

Twenty-Plus Years of Exclusion in the Boy Scouts of America

A Simulated Debate on Inclusion in Public and Private Recreation Agencies

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Abstract

This four-day learning activity on the controversy of exclusion of gays and subsequently atheists in Boy Scouting is particularly relevant because it highlights the complexities that surround issues of equality, equity, the provision of leisure services, First Amendment rights, and the implications of court decisions on social justice. This lesson fits nicely at the end of an introductory course, in a management course or legal issues course, or most obviously in a course on diversity.

Keywords: *scouting; social justice; equality; equity; First Amendment; simulation*

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Twenty-Plus Years of Exclusion in the Boy Scouts of America: A Public/Private Debate?

There are a variety of issues facing leisure service professionals today, especially in relation to equality and equity in organizations. This four-day learning activity on the controversy of exclusion of gays (and subsequently atheists) in Boy Scouting is particularly relevant because it highlights the complexities that surround issues of equality, equity, the provision of leisure services, First Amendment rights and the implications of court decisions on social justice. Overall, the lesson encourages students to examine and discuss the opinions/stances of others in an effort to “see” why this issue is one of debate and that issues are more complex and complicated than they might appear on the surface, given the differences between the service responsibilities among public, private and commercial recreation agencies and how court decisions influence and/or change those responsibilities.

This lesson fits nicely at the end of an introductory leisure services course, a management course or legal issues course, or most obviously in a course on diversity. Several learning outcomes are associated with this lesson, and they include the ability to (a) describe forms of inclusion, exclusion, and discrimination as they exist in public, private, and commercial youth-serving organizations; (b) distinguish between equality and equity in the provision of leisure services; (c) detail the complexities associated with the Civil Rights Act of 1964 and the First Amendment of the U.S. Constitution as they relate to public, private, and commercial youth-serving organizations; (d) practice research skills and apply principles of information literacy; (e) write a persuasive argument on a position that is either consistent or inconsistent with one’s own values; and (f) articulate implications for practice related to court decisions. The outcomes are assessed in a variety of capacities including completion of a film guide, research, written statements, dialogue, debate, debrief, and a comprehensive final exam.

Background

The Boy Scouts of America (BSA), founded in 1910, exists to provide avenues for young boys to build character, develop personal fitness, and become trained in responsibilities of participating citizenship (Boy Scouts of America Statement, 2013). In 1980, 17-year-old Scout Timothy Curran took a male date to his senior prom and a picture of the couple was published in the local newspaper. Consequently, he was called to appear in front of the Boy Scouts’ council office, only to be expelled from scouting under the guise that “homosexuality and Boy Scouting are not compatible.” Curran sued, seeking an injunction that would keep him as a scout and troop leader. In 1998, the California Supreme Court ruled in favor of the BSA, ruling that Curran could not continue to serve as assistant scoutmaster in the BSA, and that the BSA did not infringe on anti-discrimination laws as applicable. The Boy Scouts of America’s official position was to “not grant membership to individuals who are open or avowed homosexuals” as scouts or as adult scout leaders (“Membership Policy FAQ,” 2013).

In 1990, James Dale, a scout leader for the BSA, became the co-president of the Lesbian/Gay student alliance at Rutgers University. When the Local BSA Troop found out about his sexual orientation, he was promptly expelled on the grounds that his homosexual lifestyle was inconsistent with the values of the BSA. Dale, an eagle scout himself, filed suit alleging that the BSA violated the state’s public accommodation law prohibiting

discrimination of memberships based on sexual orientation. The case was initially ruled against the Boy Scouts of America in the New Jersey Supreme Court, with the concurring opinion stating the need to reject unfounded stereotypes linking homosexual men to child sexual abuse (Knauer, 2000). The Boy Scouts of America appealed the judgment to the U.S. Supreme Court, where in 2000 they delivered a 5-4 ruling in favor of the BSA, arguing that the opposition to homosexuality is part of the organization's "expressive message" and that the government could not constitutionally prohibit the Boy Scouts of America from discrimination (Greenhouse, 2000).

