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## Scouts' Successful Ban on Gays Is Followed by Loss in Support

### Gifts Are Cut and Public Property Use Is Limited

By KATE ZERNIKE

In the two months since the United States Supreme Court ruled that the Boy Scouts of America have a constitutional right to exclude gays, corporate and governmental support for the organization has slipped markedly.

Chicago, San Francisco and San Jose, Calif., have told local Scout troops that they can no longer use parks, schools and other municipal sites. Companies like Chase Manhattan Bank and Textron Inc., have withdrawn hundreds of thousands of dollars in support to local and national scouting groups nationwide. Dozens of United Ways from Massachusetts to San Francisco have cut off money amounting to millions of dollars each year.

And Connecticut, in what may become a test case, has banned contributions to the Scouts by state employees through a state-run charity. The state is also considering whether to block the Scouts from using public campgrounds or buildings.

"It's a watershed issue," said C. Joan Parker, assistant counsel to the Connecticut Commission on Human Rights and Opportunities, which must issue a ruling by Nov. 8 on

whether the Scouts violate state anti-discrimination laws.

If the commission rules that the group does violate those laws, the Boy Scouts would be prevented from using any public facilities.

"We have to decide, are we aiding and abetting someone that discriminates?" Ms. Parker said. "Clearly, any public entity needs to have clean hands."

Gregg Shields, a national spokesman for the Scouts, said the organization respected the right of private companies to donate only to groups of their choice. But the organization is suing the State of Connecticut to restore state employees' ability to donate to the Scouts, and Mr. Shields said his group would fight to maintain access to public schools and public places in other states as well.

"The Boy Scouts of America since 1910 have taught traditional family values," Mr. Shields said. "We feel that an avowed homosexual isn't a role model for those values."

For public and private officials around the country, the problem is a complex and painful one. On the one hand, they do not want to cut off valuable opportunities for the young or run afoul of First Amendment principles. On the other hand, by allowing a group that bans gays to use public facilities and supporting it, they violate their anti-discrimination statutes.

The trim uniform of the Boy Scouts has become almost a cherished national symbol. But at a time when same-sex benefits, diversity training and nondiscrimination policies have become routine, some companies and organizations say the Scouts' refusal to admit gays has come to seem almost un-American.

"Their position is, on the face of it, in conflict with our commitment and our values on diversity," said Jim Finn, a spokesman for Chase, which had contributed about \$200,000 annually to the Boy Scouts until stopping it last month.

The Supreme Court ruled in June

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# Boy Scout Victory on Banning Gays Is Followed by Erosion of Support Over Bias Issue

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by a 5-to-4 vote that the organization had a constitutional right to exclude gays because opposition to homosexuality is part of the organization's "expressive message."

The decision overturned a ruling last year by the New Jersey Supreme Court that applied the state's law against discrimination in public accommodations to require a New Jersey Scout troop to readmit a long-time member and assistant scoutmaster, James Dale, whom it had dismissed after learning he is gay. But the ruling did not address the merits of the ban on gays, only whether the Boy Scouts is a private group, and so has the right to set its own membership rules.

The Scouts, whose membership has grown to 6.2 million, said that the group's charter since 1910 had promoted "family values," and that its oath pledged a "morally straight" life. A homosexual, the organization said, is not the proper role model for

those values.

While the decisions to withhold support will not seriously dent the \$125 million raised annually by the Scouts national organization, the growing effort to block local chapters from meeting in places like public schools and state campgrounds raises practical problems for the Scouts. Since the ruling, many public bodies, charities and companies, including Merrill Lynch, are beginning the discussion that has taken place in Hartford. The options, they say, are equally unpleasant: hurting children who are benefiting from scouting, or supporting a position they find ethically untenable.

"Do we just cut off funding, and so hundreds of kids in Hartford aren't getting a program they so desperately need?" asked Susan Dunn, senior vice president of the United Way of the Capital Area. "Our mission is to serve our community, especially children. But it's also in our mission that we don't discriminate. That's where it becomes difficult."

The American Civil Liberties

Union filed a lawsuit against the city of San Diego on Monday asking a federal court to revoke a 50-year-old agreement that lets the Scouts lease 18 acres of parkland for \$1 a year. The lease is set to expire in 2007.

In Fall River, Mass., the executive director of the local United Way, Bob Horne, said he was stunned at how swiftly and strongly his board had acted to cut support to any Scout troops that did not sign a form saying they would not endorse the Scouts' ban on gays.

"I thought that some people would try to skirt the issue," Mr. Horne said. "But attendance was unbelievable, the best attendance we've had all year. It could not have been a more unanimous, enthusiastic vote. Obviously, there was concern for the kids, but it all came down to we really have an obligation to do the right thing."

More than half the population of Fall River, an old mill city, has Portuguese immigrants in its background, and an influx of Cambodians has arrived in the past few years.

"With those growing groups," Mr. Horne said, "people are being more aware of diversity and doing things right and being fair and not setting up separate views, the idea that people are people. People felt very strongly that we should take this step." Those who are eliminating or reconsidering their support are trying to respect, as the Supreme Court affirmed, the Scouts' right to set its own mission.

And cutting off money or access to one private group raises more questions, officials say. Do those same charities then cut off financing to groups chartered to serve, say, Latinos? Do states stop allowing Roman Catholic youth groups to use public campgrounds or school meeting rooms because the church does not ordain gays?

Among those debating whether to end support, some are reluctant to do so because they believe the local Scout chapters do not agree with the ban on gays, which was put into effect by the national organization.

"Everyone knows their work with

kids is good, and it's a policy that's not commonly enforced," said Marty Milkovic, executive director of the United Way of Northern Fairfield County, in Connecticut.

Like chapters in many other cities, the Southeastern New England United Way in Providence, R.I., has said it will require any Scout council to sign a form saying it will not discriminate. But the Boy Scouts' Narragansett Council, which receives \$200,000 from the United Way, has said it must abide by the national policy. And Mr. Shields, the spokesman for the national group, said local councils were not allowed to disavow any part of the national charter, so the councils are not allowed to sign any nondiscrimination policy that would require them to admit gays. Troops that disobey the national charter could face eviction.

Within the local councils, though, there is increasing dissent from the policy. Scouting for All, a group started by a 15-year-old scout in California, that advocates opening up the organization to gays, held a national

protest day outside Boy Scout headquarters in several cities last week. In Montclair, N.J., parents in a local Cub Scout troop are signing a petition saying they do not endorse the national policy.

In New Milford, Conn., Gale Alexander said he and his wife were torn about whether to allow their 9-year-old son to remain in the Boy Scouts. They like the skills and self-confidence the program has taught him. Mr. Alexander said, "I couldn't look at my friends if I couldn't stand up and say this is not right."

So as a compromise, the Alexanders are letting their son continue scouting, but they have decided to become vocal in their opposition to the policy. In conversations, they have discovered that other parents do not agree with it, either.

"The idea that all the rank and file is just fine with this is just a bunch of malarkey," Mr. Alexander said. "It's time now for parents to speak up and say, I don't agree with it. It's time for people to start fighting from within."