



The Freethought Society News

Editors: Margaret Downey, Glen Loev, Carol Roper and Other Volunteers
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Mailing address: P.O. Box 242, Pocopson, Pennsylvania 19366-0242
Phone: (610) 793-2737 | Fax: (610) 793-2569 | Email: Newsletter@FtSociety.org

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Protesting BSA Assemblies in Public Schools

by Margaret Downey

My article “Boy Scout Assemblies in Public Schools Protested,” published in the November/December 2014 *Freethought Society News*, reported that the Octorara School District had allowed the Boy Scouts of America (BSA) to hold recruitment assemblies during school hours, on school grounds in September 2014. The assembly was endorsed by teachers and administrators, who helped gather the children to hear the BSA recruitment pitch. Thanks to a concerned parent, we discovered that allowing BSA access to students was a long-standing tradition that had never been questioned, even after BSA became a *private* organization in 2000. The United States Supreme Court case *Boy Scouts of America et al. v. Dale* (530 U.S. 640, 2000) drew a clear distinction between what BSA was founded as (open to the public organization teaching “Scoutcrafting”*) and what they had become (a private organization with selective membership guidelines that excluded gays and atheists).

The BSA 1916 Charter states that BSA is a nonsectarian organization. BSA was not designed to be driven by any particular religion or religious group. Today, however, BSA is being run by religious fundamentalists (mostly Catholics, Far Right Christians, and Mormons) who are dictating current policy.

What is most peculiar is that there are no prayers said in meetings, nor are there any religious teachings within the BSA structure. Church attendance is not required, even on BSA outings. There are no religious duties that a nontheist would not perform, other than the mention of God in the Scout Oath. The word “God” could easily be changed to “Good” during a recitation. Adding one more “o” to the word is not disruptive or argumentative — just honest — an honored tenet of BSA members. Consequently, there are no good reasons to exclude members on the basis of religion.

An in-person meeting with **Dr. Thomas Newcome**, the Octorara School Superintendent, was not productive. Dr. Newcome’s position is that since there has not been an actual incident of discrimination against a nontheist he considered that matter closed and contends that until such an incident occurs, BSA can continue recruitment assemblies in the Octorara School District. He has stated this position to the press (see: December 11, 2014 *Philadelphia Gay News*, “School District Under Fire For Hosting Scouts Assembly”) and added that the issue of discrimination against nontheists did not apply to local troops in the Octorara since there were no reported local cases — even though national BSA membership guidelines specifically state that BSA requires its members to believe in God and to recite an oath to God at every troop meeting.

BSA will not grant membership to anyone whose convictions do not allow them to recite the Scout oath, and they terminate memberships of anyone who is discovered to be an atheist or agnostic. This means that over 20 million Americans are excluded from BSA due to their nonreligious life stance. Included are people who identify themselves as atheists, agnostics, secular Jews, nontheistic Buddhists, some Unitarians, and animists (animists believe in spirits but do not believe in God). This exclusion applies to both children and adults, so even if a child professes a belief in a God, his nontheist parent(s) can not volunteer for BSA.

BSA’s rejection of a nontheist is based on “moral” grounds. On every membership application and sprinkled within the pages the BSA handbook are words such as, “you can’t be the best kind of citizen without the obligation to God.” This is another way of saying that, according to BSA, a person simply cannot be moral without a belief in God.

The nontheist community has suffered great harm with the spreading of this misconception. BSA continues to try to justify this untruth by preventing nontheists from having any opportunity to prove otherwise. Negative stereotyping lives on at the hands of BSA, as they violate their own tenets of being “friendly,” “kind,” and “trustworthy.” BSA is certainly not being “brave” when they are frightened of even allowing one nontheist child into their organization.

There is no evidence to support the claim that nontheists are more immoral than others. While approximately 10 percent of Americans are atheist or agnostic, less than 1 percent of the prison population profess no belief in a god. If nontheists are immoral people wouldn't there be a much higher percentage of us behind bars?

Where might you find a higher percentage of nontheists? The National Academy of Science charted belief in God as low as 5.5 percent among biologists and 7.5 percent among physicists and astronomers in a 1998 study.

BSA ignores the fact that there are many nontheists who are ethical, patriotic and law-abiding citizens who have a lot to contribute to BSA. These citizens want to be able to join BSA — the world's largest youth group — just like everyone else.