The response to the Dale judgment was limited to the local scale for years until, in 2010, charges of child sexual abuse by troop leaders made BSA stances public (Tuttle, 2012). Since then, the public reaction has been overwhelmingly in support of LGBTQ membership and leadership. In particular, as many as 100 Eagle Scouts have returned their Eagle Scout badges in protest, while some Boy Scout troops completely ignore the ban on openly gay scout leaders by crossing out the promise to abide by the BSA policies when they renew their charter (Leitsinger, 2012). Thousands of public and private organizations, as well as private individuals, have withdrawn longstanding support due to the anti-LGBTQ discrimination. In May 2013, the BSA approved a resolution to remove the restriction that denies scouting membership to openly gay youth, but elected to still prohibit openly gay Scout leaders (Giuliani, 2014).

The resolution has been met with mixed reviews. A result of the change, the BSA has now granted the first openly gay scout, Pascal Tessier, the highest rank of Eagle Scout (Zongker, 2014). The decision to continue discrimination against gay adults, however, has led to further conflict between the BSA and local troops that have openly gay scoutmasters. One Seattle church has had their BSA charter revoked for their support of a gay Boy Scouts leader (Le, 2014). Recently, the Walt Disney Company has joined other major corporations (e.g. Lockheed Martin, Major League Soccer, UPS) in removing sponsorship of BSA while anti-LGBTQ discrimination persists (Giuliani, 2014). Conversely, the Boy Scouts' largest single community partner remaining today is the Church of Jesus Christ and Latter-Day Saints (Tuttle, 2012).

In contrast, the Girl Scouts of the United States of America (GSUSA) policy states, "Girl Scouts of the USA and its local councils and troops value diversity and inclusiveness and do not discriminate or recruit on the basis of race, religion, ethnicity, sexual orientation, socioeconomic status, national origin, or physical or developmental disability" ("What We Stand For," 2014). The ideological gulf between the two organizations (GSUSA and BSA) is wide and has roots in the Girl Scouts' history of social activism in the Civil Rights movement (Tuttle, 2012). In an analysis of the handbooks of each organization, Denny (2011, p. 27) asserted, "Taken together, girls' messages promote an 'up-to-date traditional woman' consistent with the Girl Scouts' organizational roots; boys' messages promote an assertive heteronormative masculinity that is offset by facilitating boys' intellectual passivity."

The GSUSA's commitment to anti-discriminatory policies can be seen by its willingness to welcome LGBTQ rights activists to speak at GSUSA events, be featured in Girl Scout materials, as well as promote LGBTQ rights websites. Further, Girl Scouts of the United States of America has a long history of hiring LGBTQ activists and figureheads for senior-level positions (e.g., Deb Taft, Lynn Cothren). Under this leadership, in October 2011 a Colorado Girl Scouts troop admitted a 7-year old transgender girl, Bobby Montoya (Hetter, 2012). Bobby was initially rejected due to ignorance of the GSUSA policy, but accepted

shortly thereafter. The GSUSA released a statement when the story was first reported, saying “We accept all girls in kindergarten through 12th grade as members. If a child identifies as a girl and the child’s family presents her as a girl, Girl Scouts of Colorado welcomes her as a Girl Scout” (Hetter, 2012).

The comparison of the Boy Scouts of American with the Girl Scouts and some other youth-serving organizations allows the instructor to help students understand the complex systems of gender identity, gender roles, sexual identity, heteronormativity, and their complexity as they are bound up in systems of power and institutional norms associated with the learning outcomes of the unit.

Implementation

Day One: Introducing the Issue

A cursory review of the distinctions between public, private, and commercial leisure service delivery systems serves as a nice entrée into this unit. In this review, the distinctions between equality (delivering services equal, regardless of difference) and equity (delivering services in consideration of difference) are highlighted. Following that review and definitional distinction, students watch the PBS documentary *Scouts Honor* (which should be easily acquirable through your library or on the Internet) and complete a comprehensive film guide. The film guide questions and prompts include the following questions, which are tied to the learning outcomes of the course:

1. What is the current controversy involving the Boy Scouts of America and gay scouts (and their supporters)?
2. Identify the following individuals and describe what role they have played for equality in Scouting: Tim Curran, Steven Coaza, James Dale.
3. In 1999, what was the Boy Scouts of America’s stance on gay men as scouts and troop leaders in their organization? Is that different from other Scouting organizations with which you are familiar?
4. Identify three significant court cases and their outcome in relation to gay men’s involvement in the BSA.
5. Do you believe the philosophical statements/fundamental principles written in the BSA handbook and other forms of their literature were intended to deliberately exclude people from the organization? Cite examples from the BSA literature.
6. Do you believe that the BSA falls under the category of a private recreation organization? If yes, why? And should they be allowed to exclude based on people’s primary (race, age, sexual orientation) or secondary identities (religion, economic status, geographic location) identities?
7. Is Scouting for All a reasonable or appropriate solution to the current debate over gays in scouting? How do other organizations you are familiar with deal with non-heterosexual involvement? Cite examples.

