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# respect

A NEWSLETTER ABOUT LAW AND DIVERSITY

## After 100 Years Gay Scouts Are Welcome, But Not Gay Adults

by Barbara Sheehan

**This year marked the start of a new Boy Scout policy for gay youth members. For the first time since the Boy Scouts of America (BSA) was formed more than 100 years ago, openly gay boys will no longer be excluded from participating. The policy change — which officially began January 1 — was passed in a resolution last May by 61 percent of the BSA's 1,400 voting members.**

The new policy states: "No youth may be denied membership in the Boy Scouts of America on the basis of sexual orientation or preference alone."

The policy also states that the BSA "will maintain the current membership policy for all adult leaders," which is to ban gay leaders or volunteers from participation in the organization.

Pressure to allow gay scouts had been mounting — especially following a 2011 incident where a troop leader refused to give a California teen the Eagle Scout award because he was openly gay. The scout in that case, Ryan Andresen, reportedly fulfilled the requirements for the award and had been a scout since he was six years old. But the old policy shut him out from receiving the Boy Scouts' highest honor. An Ohio case also received national attention, when Jennifer Tyrrell, who is a lesbian, was dismissed as her son's den leader because of her sexual orientation.

"Every organization has to be a living entity and change with the times, including churches and including the Boy Scouts," Alan Snyder, chairman of BSA's Western Los Angeles County Council, told *The Los Angeles Times*.

Today, being gay will no longer hold back youth members as it did Andresen. In fact, in February 2014, an openly gay teen, Pascal Tessier, achieved the Eagle Scout rank that had eluded Andresen. It is a bittersweet victory for 17-year-old Tessier, [>continued on page 7](#)

## Where Have All The Little Girls Gone?

by Phyllis Raybin Emert

**In many cultures throughout the world the female gender is devalued. In some countries the desire to have sons has driven some to commit infanticide, which is the intentional murder of a baby.**

Infanticide is part of a larger problem known as gendercide, which affects females much more than males, and is defined as the systematic killing of members of a specific gender. Although incidents of infanticide have lessened over the years, gendercide remains a problem in many countries around the world where boys are valued more by ancient cultures and religions. In fact, a 2013 documentary, which was screened before the United Nations Commission on the Status of Women, deals with gendercide. In the advertisement for the film, a gravestone is pictured with the phrase, "The Three Deadliest Words in the World..." above the title of the film, "It's a Girl." In one scene, an Indian woman admits to killing eight girl children and shows the film crew where they are buried.

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## Gendercide Here in the United States?

by Cheryl Baisden

**The United States is not immune to the debate over gendercide, although the debate is framed within the context of a women's right to choose. The question or debate remains whether gendercide is a problem in the United States or whether right-to-life organizations are using the issue to chip away at a woman's legal right to have an abortion.**

In recent years six states — Arizona, Illinois, Kansas, North Dakota, Oklahoma and Pennsylvania — have passed laws banning sex-based abortions. Arizona's 2011 law also bans race-based abortions, making it the only state in the nation to impose such a restriction. In April 2013, however, the Florida House of Representatives passed a similar measure regarding race-based and sex-based abortions. The bill was referred to Florida's State Senate.

### At the federal level

In addition to pushing for gender- and race-based abortion bans on a state level, Arizona lawmakers have also been pursuing federal legislation on this issue for several years; most recently sponsoring the Prenatal Nondiscrimination Act (PRENDA) of 2012.

An editorial for the website Catholic Online, written by Deacon Keith Fournier, stated, "It would seem that such a barbaric procedure as gendercide would be decried unanimously by the members of the U.S. House of Representatives, right? Sadly, the answer is no. This bill faces an uphill struggle. Abortion on demand is considered the 'third rail' in American politics by too many elected representatives."

In written testimony opposing the PRENDA legislation, 24 reproductive and women's rights organizations told Congress, "This anti-choice measure dressed as an anti-discrimination bill...further exacerbates inequities and diminishes the health, well-being, and dignity of women and girls by restricting their access to reproductive health care. We represent the women and people of color this bill purports

to protect, and we are announcing our unequivocal condemnation of it."