The Center for Inquiry sent the following letter to Dr. the Octorara School Superintendent, **Dr. Thomas Newcome** on January 15, 2015:

Dr. Thomas Newcome
Octorara School Superintendent
228 Highland Road, Suite 1
Atglen, PA 19310

Dear Dr. Newcome,

I am writing to you as Legal Director of the Center for Inquiry, a 501(c)(3) charity whose mission is to foster a secular society based on science, reason, freedom of inquiry, and humanist values. A major part of our mission is to promote equal treatment under the law for secular individuals, and to ensure that the constitutionally mandated separation of church and state is maintained. Such separation is of particular importance when it comes to the education system. Our public school system can neither promote a particular religion over other religions, nor religion as a whole over non-religion. Religious instruction is properly the responsibility of the parent, not the public school system.

It has been brought to my attention that the Boy Scouts of America (BSA) are permitted to use public school facilities in the Octorara School District to conduct recruitment assemblies during school hours, with teachers being used to escort the pupils and to distribute materials. Partnering with a sectarian organization such as BSA in this fashion violates the school district's responsibility to maintain an environment that neither favors a particular religion, nor religion in general. Such cooperation with BSA is also troubling when Octorara School District's non-discrimination policy, and its commitment to LGBT equality, is considered.

BSA is an explicitly sectarian organization. It is the official position of BSA that atheists and agnostics may not participate either as Scouts, or as adult volunteers. The Scout Oath, that all Scouts must swear, states that “On my honor, I

will do my best to do my duty to God ...” The Boy Scout Handbook states that “[a] Scout is reverent towards God. He is faithful in his religious duties.”

BSA is therefore, by its own clear admission, an organization which is not open to the entire community served by the Octorara School District, as it explicitly excludes those who do not have a faith in God. I am sure that you agree that is clear that permitting an organization that actively excluded Jewish people, or Hindus, in public school facilities would be unacceptable. On what grounds, then, is it permissible to permit recruitment in schools by an organization that tells your atheist and agnostic residents that they are not welcome?

BSA's exclusionary policies do not end with preventing atheists and agnostics from joining or volunteering. A similar policy of discrimination is apparent towards members of the LGBT community. Up until January 1, 2014, BSA maintained a policy preventing homosexuals from becoming Scouts. While this policy has been revoked, a ban on homosexual adults acting as leaders in the organization continues. Under this ban, not only are the gay parents of a Scout prohibited from volunteering for the organization, but, upon turning 18, an openly gay Scout can be required to quit the organization.

BSA's commitment to the exclusion of atheists, agnostics, and adult homosexuals is deep-seated. Indeed, in 2000, the organization fought a case all the way to the Supreme Court maintaining that, as a private organization, its right to view homosexual lifestyles as contradictory to the Scout's “requirement to be morally straight” and “clean in word and deed” permitted it to refuse to allow homosexual members and leaders regardless of any local anti-discrimination laws.

BSA's status as a private organization with strong religious beliefs cuts both ways. While the Supreme Court ruled that the law did not require BSA to end its discriminatory policies, as a private organization with explicitly religious goals and practices it cannot then benefit from preferential treatment from the government without this being a violation of the Constitution's mandate of separation of church and state. By permitting BSA to advertise on public school property, and to hold assemblies during school hours to recruit members, Octorara School District actively adds its approval to the sectarian message of BSA. It sends a clear message to atheist and agnostic citizens, as well as to members of the LGBT community, that they are not full members of society, and that organizations can not only exclude them, but that such exclusionary organizations are supported by the government. Such a discriminatory action violates the School District's constitutional duties.

I look forward to hearing from you that Octorara School District will, in the future, comply with constitutional requirements concerning permitting recruitment in public schools by sectarian, faith-based organizations.

Yours Sincerely,

Nicholas J. Little, Esq.
Legal Director

On January 29, 2015 *The Philadelphia Gay News* published an article entitled “Scouts Recruitment Assemblies

Blasted,” written by **Tim Cwiek**. It is reprinted below with permission from the editor.

The Center for Inquiry, a New York-based nonprofit that promotes the separation of church and state, is urging a local school district to stop hosting Boy Scouts of America (BSA) recruitment assemblies.

