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IT'S NOT JUST YOUR FATHER'S GAME ANYMORE: RECENT CONNECTICUT LEGISLATION PROHIBITS GENDER DISCRIMINATION AT GOLF COUNTRY CLUBS

INTRODUCTION

Since youth-phenom Tiger Woods joined the Professional Golf Association tour last year, there has been a dramatic increase in the popularity of golf. What was once mainly a game enjoyed by white male professionals has expanded to include people of all races, ages, and genders. Golf country clubs, traditionally considered to be havens of racism, sexism, and other forms of bigotry, are reversing their philosophies by recognizing the changing nature of the game and admitting more minorities and women as members.¹

Even if a country club allows a person to become a member, that person may still experience discrimination. For example, discrimination based on gender still exists at many country clubs throughout the nation.² Even if a woman becomes a member at a country club, there may be rules that limit the days and times when she is allowed on the course, prohibit her from eating or congregating in certain clubhouse areas, and deny her some or all membership voting rights.³

Although women have made advances in the business world, which enables more of them to afford the high cost of country club membership, the door of equality may be closed abruptly once they

1. This is not to suggest that race and gender discrimination are not still widespread at golf country clubs. For example, Augusta National, where the Masters Tournament is held, has recently admitted only 2 minority males and no women to its membership body of 250. Other clubs, such as Shoal Creek in Birmingham, Alabama, admitted token minority members after the PGA threatened not to hold tournament events at those sites. Tiger Woods has also been criticized for practicing at Lochinvar Country Club in Houston which discriminates against women.

2. Marcia Chambers, *No Room in the Grill: Woman Sues Country Club for Discrimination*, 1997 WL-NYT 9728200001, Oct. 9, 1997.

3. *Id.*

enter the gates of these bastions of elitism.⁴ The Hartford Courant newspaper illustrated this when it profiled a business woman who joined an exclusive suburban Connecticut country club as a full member, paying a large initiation fee and annual dues of approximately \$6,000.⁵ Males who obtain full membership status must pay the same amount.⁶ Despite making equal payments, she cannot eat in the all-male dining area, sit on the club's governing board, or play a round of golf whenever she wants.⁷

Unfortunately, this situation is often the rule, not the exception. Some country clubs try to compensate for the tee off time restrictions by setting a time period just for women. These slots are often less desirable times to play, usually falling on weekdays, whereas the men are given weekend times for their exclusive use.⁸ This may have been a viable arrangement a generation ago when the only females who played golf were the non-working wives of wealthy male members. This is no longer the reality. Working women are becoming club members on their own.⁹ Accordingly, tee off time restrictions are outdated and prevent women from maximizing the use of their costly country club memberships.

In Connecticut, a state known for its affluent golfers and bucolic New England surroundings, the legislature recently passed a law prohibiting gender discrimination at golf country clubs in an effort to remedy this problem.¹⁰ This Act proscribes the denial of membership, mandates the equal use of its facilities to members, and states that all membership classes shall be the same.¹¹

4. *Id.*

5. Editorial, HARTFORD COURANT, Apr. 2, 1997, at A10.

6. *Id.*

7. *Id.*

8. *Id.* (mentioning that at Connecticut's Madison Country Club, Saturday morning is reserved for men, while Thursday morning is set aside for women, who are usually working to afford the hefty membership fees on that day) *See also* Kerri S. Smith, *Tee Times "Not Prime Time" for Women*, DENVER POST, August 2, 1997, at AA01 (noting that a telephone survey of 21 private golf clubs in the Denver area revealed that two-thirds of them exclude women "during the most popular hours of play").

9. *See* Chambers, *supra* note 2.

10. Act Concerning Discrimination by Golf Country Clubs, 1997 Conn. Legis. Serv. P.A. 97-85 (West).

11. *Id.* § 1(c).

This article will examine Connecticut's new Act. Section I of this article focuses on the contents of the Act. Section II reports on the responses to it. Section III describes how other states have addressed this problem. Section IV examines a state's power to regulate private clubs. Section V explains how Connecticut's law furthers its goal of eliminating discrimination.