Once they have completed and turned in their film guides, students are each assigned a stakeholder and asked to adopt that person’s position for the remainder of the simulation. Typical stakeholders assigned are included in the section on facilitating the town hall meeting below.

Day Two/Three (or outside of class time depending on the class time you've allotted)

Once students are assigned their stakeholders, they use their research and information literacy skills to prepare a one- to two-page written statement to be read at a town hall meeting (described in more detail below). Their statements should reflect the position (beliefs/arguments/rationale) of their assigned stakeholder. The stakeholders are both real and hypothetical people who have some viewpoint on the issue. Most of the stakeholders have particular views on the issue, but some students may be given creative freedom with less “named” stakeholders, too. Students are encouraged to evaluate their resources carefully and to strategically discuss how their statements might “connect to” or “effectively rebuke” the statements of their peers assigned stakeholders. I usually offer up a few useful web links to help get them started: in their exploration. You could try <http://www.scoutingforall.org>; <http://www.scouting.org> or <http://www.bsa-discrimination.org>

Day Four: Town Hall Meeting

I reserve an auditorium or theatre on campus and set the stage:

The University of Georgia’s Department of Counseling and Human Development Services is hosting a public forum to discuss the current controversy over the exclusion of gays (and later atheists) from the Boy Scouts of America. The town hall meeting will be broadcast live on C-SPAN from your classroom. Several key players have been invited to attend, each having prepared a written statement they will share with the viewing audience. If time remains, the host facilitates questions of the speakers.

Before the meeting time, each student writes his or her preassigned stakeholder’s name on a Post-it note and then they are organized into specific groups (described in the Appendix). The scenario is set as if we were at a town hall meeting for C-SPAN. When I say “action,” everyone is to adopt their characters and stay in them for the remainder of class if possible. As the facilitator/host, I usually elect to play a character as well. News pundits are always good; I’m always Anderson Cooper, but you could be Rachel Maddow, Jon Stewart, Glen Beck, Robin Roberts, etc.; whomever you feel like channeling. Also, before we begin, I remind them about the very real dangers of simulations (e.g., people experiencing the real-life scenarios of suicide, exclusion, poverty, etc.), and I tell them that saying the word “cut” means the simulation has ended.

After the ground rules are set, the class moves through the simulation. Depending on the size of the class, there is a chance that you might not get to everyone. Some of the actors are pivotal, so those stakeholders are underlined in the script (see Appendix). I also take “callers” (usually parents and celebrities) and let people phone in from their seats in the audience. Most others come on stage and formally address the group with their written statements.

After the town hall meeting, students post their statements to the course learning management system discussion board so that they can understand the full scope of the issues from all sides. I encourage them to use these statements (fact checked of course) in preparation for a comprehensive exam on the material, one of the outcome assessment tools for the simulation.

Day Five: Debrief

I have found it extremely useful to build in a final day where students can debrief around the issue from their own perspective and comment on how effective the simulation was overall for accomplishing its outcomes. I ask students to answer the following debrief questions and bring them to the discussion.

What? As their character:

1. What are the major arguments you made surrounding this issue?
2. How do your core and secondary characteristics influence your perspective on this issue?
3. What do you suppose the comfort zones are for your character surrounding this issue?
4. What learning edges (i.e. places of discomfort, confusion, challenge to values, etc.) did you experience?

Out of Character:

1. Did you know the BSA actively excludes gays and atheists prior to our first class on this unit?
2. What was your initial reaction? Were there any Scouts in your group? How did they feel about the issue?
3. How did you feel as your character?
4. Was it frustrating to be your character, or did your views align with those of your character?
5. What surprised you about your character's behavior? The behavior of other characters?
6. Did your attitude change over the course of this case study? If so, how?

