fighting for equality

by John Ferrannini

Forty-three years ago, Thomas F. Coleman faced a dilemma that called for his skills as an attorney.

It was “love at first sight” when he met his husband, Michael Vasquez, Coleman told the Bay Area Reporter on the occasion of the 50th anniversary of his admission to the California bar. The two had met after Vasquez showed up to Coleman’s Hollywood law office after he’d become “one of those unfortunate guys that got busted by the cops.”

“Something moved me. I’d never felt like this before,” Coleman said. “When I proposed, and he said yes, the question was ‘where are we going to get married?’”

At the time, in 1981, same-sex marriage was not only not legal in the United States, it wasn’t legal anywhere.

“There was no nation on the planet that would recognize same-sex marriage, so I put my creative legal mind to work, and we got married in international waters,” Coleman said. “We removed ourselves from the jurisdiction of all nations.”

The couple rented what Coleman described as a “Catalina triple-decker boat.”

Vasquez told the B.A.R. that “we had several hundred people.”

“We made sure we went three miles because at first, they were hesitant because of the legalities of what happens to the boat in international waters,” Vasquez recalled. “So we just went right beyond that point and said, ‘I do, I do.’ We’re here 43 years later. Wow.”

It wasn’t the last time Coleman would think outside the box, either. Now a solo practitioner mainly doing consulting in Cathedral City (adjacent to Palm Springs), Coleman said his advice for young people is that “sometimes you just have to think outside the normal box.”

“That’s kind of my current advice – don’t color within the lines,” he said. “You’ve got to play by the rules but sometimes you can find clever ways of twisting the rules and finding loopholes.”

Coleman first learned to start coloring outside the lines when he helped to form the first gay student law association in America. He was studying law at Loyola Marymount at a time when those attorneys who were gay were far from being open about it.

“Up to that point in just about every state it was a felony to engage in gay sex,” Coleman said. “We were the first generation of openly gay law students turned lawyers. The lawyers before us were mostly closeted.”

At the time, Coleman knew he was gay but felt very lonely not knowing anyone else in his cohort who was.

“There were no openly gay students,



Courtesy Thomas Coleman

Gay attorney Thomas F. Coleman is marking the 50th anniversary of being admitted to the California bar.

nothing pro-gay,” he said. “You were just on your own.”

That was, until he saw a flyer asking gay law students to show up at a certain address to meet up. At first the meetings were at a private home, then at a gay bar called Dude City. The group included students from Loyola; UCLA; the University of Southern California; Southwestern; and Pepperdine.

“Finally meeting each other – we became openly gay after that. The gay and lesbian community center in Los Angeles offered that we could be there,” he said, referring to what is now called the Los Angeles LGBT Center. “This was a whole different era. I remember going there for the first meeting and I’d never seen a building before that had the word gay on it. It was an old Victorian on Wilshire Boulevard. I remember walking up the steps and seeing in big letters ‘gay community’ and I thought ‘wow.’”

Coleman was the founding president of the Gay Law Students Association.

After graduating Loyola – and being admitted to the bar on December 20, 1973 – Coleman became co-chair of the National Committee for Sexual Civil Liberties, which was later renamed the American Association for Personal Privacy, alongside Arthur Warner, in which capacity he served from 1974 to 1981.

Warner, who’d graduated from Harvard, was not allowed to practice law because he’d been “busted on a morals charge,” Coleman said.

“So he devoted his whole life to challenge these laws throughout the 50 states,” Coleman said.

Warner died in 2007.

San Francisco

Coleman went to San Francisco for

the first forum on gay rights hosted by the American Bar Association, which helped put the decriminalization of homosexuality on the map in the legal community.

“The purpose was to dismantle the criminal structure that was oppressing gay men,” he said. “We wanted the nation’s top legal organization to come out in favor of decriminalization and we succeeded. It helped in lobbying efforts with the state legislature and so on.”

It was at this time Coleman met Thomas E. Horn, a gay man and attorney who later became publisher of the Bay Area Reporter from 2004 to 2013 and is currently president of the Bob A. Ross Foundation, named after the paper’s founding publisher.

“He’s really been committed to the cause and he’s been doing yeoman’s work. He’s been in the trenches forever,” Horn said. “He was involved with gay legal rights committees such as the committee on sexual civil liberties. He was really in the forefront of trying to bring legal representation to our community.”

California decriminalized homosexuality in 1976 after Assembly Bill 489 was signed by then-governor Jerry Brown (D) in 1975, during Brown’s first stint as the state’s leader.