So far, the federal bill has failed to win approval.

### Back to Arizona

In Arizona it is another story. Arizona state law HB 2443 makes it a **felony** to knowingly perform or finance a gender- or race-based abortion. It requires doctors to thoroughly question patients about their reasons for seeking an abortion and to file an affidavit swearing sex or race are not among the motivating factors. Medical professionals who suspect a patient's reason for seeking an abortion is based on the gender or race of the fetus are required to report the patient to the authorities. Moreover, anyone found to have performed such an abortion could face jail time.

Supporters of HB 2443 cite higher abortion rates among black women as a catalyst for the legislation. They also noted the practice of sex-selective abortions in parts of Asia as the reason for including that provision in the law, claiming U.S. residents with Asian backgrounds may follow the same practice. Regardless of which justification is offered, supporters of HB 2443 maintain that the goal of the law is to protect the rights of unborn children who might otherwise be aborted.

"We don't want to discriminate based on somebody's sex or somebody's race," Rep. Steve Montenegro, a co-sponsor of the law, told *The Huffington Post*. "This has to do with protecting the dignity of life and not allowing abortions to be performed based on the sex of the baby or the race of the baby. That's what this is about."

A press release from the Guttmacher Institute, a reproductive rights research organization, stated, "In the United States, there is limited data indicating that sex-selective abortion may be occurring in some Asian communities"; the press release further notes that the birth-sex ratio in the U.S. is in the normal range. The Guttmacher Institute

research also revealed that the higher abortion rate among black women might be due to a higher poverty rate among black women. In this vein, the Guttmacher Institute has noted that “69 percent of pregnancies among black women are unintended, compared with 40 percent of pregnancies among white women.”

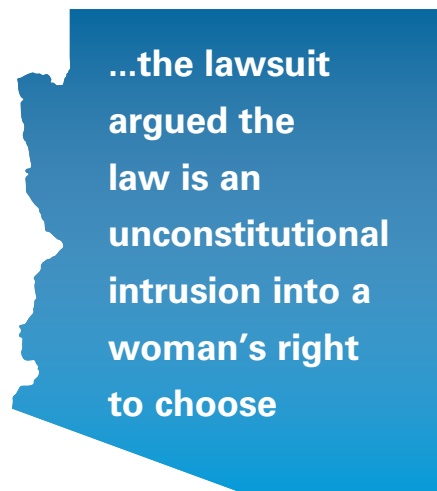
### Basing law on stereotypes

Opponents to Arizona’s law argue the legislation is discriminatory. According to an American Civil Liberties Union (ACLU) press release, the law “is based on stereotypes that black and API [Asian Pacific] women cannot be trusted to make personal health care decisions without scrutiny by the state. During the law’s passage, supporters cited higher rates of abortion among black women as evidence that black women either were motivated by a discriminatory intent to prevent the birth of black children, or were being duped into having abortions as part of a racist plot. Both claims are baseless and offensive.”

In an ACLU press statement, Rev. Oscar Tillman, president of the National Association for the Advancement of Colored People (NAACP) of Maricopa County, said, “Every woman, regardless of her race, should be able to make the best decision for her circumstances, whether that decision is to continue the pregnancy and parent, place the child for adoption, or terminate the pregnancy. We trust black women to make important health care decisions for themselves and their families and vigorously object to the idea that they do not do so thoughtfully, or that they do so out of [animus](#) to their own communities.”

“Far from preventing bias against women and girls, this law serves only to fuel suspicion and stereotypes about Asian women, their communities, and their culture,” adds Miriam Yeung, executive director of the National Asian Pacific American Women’s Forum (NAPAWF) in

the same press statement. “The politicians behind this law do not care about gender justice here or abroad, and are instead using a racist and anti-immigrant law to demean women making serious medical decisions for themselves and their families.” It is important to note that NAPAWF and other organizations that deal with women’s reproductive rights believe that banning abortion is not the answer. Because son preference is so deeply rooted in many Asian cultures, it is the valuation of females that needs to change.