So What?

1. What were your comfort zones?
2. What triggers did you become aware of in this case?
3. How does this experience create a learning edge for you?

Now What?

1. How does a deeper understanding of these issues affect how you view the world?
2. How do the wide variety of conditions that are reality for people affect how we design recreation and leisure experiences to support the common good?
3. Given this experience, what can and are you willing to do to make visible your own privilege?
4. Given this experience, what can and are you willing to do to create a more equitable/equal and just society?

Recommendations

As contemporary social issues change rapidly in the United States, it is important for instructors facilitating this simulation to be up to date on the changing landscape of Scouting. Many of the students may identify as LGBTQ, as atheists, as Boy Scouts, or all three. Be prepared to facilitate challenging and controversial subject matter with your students should it arise. If you feel that the emotional safety of any of your students is being violated, do not hesitate to end the simulation immediately and honestly dialogue about

what is happening in the learning and unlearning of the experience. Mostly, I recommend instructors have fun with this simulation, while illuminating the complexity of some of the most important aspects of leisure service delivery: our human rights and the things that keep us from creating a more common good.

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Appendix

Facilitation Script

Start off welcoming everyone and **reintroducing the issue** for a “studio audience.” This reintroduction is mostly a reminder of what everyone saw in the film. The film guide provides most of the information here, but it is important to revisit for the purposes of the simulation. Tim Curran, James Dale, BSA Troop Leader, ACLU Lawyer, Steven Cozza, plus parents for and against gays in Scouting permits a recounting of the basics of the issue in a summative fashion.

Next, move into a discussion of the **Supreme Court Case** with stakeholders such as James Dale’s lawyer and the BSA lawyer. It is after this introduction that the Supreme Court Justices articulate their positions on the case. In the ruling majority on the case sits William Rehnquist (I allow for ghosts because he is dead), Clarence Thomas, and Sandra Day O’Connor. These three are the ones who had the most to say on the matter, and it is important to recognize that O’Connor had a different reason than the others for her stance in ruling for the BSA. On the opposing side and in the minority, Ruth Ginsburg and David Souter (also rumored to be gay) wrote opinions. What is most important that comes out of this portion is that the BSA is deemed a private expressive organization, not a public one, and they can choose to exclude gay members.

After this issue is made clear, move onto the **Balboa Park/Fiesta Island Issue**, which is really where most of the learning for leisure service providers materializes. This next set of court cases, where BSA has benefited from being treated as a public organization and the ACLU and LGBT activists demand that those benefits (sweet leases in and on public space, use of public schools, etc.) come to an end. Stakeholders who are needed in this section include (a) parents of gay scout in San Diego, (b) Boy Scout leader of San Diego Troop, (c) park superintendent, (d) ACLU lawyer, (e) and Judge Napoleon Jones Jr.

What is at stake here is that BSA got what it wanted, private expressive status, but now have lost the privileges of tax-funded, public accommodations. I also usually bring in the spokesperson of the United Way here, too, as he/she should articulate that while the BSA was losing this public accommodation, it was also losing the funding of the United Way; which, prior to the Supreme court decision, had been its primary funding source.

With the decline in funding and loss of public land/facility use, **the Mormon Church** (head of Mormon Church) steps in and replaces a significant portion of the funding, but also brings heightened religious values to the organization. Consequently, we start to see the exclusion of atheists. Here is where you can introduce Darryl Lambert (first atheist scout ousted), parents for and against atheists in scouting, other religious leaders such as Pat Buchanan, spokesperson for the Catholic church, etc. **Where do other youth agencies stand?** Spokespersons for Girl Scouts, Camp Fire Boys and Girls, Canadian Scouts, Boys & Girls Club, 4H, etc. Recently, with the **change in BSA’s policy** to include gays back as charges in Scouting, I now end having someone adopt the stance of the new CEO of the BSA, Robert Gates, to offer an update on where the youth-serving agency currently stands on the issue.

Finally, anywhere throughout the simulation, you can have **celebrities weigh in**, such as Ann Coulter, Steven Spielberg, former president George W. Bush, President Obama, George Clooney, Anderson Cooper, etc. They all have either public positions on the matter or their views on other social issues can be easily applied.