“We’re one of the biggest secular organizations in the country, with more than 50,000 members,” said Nicholas J. Little, the center’s legal director. “It’s important for the school district to hear from us.”

The Octorara Area School District, in Chester County, hosts BSA recruitment assemblies for elementary school students, despite BSA’s policy of excluding LGBT adults and nontheist children and adults.

In a Jan. 12 letter, Little urged district officials to stop hosting the assemblies, saying the district “sends a clear message to atheist and agnostic citizens, as well as members of the LGBT community, that they are not full members of society, and that organizations cannot only exclude them but that such exclusionary organizations are supported by the government.”

Little said he hopes to resolve the dispute through dialogue with district officials.

“The Octorara school district is going above and beyond what is required by law, and what is reasonable,” Little told PGN. “There’s a very big difference between letting the BSA use some space after school and giving them preferential treatment during school hours, and making it seem like it’s a school activity.”

Even if the district doesn’t mandate attendance at the assembly, the issue still isn’t resolved, Little added.

“Even if the assembly is made voluntary, there’s a question as to how voluntary it really is,” he said. “There’s a lot of peer pressure that needs to be considered. It’s simply not appropriate to have this assembly during school hours and seemingly endorsed by the school.”

Little said district superintendent Thomas L. Newcome hadn’t responded to the center’s letter.

“We’re hoping to hear from Dr. Newcome, and we’ll be following up shortly if we don’t receive any reply,” Little said.

Newcome had no comment for this story but in prior statements noted the BSA Chester County Council “has shown no discrimination in practice that anyone has brought forward.”

“It has been our experience that the BSA troops in the Octorara community are open and welcoming to all children,” Newcome added.

Little challenged Newcome’s description of local BSA troops.

“It’s all well and good for the district to say local BSA troops are open and welcoming. But if BSA rules exclude all nontheists and all LGBT adults, that doesn’t sound open and welcoming to me.”



Little expressed hope that the dispute can be resolved without litigation.

“It would be best if this could be settled just by people talking. However, if the school board and Dr. Newcome aren’t willing to address the problem in good faith, then we will have to consider all available options.”

Freethought Society president Margaret Downey also expressed hope that the situation can be resolved without litigation. Her group also opposes the BSA assemblies.

“We do not want to sue the school, not now and hopefully never,” Downey told PGN. “School funds should be used to educate, not litigate. The goal is for

Octorara to avoid any wrongdoing by being proactive in protecting students from any harm.”

BSA recruitment assemblies are scheduled to take place at Octorara schools in early September 2015. The next step in protesting the assembly plans are for a group of concerned people to attend a school board meeting. The goal will be to address the issue in person, showing a strong force of concern and to make sure the entire board is aware of the protest efforts.

On **Monday, April 20, 2015**, the Octorara School Board meeting will take place at **7:00 PM**. All concerned readers are welcome to help address this issue. Local parents and a few teachers who have contacted FS are unable to speak up. Some fear for their jobs and some fear retaliation in the community. We must be their voice. The April 20th meeting will take place in the Octorara Junior High School Multi-Purpose Room. The address is:

**Octorara Junior High School
226 Highland Road
Atglen, PA 19310**

All meetings are open to the public and we will have an opportunity to address the school board towards the end of the meeting. Please have short and specific commentary ready. Contact me for any assistance needed and to create your brief statement of protest. Car pools are available.

Phone: (610) 357-9432

Email: Margaret@FtSociety.org

It is very important that we have a strong showing of people at the School Board meeting on April 20. All readers who are interested in this issue, please take a stand with us now whether you live in the district or not. What happens in Octorara will have an effect in school districts around the nation. Please attend and plan to speak.

***Scoutcrafting:**

BSA Founder **Baden Powell** describes Scoutcrafting as the act of encouraging self-reliance, resourcefulness, and confidence in a person’s own ability. Scoutcrafting develops skills to be used in the outdoors and provides training for what to do in emergency situations.

Freedom From Religion Foundation Weighs In

February 25, 2015

Dr. Thomas Newcome
Superintendent, Octorara Area School District
228 Highland Road, Suite 1
Atglen, PA 19310

Regarding: District Endorsement of Discriminatory and Religiously-Exclusionary Organization

Dear Dr. Newcome:

I'm writing on behalf of the Freedom From Religion Foundation (FFRF) to bring your attention to serious constitutional concerns occurring in the Octorara Area School District (OASD) and its practices concerning Boy Scouts of America (BSA). FFRF is a national nonprofit organization that works to protect the constitutional principle of separation between state and church and to educate the public about nontheism. We represent more than 21,500 members across the country, including more than 700 members in Pennsylvania and two chapters in the state, Nittany Freethought and Central PA Rationalists.

