

## Memorandum on Boy Scouts of America

By UAHC-CCAR Joint Commission on Social Action

MEMORANDUM

January 5, 2001

To: UAHC Congregations

From: Rabbi Dan Polish, Director of the Commission on Social Action Judge David Davidson,  
Chair of the Commission on Social Action

Re: Boy Scouts of America

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In 1999, the Commission on Social Action sent you a resolution on the Boy Scouts of America (BSA), recommending options for action in advance of a then-pending Supreme Court action on a New Jersey case that would have ended the Boy Scout's policy of discrimination against gay scouts and scout masters.

The Religious Action Center filed as an amicus curiae in the Supreme Court case, voicing our disagreement with the Boy Scout's discriminatory policy. However, on June 28, 2000 the U.S. Supreme Court, by a 5-4 vote, overturned the New Jersey decision and affirmed the right of the Boy Scouts to discriminate on the basis of sexual orientation. Since then, the Boy Scouts of America has given no indication that it will change its position.

Following the Supreme Court decision, a number of groups across the country have expressed disagreement with the Boy Scout's policy. Nationwide, the BSA has lost financial support from corporations and organizations, including Chase Manhattan Bank, Levi Strauss, and several local United Way chapters. In addition, at least nine public school districts-including the New York City public schools and the San Diego school system-have ended school sponsorship of Boy Scout troops and Cub Scout packs. The Los Angeles City Council, in December 2000, voted to cut all ties to the Boy Scouts, including the practice of allowing the use of public facilities without charge.



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The UAHC and the CCAR have been strong voices in the fight to end all discrimination based on sexual orientation and in advocating for full equality of gays and lesbians in all aspects of congregational life. In addition to last year's Commission on Social Action resolution, NFTY, NFTB, and the CCAR have all adopted resolutions condemning the Boy Scouts' exclusionary policy<sup>1</sup>.

In light of the Supreme Court decision, many congregations have asked us for further guidance in responding to the latest developments. While we maintain our hope that the Boy Scouts of America will abandon its discriminatory policies, its lack of response to the many expressions of disagreement and disappointment with the policies gives us little basis for optimism. Therefore, and with pain, we must recommend that congregations sponsoring/housing troops/packs withdraw sponsorship of a troop/pack and/or stop housing one.

If a congregation or congregational affiliate that sponsors or houses a Boy Scout troop/Cub Scout pack shares our conclusion that working from within the Boy Scouts of America is no longer a viable or productive option, it may wish to sever those ties as incompatible with our consistent belief that every individual—regardless of his or her sexual orientation—is created in the image of God and is deserving of equal treatment. If it does so, we encourage the congregation or congregational affiliate to make the action and the rationale known to the Boy Scouts of America and to the public as a means of education on this issue.

In addition, we recommend that parents with children in non-Reform affiliated troops withdraw their children from troops/packs. We recognize the difficulty of this parental decision, yet we also understand that many individuals find it impossible to reconcile the Boy Scout's discriminatory policy with our Reform Jewish values regarding gay and lesbian equality. Parent's decisions may be influenced by the response of the leadership of the troops/packs to which their children belong to the position of the Boy Scouts of America Association.

Even while making those difficult recommendations, we recognize that each congregation and each set of parents must, in the final analysis, make its own decisions, and that there remain many who believe that it is important to work for change from within the Boy Scouts organization. For these reasons, the Commission recommends the following range of options to those who are not yet able or willing to withdraw from the BSA:

p99. 1. Publicly amend the local charter: While the Boy Scouts of America does not officially recognize these individual charter agreements, and can still expel a gay scout or leader, adding a non-discrimination clause makes an important statement. As suggested in the CSA 1999



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resolution, UAHC congregations that sponsor Boy Scout troops/Cub Scout packs have the right to create their own charters and detail their own admissions guidelines. A congregation that sponsors a Boy Scout Troop can review its charter and make necessary changes in order to clarify its openness to all members, regardless of sexual orientation. To further emphasize its commitment to values of equal treatment, a congregation may send a copy of that version to the Boy Scouts of America. At this time, the Boy Scouts of America has not responded to these changes with punitive measures such as derecognition of the charter or expulsion of the troop/pack. However, according to their by-laws, it is their right to do so.