I. THE CONNECTICUT ACT CONCERNING GENDER DISCRIMINATION BY GOLF COUNTRY CLUBS

Upon hearing testimony from female country club members detailing the discriminatory practices of those institutions throughout the state,¹² the Connecticut legislature passed an Act Concerning Gender Discrimination at Golf Country Clubs.¹³ The Act, which will take effect on January 1, 1998, defines country clubs, creates state authority over the clubs, proscribes discriminatory conduct, and provides a remedy for violations.¹⁴

In response to the clubs' past membership restrictions, the Connecticut legislation sets forth clear provisions that regulate a country club's conduct.¹⁵ The statement of purpose of the act is "[t]o prohibit country clubs and golf clubs discriminating in membership and access to its facilities and services."¹⁶ The law provides that "no golf country club may deny membership . . . to any person on account of race, religion, color, national origin, ancestry, sex, marital status or sexual orientation."¹⁷ It also prohibits the type of discrimination about which the women testified by mandating that "all cases of membership in a golf country club shall be available without regard to race, religion, color, national origin, ancestry, sex, marital status or sexual orientation."¹⁸

12. Marcia Chambers, *Female Golfers Are Challenging Country Club Rules*, N. Y. TIMES, March 28, 1997, at B2.

13. P.A. 97-85.

14. *Id.*

15. *Id.* §1

16. CONN. H.B. 6398 (West 1997).

17. P.A. 97-85, § 1(b).

18. *Id.* § 1(c).

The Act defines a golf club as an association of persons “consisting of not less than twenty members who pay membership fees or dues and which maintains a golf course of not less than nine holes.”¹⁹ The other criterion is that the club receives payment for dues, fees, use of space, facilities, services, meals or beverages, directly or indirectly, from or on behalf of non-members.²⁰ This non-member requirement will usually be met because most clubs allow members to bring guests. Guests usually have to pay an additional fee to participate in any of the activities provided by a country club, including playing a round of golf. By including this section, Connecticut legislators realized that when clubs allow non-members to partake in a club’s events, the country club is opening up its facilities to the public to some extent, thus opening itself to state regulation.²¹

Opponents of the legislation argue that a state does not have authority to regulate a private entity such as a golf country club. However, the state has created some leverage in this area. Section 1 (a) (2) of the Act affirmatively provides that if the club holds a permit to sell liquor that a Connecticut state agency granted,²² the club is subject to the provisions of the act. The State cannot close down a country club if it violates the act, but it can revoke the liquor license issued to the country club.²³ Since most country clubs depend on selling alcoholic beverages to raise a significant portion of their revenue, holding their liquor licenses in the balance is a powerful incentive to induce country clubs to comply with the new regulation.

Connecticut’s new statute also provides a remedy for a country club’s discriminatory action. An aggrieved party may bring a civil action in a Superior Court, both in equity and at law.²⁴ The action may seek to enjoin further violations, and a plaintiff may recover actual damages sustained by a violation or two hundred fifty dollars, whichever is greater.²⁵ Moreover, a plaintiff may also

19. *Id.* § 1(a)(1).

20. P.A. 97-85, § 1(a).

21. *Id.*

22. Conn. Gen. Stat. § 30-1 *et seq.* (1997).

23. P.A. 97-85, § 1(g).

24. *Id.* § 1 (g).

25. *Id.*

receive costs and reasonable attorney's fees.²⁶ In addition to the private remedy afforded to plaintiff, Connecticut reserves the right to suspend a violating club's liquor license until the state determines that the violation has been corrected.²⁷

Connecticut legislators have responded to its affluent constituents by passing a law to ensure that the majority, if not all, female country club members will not be denied the services for which they have paid. This is not a law without teeth. By including the remedies listed above, private country clubs are put on notice that Connecticut will not tolerate their long-standing discriminatory practices.