As Newark-based attorney Lawrence Lustberg explains it, “the purpose of this law is to reduce abortions — that is, to infringe on women’s right to choose to have an abortion. The supporters of the bill try to dress this up as an anti-discrimination law, but that is really not what it is. It is about subjecting the decision that a woman makes to have an abortion to scrutiny when really the state should not be able to interfere with that decision at all. This is especially so because there is no evidence that there really is a problem here.”

According to Lustberg, a constitutional and criminal law expert, the law is designed to infringe on the abortion rights of women of color, or white women who become pregnant with a man of color.

“When the law was passed, the Arizona Legislature made clear that what it

was really worried about was that certain communities of color (African American and Latino communities) were having more abortions than white communities,” Lustberg said. “That shows that what this law is really about is trying to affect the choices of these women in particular. That is particularly discriminatory. It is also offensive, since it assumes that those communities are themselves getting abortions because they are racist, an assumption that is offensive in and of itself, further stigmatizing people on the basis of race. But for me, the main thing here is that the law discriminates with regard to the exercise of a fundamental right — the right to choose — based upon race. Imagine if we were dealing with a different fundamental right, say the right to vote, and we decided that we would subject the decision making of blacks, but not whites, to government scrutiny and possible interference. It shows how obviously unconstitutional this policy is.”

### The legal debate

Viewing the Arizona measure in this light, the ACLU filed a lawsuit seeking an injunction to block the law in May 2013. Filed on behalf of the NAACP and the NAPAWF, the lawsuit argued the law is an unconstitutional intrusion into a woman’s right to choose, and that it asks doctors to use racial profiling when dealing with women seeking abortions.

In a press statement, Alexa Kolbi-Molinas, staff attorney with the ACLU Reproductive Freedom Project and lead counsel in the lawsuit, said, “This law takes the personal and private health care decisions of women of color and exploits them for political gain. But our Constitution flatly prohibits states from passing laws based on racist stereotypes.”

Lustberg explained there are two constitutional issues involved in the legal debate.

“One has to do with infringing the right to an abortion, [>continued on page 6](#)

### Some disturbing facts

The United Nations estimates that nearly 200 million women and girls are “missing” in the world today due to their gender. These women or girls have been killed outright, abandoned by their families after birth or aborted because of their sex. The normal sex-to-birth ratio is approximately 103-105 boys born for every 100 girls. This figure usually evens out since male infants tend to have a higher **mortality** rate in their early years. In countries like India or China, however, the sex to birth ratio can be as high as 120 boys born for every 100 girls. That doesn’t sound like much, but consider that China has a population of 1.3 billion people and India has a population of 1.2 billion.

According to a report titled “Women in an Insecure World: Violence Against Women, Facts, Figures and Analysis,” published by the Geneva Centre for the Democratic Control of Armed Forces (DCAF), “many [females] fall victim to gender selective abortion and infanticide (boys being preferred to girls). Others do not receive the same amount of food and medical attention as their brothers, fathers and husbands. The number of the ‘missing’ women, killed for gender-related reasons, is of the same order of magnitude as the estimated 191 million human beings who have lost their lives directly or indirectly as a result of all the conflicts and wars of the 20th century....”



### Devaluation of girls in China

In an article for the Australian publication *The Monthly*, author Anne Manne pointed out that many Chinese proverbs promote the devaluation of girls. One such proverb states, “raising daughters is watering another man’s garden.” Another describes daughters as thieves and still another refers to daughters as “maggots in the rice.” Many girls who survived birth in the 1980s and 1990s, Manne writes, were abandoned to Chinese orphanages where mortality rates were about 90 percent.

China’s huge population became a serious political and economic issue for the country and government leaders feared that its natural resources would not be able to support its people. In 1979, the Chinese government decided to take action and limit the country’s birth rate by instituting its one-child policy. In a country in which male children are already preferred in families, the one-child policy resulted in even more aborted, killed or

neglected girl children, as most parents wanted their only child to be male.

Estimates of how many Chinese births have been averted since the policy was instituted vary; however, it seems safe to say that the female population has suffered more than males. By 2005, according to data published by the *British Medical Journal*, the birth-sex ratio in China was 120 boys to 100 girls and in three Chinese provinces the number was more than 130 boys born for every 100 girls.