It is our understanding that OASD hosts recruitment assemblies for BSA at its elementary schools during the school day. We have received a complaint about this practice. We are writing to ensure that the District is aware and on notice that BSA maintains an unambiguous and unacceptable policy of discrimination, explicitly barring nontheist youths and families from membership and participation, as well as barring adult members who are gay or lesbian.

It is our understanding that OASD refuses to stop hosting BSA recruitment assemblies, in part, because no local instance of discrimination by the BSA has been reported to you. This is not surprising, nor does it indicate a lack of discrimination. First, BSA policy explicitly bars children who do not profess belief in god.

Although it advertises itself as a fun youth club open to any boy, BSA has a history of blatant discrimination against nonreligious boys. The BSA national office mandates a religious litmus test, forcing the parents of boys interested in joining to sign a "Declaration of Religious Principles" which must be returned with membership fees. The membership form states, "The Boy Scouts of America maintain that no member can grow into the best kind of citizen without recognizing his obligation to God. ."

Naturally, this discourages any non-believing children and families from even applying. In other words, the bar is set to eliminate any interest nonreligious children may have in the BSA. We also do not find it surprising that parents would fail to report discrimination by a private organization to a public school superintendent. Just because the District isn't aware of something does not mean it is not happening.

If BSA insists on standing for bigotry, then it should stand alone — without the support of our public institutions. There are now more atheists and agnostics than Jews, Muslims, Buddhists, and Hindus combined. There are nearly three times as many atheists and agnostics as Mormons. More than 62 million Americans (19%) are not religious. And, most

relevant, younger Americans are far less religious than any other demographic: 1 in 3 Americans aged 18-29 are not religious. That's a lot of children and young people to exclude.

There are many notorious instances of BSA discrimination against nonreligious boys and their families:

*Denying 6-year-old **Mark Welsh** of suburban Chicago of the right to join Tiger Cubs, after being solicited through his public school. When his father encountered the Declaration of Religious Principles and explained to BSA officials he could not in good conscience sign it, Mark was told he was an undesirable candidate and left the sign-up meeting in tears. Welsh's case is particularly relevant given that he was solicited through his public school.*

*Stripping model Boy Scout **Darrell Lambert** of Oregon of his Eagle Scout badge in 2002 because he is an atheist. Darrell was a Scouting and community volunteer who had won first place in his state athletic medicine competitions and volunteered as a search and rescue worker. He was singled out for his atheism by his district commissioner, who told the class an atheist cannot be a good citizen.*

*Twins **William and Michael Randall** were expelled with no warning from the Orange County Cub Scout pack despite three years of model membership. BSA appealed their challenge under the California Unruh Civil Rights Act and won the right to expel the twins. An agnostic den leader who sent a supportive letter to the Randalls was expelled, a common practice against those within BSA who have protested bigotry at the national level.*

It is difficult, indeed, impossible to imagine a public school district helping to recruit for or endorsing an anti-Semitic boys' organization, or an organization that limited membership to whites only. The BSA policy excluding nonreligious boys and families should be as socially unacceptable.

From a policy standpoint, the District is violating several of its own rules. First, the District is teaching students that good citizenship includes discriminating against nonreligious children, and openly gay and lesbian people. The District is reinforcing the negative stereotypes that lead to alienation and bullying. While the BSA recently reversed its practice of discriminating against gay youth members, it has affirmed discrimination against adult leaders. The BSA's position is that, "[W]e do not grant membership to individuals who are open or avowed homosexuals or who engage in behavior that would become a distraction to the mission of the BSA." Insultingly, the District did not even deign to debate its policy of discrimination against the nonreligious.

District Policy 103 requires the "district to provide an equal opportunity for all children to achieve their maximum potential through the programs offered in these schools regardless of...creed, religion,...." This policy puts a duty on the superintendent to "[r]eview current and proposed programs, activities and practices to ensure that all students have equal access thereto and are not segregated on the basis

of...religion, creed...in any duty, work, play, classroom or school practice..." By allowing a discriminatory organization to tout its message on school time, the District is violating this policy.