II. RESPONSES TO THE ACT

Interestingly, many powerful Connecticut women are opposed to the Act, while there are many males who supported it, showing that battle lines of gender equality are not drawn along gender lines. Valerie Bulkeley, the first female president of the Hartford Golf Club, responded, "I am opposed to discrimination obviously. But when it comes to the internal workings of a club, I think you have to work that out within the club."²⁸ With that statement, Ms. Bulkeley disregards that the vast majority of country club members traditionally are male; most clubs' governing boards are overwhelmingly male, and will continue to discriminate against women who pay the same amount of membership fees unless there are rules in place forbidding it.

Connecticut State Representative Marilyn Hess (R-Greenwich) voted against the bill.²⁹ Hess, a member of the exclusive Greenwich Country Club located in that wealthy hamlet, agreed that the proper forum to change current practice is a club's board of

26. *Id.*

27. *Id.* § 1 (h).

28. Maxine Bernstein, *Female Golfers Looking to Strike Discrimination Aim to Eliminate Sex Based Biases at Private Clubs*, HARTFORD COURANT, Apr. 1, 1997, at A3.

29. Matthew Daly, *Bill Would Give Women Country-Club Equality*, HARTFORD COURANT, May 8, 1997, at A3.

directors, not the General Assembly.³⁰ Her view on the issue is best described by her quote, “why the legislature should have anything to do with it is beyond me.”³¹ Other representatives thought that the easiest way to solve the problem would be for women simply not to join golf country clubs that engaged in discriminatory practices.³²

However, the Act passed, with many legislators wholeheartedly supporting the bill. For example, the bill’s sponsor, Rep. Ellen Scalettar (D-Woodbridge), claimed that “[p]eople are shocked this goes on in this day and age -- but it does.”³³ This reaction was not limited to female lawmakers. Rep. Scott Santa-Maria (R-Brookfield), summarized his views by saying: “This is 1997, folks, and the last time I checked women weren’t second-class citizens. Yet the clubs, many of them, treat women as second-class citizens.”³⁴ Connecticut’s Attorney General, Richard Blumenthal, also supported the bill.³⁵ He conceded that, “clubs should be able to establish whatever rules they want,” but maintained that “the state should not be a participant where there is illegal discrimination.”³⁶

There were concerns within the legislature that the bill would not achieve its worthy goal of eliminating discrimination in the private country club setting due to the language used when it was drafted.³⁷ The problem, debated extensively by the legislature, was

30. *Id.*

31. *Id.*

32. Bernstein, *supra* note 28, at A3. During testimony before the Connecticut State Assembly, State Rep. Michael J. Jarjura (D-Waterbury) asked why a woman would want to join a club that discriminates in this manner. A woman who had been a member of an exclusive country club for fifteen years responded that while this treatment may have been acceptable fifteen years ago, it is not justifiable any longer.

33. Daly, *supra* note 29, at A3.

34. *Id.*

35. Bernstein, *supra* note 28, at A3.

36. *Id.* As far as state participation, Blumenthal was probably referring to the state-issued liquor licenses. Granting or continuing to provide these licenses to clubs that discriminate would be tantamount to Connecticut condoning their antiquated behavior.

37. Daly, *supra* note 29, at A3.

the intent behind section 1(g) of the statute.³⁸ This section states that “[n]othing in this section shall be construed to prohibit a golf country club from sponsoring or permitting events that are limited to members of one sex if such club sponsors or permits events that are comparable for members of each sex.”³⁹ While this does not affect the goal of granting women equal membership voting power, if construed literally, this provision would defeat one of the main purposes of the act: to eliminate restrictions on playing time based on gender. Opponents of the bill argued that this section gave a golf country club permission to limit some tee times only for men, as long as equal times were set aside for women only.⁴⁰ If this was the correct interpretation, then clubs were free to restrict prime weekend tee times for men as long as comparable, but different, times were devoted solely to women.