Effective January 1, 2014, China has modified its one-child policy; however, the policy has always had many variations. For instance, enforcement of the policy varied by geographic areas, individual family circumstances and ethnicity.

An August 2013 article in *The Guardian* summarized the general rules:

“Rural families whose first child is a girl and ethnic minorities have a right to a second child. Families with a disabled child or couples who are both only children are also entitled to another birth, in recognition of the expectation that children will one day support their elders economically.

Divorcees with a child are allowed another if their new spouse does not have one.” In addition, some ethnic minorities can have more than two children in certain areas and fisherman and miners may have second children. The most recent change to China’s one-child policy was announced in November 2013. The Chinese Government indicated that beginning in early 2014, a second child would be allowed if just one parent is an only child.

The penalty for having a second child in the past was often forced abortion or **sterilization** (now illegal), whereas today punishing fines are imposed on families, often on those who are already poor. To encourage and reward those who follow the rules and only have one child, monthly payments are given to these families by the government.

### Worsening situation in India

A one-child policy is not the only cause of gendercide. In India there is no such policy, but the problem of missing girls has greatly increased in that country over the last few decades. Sex preference for boys has grown as the number of children per family decreases. Indian families are using ultrasound tests to determine the sex of the unborn child despite the fact they have been illegal since 1994. It is also illegal for a doctor to reveal the

gender of a fetus to its parents. Neither of these measures are strictly enforced.

In a commentary published in the medical journal *The Lancet*, Dr. S.V. Subramanian of the Harvard School of Public Health, wrote, "The demand for sons among wealthy parents is being satisfied by the medical community through the provision of illegal services of sex-selective abortion. The financial incentive for physicians to undertake this activity seems to be far greater than the penalties associated with breaking the law."

As a result, the Indian Census of 2001 revealed there were 927 girl babies for every 1,000 boy babies, nationwide. According to a *Christian Science Monitor* article, "the problem is worse in the states of Haryana, Punjab, Delhi and Gujarat, where the ratio is less than 900 girls for every 1,000 boys."

In India, the devaluation of girls is attributed in part to bridal dowries, which are commonplace to the Indian culture. Bridal dowries are amounts of money or property that the bride's family gives to her future husband's family. Such dowries have been outlawed in India, but the law is not enforced and they have continued. The amount of the dowry becomes a status symbol and poor families with daughters cannot afford them.

In a *Los Angeles Times* article, an Indian government official was quoted as saying about dowries, "It's a centuries-old practice — women are perceived as a net loss to family wealth. Women take away dowry and don't bring in a bride price. To the father of a child, a girl is net outflow."

A case study dealing with infanticide, which appears on [gendercide.org](http://gendercide.org), points out that a typical dowry plus wedding expenses can add up to approximately one million rupees, or about \$35,000. The average salary in India is approximately 100,000 rupees or \$3,500. "Given these figures combined with the low status of women," the case study states, "it seems not so illogical that the poorer Indian families would want only male children."

Change, however, is coming slowly to certain areas of India. According to a *Christian Science Monitor* article, "villagers here say that the **dearth** of females has already had a direct effect on dowry customs: Dowries are getting smaller or disappearing altogether; instead, the **onus** is increasingly on young men to provide well for their future brides."

### Consequences of gendercide

After so many years of gendercide, there is now a shortage of females in countries where boys are preferred over girls. The Chinese Academy of Social Sciences estimates that by 2020, there could be 30 to 40 million more boys than girls in China.

A 2010 cover story on gendercide in *The Economist* stated, "Within 10 years, China faces the prospect of having the equivalent of the whole young male population of America with

little prospect of marriage, untethered to a home of their own and without the stake in society that marriage and children provide." *The Economist* article went on to say, "Throughout human history, young men have been responsible for the vast preponderance of crime and violence — especially single men in countries where status and social acceptance depend on being married and having children, as it does in China and India. A rising population of frustrated single men spells trouble." In fact, according to the article, crime rates in China have doubled in the last 20 years along with rising birth-sex ratios.

