

# ✓ Anti-bias protection scaled back

By MARTHA SNYDER  
Sentinel staff writer

3-17-92  
SANTA CRUZ — City Attorney John Barisone plans to release a final draft of a proposed anti-discrimination ordinance today which no longer provides protection for people with shaggy beards, tattoos, pierced limbs or Mohawk hair cuts, but still leaves the city open to lawsuits.

"The changes don't address the fundamental legal issues, but they do address the concerns of business owners," Barisone said.

The original ordinance was penned in January by Councilman Neal Coonerty, who was trying to resurrect AB101, a state bill vetoed by Governor Pete Wilson which

---

■ *Gay, lesbian activists say attack shows need for anti-discrimination measure — Page A3*

---

would have provided gay and lesbian employees more protection against discrimination.

But Coonerty wrote an ordinance, with help from some constituents, which went beyond the protections of AB101, barring discrimination on the basis of personal appearance, as well as gender, race, age and sexual preference.

Some business owners and Chamber of Commerce officials balked at the segment

on personal appearance, saying they would have to hire people with outlandish hairstyles and freaky grooming habits, prompting the City Council to form a task force to re-write a compromise measure.

The revised law replaces the term "personal appearance" with "physical characteristics," thereby retaining protection for overweight or deformed people, but eliminating protection for people who deliberately dye, pierce or snip themselves to change the way they look.

Wendy Chapkis of the Santa Cruz Anti-Discrimination Coalition says that while her group is "extremely happy" that gay rights protections are included, they are also "tremendously disappointed" that

personal appearance was taken out.

"This means that there's an open season on freaks," Chapkis said. "It's too bad someone had to get thrown out of the boat."

Barisone said the law is still subject to litigation challenging the city's right to preempt state legislation. A similar ordinance in San Francisco has been upheld twice in trial courts, while another similar ordinance in Los Angeles was set aside when taken to court. Barisone said there have not yet been any rulings on the issue by the state Court of Appeals.

Local attorney Tim Morgan, who opposed the ordinance in its original form, said the revised measure "is still complete-

ly inappropriate to even consider as a matter of policy."

Morgan said that "despite the tinkering," the ordinance still pre-empts state law, and that he would be willing to challenge it in court. Morgan said the ordinance is also bad from an economic standpoint, because it will add to the costs of doing business or renting property in Santa Cruz.

"These changes might mitigate to a certain extent the concerns of the business community, but the fundamental problems still remain," Morgan said.

The council will review the new ordinance for a first reading next Tuesday, and a public hearing on the ordinance is scheduled for April 7.