When questioned on that point, Rep. Scalettar replied that the “separate but equal” tee times would not be allowed under the act, because weekday tee times are less desirable than weekend times, thereby rendering those times incomparable for purposes of the Act.⁴¹

III. OTHER STATES’ SOLUTIONS

Connecticut is not the first state to deal with this form of gender discrimination. However, it is unique in the way that it addressed the problem. This is because the Connecticut legislation provides specific legal and equitable remedies for a wronged party.

Another northeast state, New Jersey, has followed in Connecticut’s footsteps and passed a similar measure on August 1, 1997.⁴² However, rather than creating a new law, New Jersey amended its existing public accommodation discrimination statute.⁴³ According to the language of the new section, a private club or association cannot:

38. *Id.*

39. P.A. 97-85, § 1 (g).

40. Bernstein, *supra* note 28, at A3.

41. Daly, *supra* note 29, at A3.

42. 1997 N.J. Sess. Law Serv. 179 (West).

43. *Id.*

directly or indirectly refuse, withhold from, or deny to any individual who has been accepted as a club member and has contracted for or is otherwise entitled to full club membership any of the accommodations, advantages, facilities or privileges thereof, or to discriminate against any member in the furnishing thereof on account of the race, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation or nationality of such person.⁴⁴

Like Connecticut, New Jersey has reserved its right to exercise its authority over state-issued liquor licenses if a violation is discovered.⁴⁵

One significant difference between the Connecticut and New Jersey legislation is that New Jersey's prohibition only applies to those people who have already been admitted as full members to a private club.⁴⁶ This gives clubs the right to refuse to admit women if they choose.⁴⁷ Therefore, the New Jersey law does not further the ultimate goal of prohibiting gender or race as member selection criteria. The amendment simply protects existing women from being treated as second-class citizens at private clubs. Unfortunately, private clubs may respond by curtailing their admittance of women.

Other states do not ban discrimination on golf courses outright, but give favorable tax treatment to those who belong to country clubs that do not discriminate. For example, Iowa's Attorney General has interpreted numerous provisions of that state's code, concluding that individuals who belong to private clubs that

44. *Id.*

45. *Id.* Maine also uses its liquor licenses as leverage, with a specific provision that denies eligibility to golf clubs or restaurants that the Maine Human Rights Commission has found to have denied membership to a person for discriminatory reasons. ME. REV. STAT. ANN. tit. 28-A, § 601 (2) (J) (West 1997).

46. 1997 N.J. Sess. Law Serv. 179.

47. Ron Marisco, *Broader Equality Law Suits Women to a Tee: Golf Clubs Can't Favor Their Male Players*, NEWARK STAR LEDGER, August 2, 1997, at 009.

discriminate on the basis of age, sex, marital status, race, religion, color, ancestry, or national origin will be disallowed from taking a personal income tax deduction on the money paid to that club.⁴⁸ The Iowa Attorney General's opinion specifically states that no personal tax deduction will be allowed, "for Iowa income tax purposes, if a club imposes time and/or place limitations or restrictions upon the use of its services or facilities based upon age or sex."⁴⁹ Despite this ruling, separate tournaments based upon the gender of the participants do not *per se* destroy the deductibility of money paid to the club as long as the services and facilities of the club are not monopolized by a single sex during the tournament.⁵⁰ However, the clubs cannot abuse that privilege. "If the services or facilities of the club are monopolized by members of a single sex during the tournaments, the deductibility of all expenditures made at, and payments made to, the club is destroyed."⁵¹ The opinion stressed that discrimination is not prohibited *per se*, but tax deductions for payments made to private clubs are denied to those "who patronize private clubs which employ such restrictions."⁵²

Gender discrimination on golf courses is not limited to the United States. This battle is raging in other countries where golfing is prevalent. In Great Britain, for example, the government is planning an "overhaul of legislation" that would empower women members to take private country clubs to court if they suffer discrimination.⁵³

48. 1992 Op. Iowa Att'y Gen. 126, 1992 WL 470349. This opinion relies heavily on *Ladd v. Iowa West Racing Assoc.*, 438 N.W.2d 600 (1989); and interprets IOWA CODE §§ 422.7(24), 422.9 (2) (g), 422.35 (14) (1991).

