

State Supreme Court says Boys Club girls can join Boys' Club

By BOB EGELKO

The Associated Press

SAN FRANCISCO — A Boys' Club, despite its name, must let girls join if it admits boy members non-selectively, the state Supreme Court has ruled.

In its second major sex-discrimination decision in four days, the court ruled Monday by a 5-2 vote that state civil rights laws cover a nonprofit organization built around recreational facilities that are available to all boys.

The Santa Cruz Boys' Club is "classically public in its operation," said the opinion by Justice Joseph Grodin. "It opens its recreational doors to the entire youthful population of Santa Cruz, with the sole condition that its users be male."

Some specialized institutions, like housing for the elderly, may discriminate if designed solely to serve a particular social need, Grodin said. But he said there was no evidence Boys' Club facilities were "suited or safe only for males," noting that some of the clubs already admit girls.

The 1,200-member club, which has a gym, swimming pool and craft and game areas, admits all boys aged 8 to 18 for a fee of \$3.25 a year. Three girls and two boys filed suit in 1977 seeking to let girls join.

The decision comes four days after the court, citing the same state laws, prohibited "ladies' night" price discounts in businesses.

It was the first time the court had applied the civil rights laws, which forbid discrimination by all business establishments, to cover a nonprofit community-service organization.

Immediate change at the Boys' Club

By DON WILSON

Sentinel Staff Writer

SANTA CRUZ — The Boys' Club has reached the end of its legal road and will have to make some immediate changes, the club's attorney said today.

The California Supreme Court ruled Monday that the club must let girls into its membership.

Bob Bosso, attorney for the club, said he sees no possibility of taking the club's case to the United States Supreme Court. "There is no federal issue involved," he said, "and no constitutional issue."

Instead, he said, the board of directors of the club will have to figure out how to double up on its staff (so male staff members won't be going into girls' locker rooms, for instance, and female staff members won't go into the boys' locker rooms). And, Bosso said, about \$15,000 will be needed for some minor changes to the club building to accommodate girls.

Bosso said that he hasn't yet seen the actual California Su-

preme Court decision and isn't sure exactly how it is worded. "I probably will get a copy today or tomorrow," he said.

The case began in 1977 when attorneys for the American Civil Liberties Union filed a lawsuit on behalf of three young girls who wanted to become members of the club, and of two young boy members who thought that girls ought to be allowed in. Superior Court Judge Chris Cottle ruled that the club must admit girls as members.

The membership has remained exclusively for boys since then, while a series of appeals has wound through the court system.

Terry Kaup, who succeeded retired club manager Bill Fankhouser last June, said today, "We are ready to abide by the rules." He said it will be necessary to remodel the locker rooms to accommodate girls. He said there may be some staff changes.

Directors of the Boys' Club were upset by the court decision, but Al McCommon Jr., who was

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traditional childhood activity is an exorbitant price to pay for accelerating the process," Mosk said.

The ruling appeared to cover recreation-based organizations such as Little League, which has been ordered by courts in other states to admit girls. It does not cover private clubs.

Mosk said the ruling could be applied to the Boy Scouts and Girl Scouts, and also to such institutions as college fraternities and sororities and to women's colleges.

But Grodin expressly reserved judgment on scouting organizations, whose activities may not focus on facilities like the Boys' Club building and who also may have additional justifications for membership restrictions.

He said Boys' Club activities emphasized "drop-in" use of the facilities, "minimizing any sense of social cohesiveness, shared identity, or continuity."

Grodin rejected the club's argument that its goal of fighting juvenile delinquency justified limiting membership to boys, who as a group make up the great majority of delinquents. Delinquency also affects many girls, and there is no evidence that a boys-only facility is more effective in preventing delinquency, Grodin said.

The decision was endorsed by Chief Justice Rose Bird, Justices Allen Broussard and Cruz Reynoso, and San Francisco Superior Court Judge Maxine Chesney, assigned to the court for the case.

Retired Justice Otto Kaus filed a separate dissent, saying the club had a right to spend anti-delinquency dollars where it felt they would do the most good.

One dissenter, Justice Stanley Mosk, drew a sarcastic picture of "young boys, who have been skinny-dipping in their club pool, donning three-piece suits to attend the board

meeting of their 'business establishment.'"

"Growing up into a world of sex equality is inevitable to all children, but the court-ordered elimination of

Boys' Club

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president of the board when the anti-discrimination lawsuit was filed, said "Most of the board members have become conditioned to the idea that we will have to let girls into the club. I'm not sure that I am ready to accept that — but if that is the decision, that's what we will do."

Geri Zaballos, another former board president, said she is "sad" about the decision. "I don't understand it at all. The state Supreme Court is getting involved in a lot of things which aren't any of its business."

She said the Boys' Club is the only facility of its kind in Santa Cruz and traditionally has served as a deterrent to teen-age crime by offering boys between the ages of eight and 18 a place in which to swim, play games, work at various crafts "and just be with boys their own age."

"Many of our members are from single-parent homes," she said, "and we fill a real need. I'm not sure that we can continue to do that if we spread ourselves too thin."

The potential impact of the California Supreme Court decision was not immediately clear.

The 5-2 majority opinion cautioned that the ruling would not necessarily cover "organizations which operate facilities not generally open to the public, or which maintain objectives and programs to which the operation of

facilities is merely incidental."

"Nor does our holding necessarily apply to an organization which can demonstrate a compelling need to maintain single-sex facilities," Justice Joseph Grodin wrote for the court's majority.

Grodin pointed to the U.S. Supreme Court's similar decision last year against the Jaycees' men-only membership policy.

San Francisco attorney Susan Popik, who won Monday's ruling for the American Civil Liberties Union, said each group would have to be studied case-by-case to see whether it fell within the boundaries set by the court.

All that was certain, said Popik, was that the ACLU's clients — three girls who wanted to swim in the Boys' Club pool, and two boys who wanted the girls to be able to swim there — "can take a victory lap if they want."

The organization in 1973 adopted a policy of letting local clubs decide whether to admit girls. Since then, 80 percent of the 133 clubs in California have gone coeducational, and 25 percent of the clubs' 140,000 California members are girls.

Clubs in Lodi and Stockton said Monday that they admit girls, and the Stockton club's executive director is a woman.

McClatchy News Service also contributed to this report.