The last laws in the nation against sexual activity in private between consenting adult members of the same sex were overturned by the U.S. Supreme Court as the result of its decision in *Lawrence v. Texas* (2003) that found the laws to violate the right to privacy in the penumbras of the Constitution.

That decision rendered the sodomy laws of 14 states unenforceable, though some remain on the books. For example, Texas Attorney General Ken Paxton (R) said last year he’d back a state law banning gay and lesbian sexual activity if the Supreme Court reconsidered the *Lawrence* precedent in light of its 2022 decision to overturn *Roe v. Wade* (1973), which had found that a woman’s right to an abortion was protected by the right to privacy.

“Current advocates for LGBT rights can learn from the experiences of the advocates of 50 years ago and apply some of our strategies from back then to the challenges of anti-LGBT proposals being promoted today,” Coleman stated. “This is not a time for complacency. The price of liberty is eternal vigilance.”

‘Improvidently granted’

It was during the fight for decriminalization that Coleman again had to think outside of the box.

The New York State Court of Appeal struck down the state’s sodomy laws in 1980, and another appellate decision

several years later – in *People v. Uplinger* – overturned the state’s loitering laws.

That decision was appealed to the U.S. Supreme Court, led by conservative Chief Justice Warren Burger. Coleman, Advocate publisher David B. Goodstein, and others worried that the court would use the opportunity to reach back and rule New York state – home to one of America’s largest LGBTQ communities – could legally ban gay sex even if it had been proffered in private.

“Goodstein talked to me,” Coleman said. “He said ‘you’ve got to get the Supreme Court to dismiss this case.’ I said, ‘David, they just took the case.’ He said, ‘you have to get them to dismiss.’ I’m thinking ‘how do you do that?’”

Oral arguments were heard in January 1984. Coleman and other attorneys argued that the court had made a mistake by accepting the case. In May, the court agreed.

“Under these circumstances, we are persuaded that this case provides an inappropriate vehicle for resolving the important constitutional issues raised by the parties,” the court ruled. “We therefore dismiss the writ of certiorari as improvidently granted.”

It was providential – two years later in *Bowers v. Hardwick*, the court ruled that sodomy statutes weren’t unconstitutional, a decision it later reversed in *Lawrence*. But that decision only applied to states that had not yet decriminalized gay sex.

In the *Bowers* opinion, Burger wrote that sex between people of the same sex was once a capital crime, quoting approvingly English jurist Sir William Blackstone’s description that it is “a crime not fit to be named.”

“To hold that the act of homosexual sodomy is somehow protected as a fundamental right would be to cast aside millennia of moral teaching,” he wrote. “In constitutional terms there is no such thing as a fundamental right to commit homosexual sodomy.”

Coleman noted the fortunate nature of the timing of the decision, at least for the Empire State.

“This obscure, procedural thing saved New York State’s sexual privacy decision,” Coleman said.

Coleman founded the Spectrum Institute in 1987, dealing with conservatorship reform, which remains his primary focus. He wrote his professional memoir, “The Domino Effect,” which was published in 2009, and more recently in 2022 he wrote “The Seventies: A Breakthrough Decade for LGBT Rights.” In a new project, he’s going to be writing commentary and digitizing the personal papers of his former colleague Warner, whose articles and writings are part of the Department of Special Collections at the Princeton University Library.

“At the age of 75, I may not have the same energy I did in my younger years, but my passion for justice has not diminished,” he stated.

And through all this time, he and Vasquez have stayed married.

“I was always supportive of him and I always just helped him out,” Vasquez said. “It was a good balance; it took a while for me to understand that. His professional career was just something I learned to adapt with and go with the changes.”

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Sunday 12/24 @ 6pm – Celebrate Christmas eve w/us at St. John of God
Sunday 12/30 @ 5:30pm (Not Sunday at 5pm) – Vigil: The Holy Family
Sunday 12/31 – No Liturgy – Happy New Year

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Observing World AIDS Day

Julia Ready wrote the name of her friend Michael Tyree in chalk on the sidewalk of Castro Street as part of Inscribe, a sidewalk art event to commemorate World AIDS Day, December 1. Inscribe is the brainchild of HIV activist George Kelly and is an opportunity for people to remember those who’ve been lost. Tyree “passed recently,” Ready said.

“He survived AIDS and was so grateful to be alive,” she added. “He gardened and worked with me.”

Inscribe was just one of several events in the Bay Area commemorating the 35th annual World AIDS Day; another in Golden Gate Park featured HIV-positive Olympic gold medalist Greg Louganis, who was a guest of the National AIDS Memorial Grove’s observance.