49. 1992 Op. Iowa Att'y Gen. 126.

50. *Id.*

51. *Id.*

52. *Id.*

53. Rajeev Syal & Edward Welsh, *Women Golfers on Course for Club Equality*, SUNDAY TIMES - LONDON, July 20, 1997, at News 10 (noting that the goal of legislation is to comply with European Union Articles prohibiting gender discrimination. This would not affect British clubs that cater solely to men).

IV. STATE POWER TO REGULATE PRIVATE CLUBS - IS THERE A FIRST AMENDMENT VIOLATION?

The United States Congress enacted Federal Civil Rights legislation to prevent discrimination in public places in response to the Civil Rights movement in the early 1960s.⁵⁴ In the federal legislation, Congress purposely excluded private clubs from the reach of its public accommodation mandate.⁵⁵ Connecticut, as well as many other northern states, already had similar statutes to combat discrimination in public places.⁵⁶

California is one of the first states to determine that some private golf clubs can nevertheless be regulated by the state under public accommodation mandates and be ordered not to discriminate. California's Civil Code section 51, also known as the "Unruh Civil Rights Act," takes a different approach on defining what types of facilities are prohibited from discriminating against groups.⁵⁷ Instead of describing the facilities as public accommodations, California exercises authority over "business establishments of any kind whatsoever."⁵⁸

The California Supreme Court, in the case of *Warfield v. Peninsula Golf & Country Club*,⁵⁹ held that a private, nonprofit golf country club could be a business establishment for purposes of the Unruh Act.⁶⁰ This is not, however, a black letter rule. The Court recognized that a private social club is not generally considered a traditional business establishment, but determined that this does not remove a private club automatically from the Unruh Act's control.⁶¹ The Court examined several factors when

54. 42 U.S.C. § 2000a *et seq.* (1997).

55. 42 U.S.C. § 2000a(e) (stating that prohibition against discrimination in places of public accommodation does not apply to a private club or other establishment not open to the public).

56. Connecticut enacted its public accommodations law in 1949. *See* CONN. GEN. STAT. ANN. § 53-35. (West).

57. CAL. CIV. CODE § 51 (West 1997).

58. *Id.*

59. 896 P.2d 776 (Cal. 1995).

60. *Id.*

61. *Id.* at 789. Other states, such as Montana, have relied solely on their public accommodation statutes to hold that a golf club unlawfully discriminated

ruling that the club in question was subject to the Unruh Act: (1) the club had over 700 members; (2) the club engaged in regular business because it charged non-members to participate in club activities as guests of members; and (3) members conducted business among themselves in the form of transactions and negotiations carried out during a round of golf.⁶²

Peninsula Golf & Country Club asserted that this type of regulation unconstitutionally infringed its freedom to associate.⁶³ The California Supreme Court rejected this argument after examining the United States Supreme Court's line of cases regarding the ability of private organizations to exclude certain groups of people from its membership.⁶⁴ In *Roberts v. United States Jaycees*,⁶⁵ the Supreme Court did not allow a chapter to exclude women from becoming members as a result of their participation in many areas of the club in non-member capacities.⁶⁶

In deciding *Roberts*, the Court created a new test to determine whether a club could be regulated because of its business activities, named the "predominantly commercial activity test."⁶⁷ The Court held that since many clubs or associations cannot be classified as purely expressive or purely commercial, the standard must "accept the reality that even the most expressive of associations is likely to touch in some way or another, matters of commerce."⁶⁸ Under this analysis, an association should be considered commercial, and therefore subject to rationally related state regulation of its membership, "when, and only when, the association's activities are not predominantly of the type protected by the First Amendment."⁶⁹ Even if the entity's activities are not

against a woman. *See, e.g.,* *Hilands Golf Club v. Ashmore*, 922 P.2d 469 (Mont. 1996) (upholding a ruling of the Montana Human Rights Commission that a golf club discriminated based on gender in its public accommodations).

62. *Warfield*, 896 P.2d at 798.