Journalist Mara Hvistendahl, author of the *Unnatural Selection: Choosing Boys Over Girls and the Consequences of a World Full of Men*, told *The Philadelphia Inquirer*, "We've never seen an imbalance at this level." Hvistendahl said, "The gender imbalance is a local problem in the way a superpower's financial crisis is a local problem, in the way a neighboring country's war is a local problem. Sooner or later, it affects you."

Another reason that boys are so revered in Chinese and Indian cultures is that it is traditionally up to sons to take care of elderly parents. Jeffrey Wasserstrom, author of *China in the 21st Century: What Everyone Needs to Know*, told *The Philadelphia Inquirer*, "A stronger social-welfare net would be a good thing for the people and for the security of the country and would reduce the pressure to have sons."

### Change is possible

One thing that experts agree on is that in order for there to be effective change in China, India or any other country where gendercide is a problem, the valuation of females needs to change.

In a policy analysis, Sneha Barot, a senior public policy associate with the Guttmacher Institute, a reproductive rights research organization, wrote, "Affected governments, multilateral agencies and others have been working on the problem of son preference and imbalanced sex ratios for decades. However little headway has been made, because policymakers too often focus on the symptoms of the problem rather than its cause. Restrictions on ultrasound to determine the sex of a fetus and on sex-selective abortion have proven impossible to enforce. Meanwhile, the underlying gender discrimination that drives son preference — and needs to be addressed through social, legal and economic policies that raise women's status — remains. Only South Korea has made significant progress — and researchers largely credit changes in underlying social norms that resulted from urbanization and rapid economic development."

According to *The Economist*, South Korea has successfully addressed ancient prejudices against females in its society. "In the 1990s, South Korea had a sex ratio almost as skewed as China's," the article stated. "Now it is heading [>continued on page 6](#)

## Gendercide *continued from page 3*

which the U.S. Supreme Court, in *Roe v. Wade* and the cases that have followed it, has held falls within the constitutional right to privacy. The [Arizona] law definitely limits abortion rights for some people. The other constitutional issue is the right to the equal protection of the law. [The Arizona law]...applies to some unborn children and not others. That raises questions of discriminating on the basis of race and sex."

A federal district court in Arizona dismissed the lawsuit in October 2013, on the grounds that the two civil rights groups behind the case did not have the legal standing to sue.

"Standing is a complicated concept," explained Lustberg. "The concept comes from Article III of the Constitution, which only allows lawsuits to be brought where there is a genuine 'case or controversy.' In this case, the judge said that the plaintiffs did not have standing because they were not women who wanted to get abortions, but rather civil rights groups who were not themselves affected by the [statutes](#). But the ruling did not address the merits of the controversy — that is, it doesn't decide whether the law is constitutional or not, only that these plaintiffs were not the right ones to challenge it since they were not directly affected."

In November 2013, the NAACP [appealed](#) the district court's decision to the Ninth U.S. Circuit Court of Appeals.

### Arizona's history comes into play

If the Arizona appeals case against HB 2443 ends up being heard by a court, part of the focus will be on the intent of the law, noted Lustberg, which means the state's recent legislative history will be considered not just on issues of abortion but on other laws that some have found discriminate against minorities.

Earlier this year, a federal judge blocked a 2012 Arizona law that banned any public funding of Planned Parenthood in the state for women's healthcare because the group provides abortion services. And a federal appeals court struck down a law designed to ban abortions at the 20-week mark in almost all instances.

In 2012, Arizona won a U.S. Supreme Court case upholding a law that allows police officers, while in the course of enforcing other laws, to ask individuals to prove their immigration status. Detractors of that particular law viewed it as a form of racial profiling.

"One of the ways that you judge intent is by seeing what else a legislature does," said Lustberg. "The Arizona Legislature's hostility to communities

of color (and especially immigrant communities), and its extreme anti-choice position on abortion, certainly provides insight into what it was trying to do [with this law]."