This practice also violates Policy 103.1, the District "is an equal opportunity education institution and will not discriminate on the basis of...creed, religion...in its educational programs, activities, or employment practices as required by Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973." Those federal laws also speak to the illegality of this arrangement.

It is laudable for public schools to encourage students to become active, charitable, and caring citizens, but the school cannot use that goal as an avenue to support a discriminatory organization that excludes based on religious belief for membership. The District cannot continue to sponsor recruitment assemblies for this discriminatory program. When the District allows the BSA into the schools to recruit and to further BSA's discriminatory message during instructional time, it is placing its stamp of approval on that highly objectionable message. In short, BSA openly rejects membership applications by nonreligious parents and boys. BSA has never apologized for the pain it has caused youngsters who have been told "any boy can join" then robbed of the right to have fun with their friends. It has changed its rules midstream, advertising itself as a civic, patriotic club emphasizing fun and skills, then insidiously demanding a religious test. Hard-working, longtime adult volunteers also have been summarily expelled for expressing concern over BSA's unkind discrimination.

By collaborating with BSA, OASD is sending the message that it prefers religious belief over non-belief, and more than that, that believers are preferred and nonreligious students are outsiders. Not only is this message of endorsement divisive, but it is also a violation of the U.S. Constitution's Establishment Clause. Sending an exclusionary religious message is especially egregious and cruel when the students at an event or assembly are so young and impressionable. Elementary school students cannot be expected to distinguish between a school-sponsored message and a message promoted by a third party at a school-sponsored event during the school day. It should be common sense that a public school should avoid hosting or promoting any assembly promoting an activity or a group that, on its face, excludes, disinvites or offends many OASD students based on invidious discrimination.

It is vital that OASD respect the diversity of its student body, abide by its own non-discrimination policies, and cease hosting recruitment assemblies or any related promotions for BSA.

May we hear from you at your earliest convenience so we may assure our complainant what steps the District is taking to remedy this situation?

Annie Laurie Gaylor
Co-President
Freedom From Religion Foundation
P. O. Box 750
Madison, WI 53701

More Help From Friends

Below are letters that were sent to the School Superintendent, Dr. Thomas Newcome:

Letter One:

I am writing to request you to follow the Octorara mission statement "promoting educational excellence in a safe and secure environment." The Boy Scouts of America (BSA) is a discriminatory organization which opposes the rights of non-theists and gays.

In the spirit of fairness, as well as state and federal guidelines against discrimination, I urge you to withdraw support for any inappropriate BSA activities on school premises and access to students. It is not appropriate for a public school to endorse such a biased organization.

Dr. Deepak Doraiswamy

Letter Two:

I recently read about the controversy caused by the Octorara Area School District's decision to host a Boy Scouts of America (BSA) recruitment assembly this past September. I am not a student of that school district, but as a gay man I would like to share my perspective on this matter as I'm sure it resounds with the gay students in your district.

The policies of BSA are unarguably discriminatory against gays, and when school officials permit BSA to use school property they are effectively condoning discrimination against gay people. When adults condone the idea that gay people are inferior, it encourages heterosexual kids to do the same, and the message sent to the gay student from both their peers and the adults they look up to is devastating to the emotional well being of the gay student. This is true regardless of whether or not anyone has complained or presented a case of discrimination.

Gay kids are constantly receiving messages that they are inferior, even to the point of not deserving to live. This causes incredible pain and often the wounds to their sense of self-worth are so great that it impairs their ability to thrive as happy adults. All kids should be cherished and valued, because they are our future. Dr. Newcome, I don't express these ideas to you as mere speculation. I lived them.

When I was a gay student, the adults I depended on did not denounce the discrimination of gay people, and it took me nearly 20 years to unlearn the awful message that their actions (or lack thereof) sent.

I know there are gay students that are just like me in your school district, and it's naive to expect them to take a stand as I'm sure you can imagine how difficult that would be. Please, don't send the devastating message to those students that it's OK to discriminate against them.

I can't tell you how important it is that you send the right message not only to the students that are discriminated against by BSA's policies (gays, nontheists, and others) but to all of the students in your school district. Please do not condone the discriminatory policies of BSA or any other group or individual. I can't express any more how hurtful it is.

Jason Steiner