63. *Id.* at 794.

64. *Id.* at 797.

65. 468 U.S. 609 (1984).

66. *Id.* at 621 (reasoning that constitutional protection is not warranted because "numerous nonmembers of both genders regularly participate in a substantial portion of activities central" to the organization).

67. *Id.* at 635 (O'Connor, J., concurring).

68. *Id.*

69. *Id.*

predominantly commercial, it may still be subject to rationally related state regulation because courts are required to balance the discriminatee's equitable interests in inclusion against the organization's right of association.⁷⁰

The California Supreme Court followed *Roberts* in the *Warfield* case, since the country club in question had women who were allowed to remain lesser members or full members through a grandfather clause despite the amendment to its by-laws prohibiting women from attaining full proprietary membership.⁷¹ Furthermore, the California Court ruled that First Amendment freedom of association protections are inapplicable, since a men-only requirement would not advance a specific purpose in the club's membership, nor would the inclusion of women impair any of its goals.⁷²

The California decision has been criticized for several reasons. For example, while it held that one specific private club is a business establishment, it created no clear rule as to when a private club constitutes a business establishment for purposes of Unruh.⁷³ In addition, there has been criticism that the California Court only applied California's business establishment test because of the private nature of the club, ignoring the United States Supreme Court's "predominantly commercial activity test" expounded in *Roberts*.⁷⁴ Nevertheless, California took a bold step and ruled that this type of discrimination, even by private country clubs, is unacceptable and will not be tolerated if it qualifies as a business establishment.

70. *Id.*

71. *Warfield*, 896 P.2d at 798.

72. *Id.* See also Board of Directors of Rotary Int'l v. Rotary Club, 481 U.S. 537 (1987).

73. *Warfield*, 896 P.2d at 798.

74. Even if an organization is not predominately commercial, discrimination can still be found when balancing the wronged party's equitable interests against an organizations right of association.

V. THE CONNECTICUT LAW FURTHERS THE WORTHY GOAL OF
ERADICATING DISCRIMINATION IN A CONSTITUTIONALLY
PERMISSIBLE MANNER

Connecticut has always been in the forefront of ensuring equality among all its citizens.⁷⁵ Given the Court's equal rights jurisprudence, the Connecticut Supreme Court will probably uphold this legislation if challenged. Ten years ago, Connecticut's high court, with a woman serving as its Chief Justice, interpreted Connecticut's public accommodations law⁷⁶ very broadly in *Quinnipiac Council, Boys Scouts of America, Inc. v. Commission on Human Rights and Opportunities*⁷⁷ to include business establishments.⁷⁸ The Court ruled that the definition of a public accommodation in Connecticut is "any establishment which caters or offers its services or facilities or goods to the general public."⁷⁹ Additionally, the Connecticut Supreme Court took its cue from the recent United States Supreme Court decisions of *Roberts* and *Rotary International* to proclaim that its public accommodations laws "plainly serve compelling state interests of the highest order,"⁸⁰ and that these laws "serve . . . the state's interest in eliminating discrimination against women."⁸¹

In *Quinnipiac*, the Connecticut court ruled that once an organization has determined to "eschew selectivity," it may not discriminate among the general public.⁸² However, this mandate alone is not enough to stop gender discrimination at country clubs. It is improbable that a court would hold that merely allowing guests to be present and participate while accompanied by a

75. See, e.g., *Evening Sentinel v. National Organization for Women*, 357 A.2d 498, 503 (Conn. 1975) (stating *in dictum* that the people and legislators of Connecticut have unambiguously indicated an intent to abolish sex discrimination, given its approval of the equal rights amendment to the United States Constitution).

76. CONN. GEN. STAT. §46a-64(a) (1997).

77. 528 A.2d at 352 (Conn. 1987).

78. *Id.* at 355.

79. *Id.* at 358 (quoting CONN. GEN. STAT. § 2464c (Sup. 1953)).

80. *Id.* (quoting *Roberts*, 468 U.S. at 624.)