2. Withdraw financial support of the Boy Scouts of America: As suggested in the 1999 CSA resolution, individuals who are members of UAHC congregations can withdraw charitable donations to the Boy Scouts of America. Congregants and congregations who wish to do more can lodge their concerns with their local United Way, school systems, and other sponsors or funders of local Boy Scout troops/Cub Scout packs.

3. Continue official protests to the Boy Scouts of America: This option allows a congregation to affirm its support for Reform Jewish policies on gay and lesbian equality while maintaining support for the many affirmative aspects of scouting. Congregations and members of the clergy are in a position to protest the Boy Scouts officially, on the local, regional, and national level. Official calls and letters from the congregation constitute a particularly powerful voice for change.

4. Continue personal protests to the Boy Scouts of America: Personal letters, phone calls, or even visits to local, regional, or national Boy Scout offices make a strong statement showing commitment to the Boy Scouts, while at the same time explaining deep disappointment with the choices they have made and continue to make. Every congregant can engage in such protest, either as a member, a parent, or simply a concerned citizen.

5. Renounce personal ties with the Boy Scouts of America: Public renunciation of Boy Scout rank and/or membership by adult men makes a very powerful statement.

6. Publicly create programs, both for Boy Scout troops/Cub Scout packs and for congregations as a whole, to combat the message sent by the Boy Scouts of America: Membership in the Boy Scouts of America is a strong formative experience for boys, but it is up to us to turn that experience into one in keeping with our own values. We can use this opportunity as a way to teach positive lessons of inclusion. Rabbis and educators can work with lay leaders and scout masters to develop programming within the framework of Boy Scout lessons, in order to teach



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the boys involved our objection to any kind of prejudice and discrimination on the basis of sexual orientation, inclusion in general, and our belief in the evils of all forms of discrimination.

Beyond programming for Boy Scout troops/Cub Scout packs, it is important to use the synagogue as an education forum for all. Present programs and offer classes within the synagogue's educational framework about equality, and the Reform Movement's positions regarding total inclusion of gays and lesbians.

7. Create and work within coalitions: For the most part, non-religious groups have taken center-stage in fighting Boy Scout policy. As religious groups are generally considered to be moral leaders, taking a vocal role in coordinating efforts to fight this discrimination could make a real difference. Religious groups alone have a powerful voice; together that power can only grow. Work on a local, regional and national level to build coalitions with religious and other groups concerned about this issue. Use these coalitions as another voice through which to speak to the Boy Scouts. The Lambda Legal Defense Fund is compiling a list of currently existing coalitions on the local level, which is available from the Religious Action Center. In addition, Scouting for All, an organization made up mainly of troop leaders, scouts, and scouting parents with the ultimate goal of getting the BSA to rescind its discriminatory policy, is currently expanding its Alliance program to continue to address this issue. Information is available on their website at <http://www.scoutingforall.org>.

8. Encourage participation in other groups instead of the Boy Scouts: While the Boy Scouts of America is certainly the most well-known organization for young men, there are other organizations whose policies are not in conflict with our beliefs. Some examples of these groups include 4-H Clubs, Boys and Girls Clubs of America, and Campfire Girls and Boys.

Please note that we will be alerting the media as to this decision. If you have any questions about the recommendation or about how to handle press calls, please do not hesitate to contact any of us, or Sari Laufer, Legislative Assistant at the Religious Action Center ([slaufer@rac.org](mailto:slaufer@rac.org), 202-387-2800). Let it be further resolved that NFTY encourages all of its members to divest from the Boy Scouts of America and all other organizations affiliated with the Boy Scouts having the same policy financially and to withdraw their membership from the Boy Scouts until basic civil rights are extended to include homosexuals. -NFTY Executive Board 1992-1993

1 Operative excerpts from previous Reform Movement Resolutions include:



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Therefore let it be resolved that the Central Conference of American Rabbis calls upon the Boy Scouts of America to open its membership and leadership to all men and boys without regard to their sexual orientation, and that the CCAR begin discussions with the Boy Scouts on this matter. -CCAR April 9, 1992

NOW, THEREFORE the North American Federation of Temple Brotherhoods resolves to: Inform its members that the exclusionary policy of the Boy Scouts of America is irreconcilable with the positions of the Union of American Hebrew Congregations and its constituent organizations and commissions;

Urge its members that currently sponsor or consider sponsoring troops to convey to the Boy Scouts of America the evils of all forms of discrimination including that based on sexual orientation and to encourage the Boy Scouts of America to end its discriminatory policy. -NFTB December 1999

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