81. *Id.*

82. *Quinnipiac Council*, 528 A.2d at 359.

member would cause a country club to forfeit its claim of selectivity. The country club would therefore not be accountable. Moreover, this would not protect women members who pay the same amount as men, it would only protect the general public. Therefore, to prevent the relegation of women to second-class citizenship on the golf course, Connecticut's new law is an appropriate and necessary safeguard.

Last year, in *United States v. Virginia*,⁸³ the United States Supreme Court found that the Virginia Military Institute's ("VMI") long-held tradition of excluding women from attending violated the Fourteenth Amendment.⁸⁴ The Supreme Court held that the exclusion of women at VMI did not serve an important government interest and was entirely discriminatory. As a result, VMI's single-sex status was eliminated.⁸⁵ In her majority opinion, Justice Ginsburg wrote that sex classifications may be used "to compensate women for particular economic disabilities they have suffered, to promote equal employment opportunity, . . . [b]ut such classifications may not be used to create or perpetuate the legal, social, or economic inferiority of women."⁸⁶ The United States Court of Appeals for the First Circuit followed the Supreme Court's mandate in *VMI* when it decided *Cohen v. Brown University*,⁸⁷ stating that "from the mere fact that a remedy flowing from a judicial determination of discrimination is gender conscious, it does not follow that the remedy constitutes 'affirmative action' or reverse discrimination."⁸⁸

The Connecticut law easily fits within the United States Supreme Court's guidelines. This purpose of this Act is to

83. 116 S. Ct. 2264 (1996) [hereinafter *VMI*].

84. *Id.* at 2269. VMI barred the admission of women since its inception in 1839 due to its "adversative method" of military instruction. When ordering VMI to admit women, the Court determined this manner of military instruction as not inherently unsuitable to women.

85. *Id.* The Court analyzed Virginia's practice using "intermediate scrutiny," the traditional method of determining whether gender classifications are constitutional. See *Craig v. Boren*, 429 U.S. 190 (1976). To satisfy this scrutiny, the law or practice must serve an important state interest and be substantially related to that interest.

86. *Id.* at 2276.

87. 101 F.3d at 155 (1st Cir. 1996).

88. *Id.* at 172.

eradicate the economic and social suffering of women who have joined these clubs, paid the same amount as men, but are not given the same treatment. It does not favor women over men; it only seeks to put men and women on equal footing while not putting males at a disadvantage. While the Act may be limited in its application to affluent women who can afford club fees, this law does promote Connecticut's long-standing commitment to gender equality and seeks to eliminate second-class citizenship of women, regardless of their success in other areas.

VI. CONCLUSION

One concern with the statute is that its language may not adequately assure that the purpose of equal tee times will be achieved due to the term "comparable." Although the law's sponsor explained that the current practice of weekend tee times for men and weekday tee times for women is not acceptable because it is not desirable, a court interpreting the statute may not see it the same way. If only the plain meaning is afforded to the word "comparable," it is possible that a court will allow a country club to maintain its tee time policies if properly categorized as an "event" and equal time is allotted elsewhere to women-only play. On the other hand, it is possible that Rep. Scalettar's statements that "comparable" means "desirable" would be given some weight if a court examined the statute's legislative history and intent. Furthermore, the Connecticut Supreme Court has consistently held that a statute should not be interpreted in any way to thwart its purpose.⁸⁹ Thus, despite this flaw, it is probable that the intent of the Act will still be honored.

Connecticut should be commended for attempting to eliminate discrimination of women country club members. While critics may claim that women who can afford hefty initiation fees and dues just to play golf do not deserve the protection of the legislature, discrimination on any level should not be condoned. It took courage for Connecticut to take on these exclusive fortresses

89. *Evening Sentinel*, 357 A.2d at 502 (quoting *Turner v. Scanlon*, 148 A.2d 334 (Conn. 1959)).

of wealth and power, and given Connecticut's and the United States Supreme Court's stances on gender discrimination, the measure will most likely be upheld if challenged on Constitutional grounds.

Joseph B. Chervin