With regard to legislation on this issue, Sneha Barot, a senior public policy associate with the Guttmacher Institute, wrote in a policy analysis, "Rather than working to address the harmful social and cultural norms that lead to son preference and, as a result, sex-selective abortion, these proposals cynically advance a narrow agenda that starts and ends with banning abortion.... The vocal opposition of Asian women's groups to these sex-selective abortion bans should give policymakers ample reason to reconsider the true agenda these laws are advancing. What's more, sex-selective abortion bans that have been introduced at the federal and state levels are often paired with equally harmful race-selective abortion bans, which are portrayed as a response to higher abortion rates among minority women. Again, rather than addressing the serious underlying issues — including disparities in unintended pregnancy and other health outcomes, as well as broader social and economic inequities — these bans do nothing to help women, but are all about banning access to safe and legal abortion." ■

## Little Girls *continued from page 5*

towards normality...Female education, anti-discrimination suits and equal rights rulings made son preference seem old-fashioned and unnecessary."

In a landmark 2005 decision, the Supreme Court of Korea wrote, "Recognizing only male adults as members of a family clan (lineage) and excluding female adults from it has little logic in today's society...."

According to a joint interagency statement prepared by various agencies of the United Nations, including the World Health Organization, UN Women, Unicef, and the United Nations Human Rights Commission, "Several [South Korean] laws — such as

allowing women rights and responsibilities within their birth family even after marriage, and recognizing women-headed households — were seen to be beneficial, as was a Love Your Daughter media campaign."

*The Economist* suggested, "All countries need to raise the value of girls. They should encourage female education; abolish laws and customs that prevent daughters inheriting property; make examples of hospitals and clinics with impossible sex ratios; get women engaged in public life — using everything from television newsreaders to women traffic police." ■

## Gay Scouts *continued from page 1*

who actively petitioned the Boy Scouts to reverse its ban and publicly demonstrated before the BSA voted on its policy change. It is bittersweet because once Tessier turns 18 in August, he will be ousted from the organization he holds so dear.

"It's kind of a backhanded acceptance: We accept you for now," Tessier told *The Washington Post*. "It says to you you're a monster of some sort." Tessier told *USA Today*, "On my 18th birthday, I'm planning on applying to be an adult leader for the Boy Scouts so that we push the issue."

### Protecting the Boy Scouts

Given our country's protections against discrimination, is it okay for the BSA to restrict its participants in this way? The U.S. Supreme Court said that it was in a court ruling 14 years ago that involved a case in New Jersey. Until (or unless) this ruling is challenged, the Court decision in that case remains the law of the land.

The landmark New Jersey case involved a troop leader named James Dale. A Rutgers University student at the time, Dale was also serving as co-president of a lesbian/gay student alliance on campus. In a newspaper article, Dale revealed that he is gay. He then received a letter from the BSA advising that he could no longer serve as an assistant scoutmaster of a New Jersey Boy Scout troop.

In making its 2000 ruling, *Boy Scouts of America v. Dale*, the U.S. Supreme Court **overturned** an earlier ruling by the New Jersey Supreme Court, which had unanimously found that excluding Dale violated New Jersey's Law Against Discrimination.

U.S. Supreme Court Chief Justice William H. Rehnquist wrote the Court's opinion, which stated, "The forced inclusion of an unwanted person in a group infringes the group's freedom of expressive association if the presence of that person affects in a significant way the group's ability to advocate public or private viewpoints."

In other words, the First Amendment to the U.S. Constitution allows the Boy Scouts to deny participants who interfere with their expressive message. In this case, protecting the Boy Scouts' federal constitutional rights trumped Dale's anti-discrimination protections under New Jersey law, explained New Jersey attorney Robyn B. Gigl. A state can't interpret its laws to violate a constitutional right, she said.

In a *Washington Post* editorial after the BSA's recent policy change was announced, James Dale wrote, "This is not progressive at all. It will continue to teach the 2.7 million youth

members the same toxic message: being gay means you cannot fully participate in the Scouting experience because there is something intrinsically wrong with who you are."

### They 'gotta' have faith

The BSA is founded largely upon religious values with 70 percent of Boy Scout units sponsored by churches or religious organizations whose teachings oppose homosexuality. When boys become scouts, they take an oath to do their "duty to God" and their country. They also pledge to keep themselves "morally straight" — an expression that has been interpreted in the past by the Boy Scouts to conflict with homosexuality.

According to newspaper reports, while some churches that traditionally supported the Scouts have left, most have remained. In fact, the Church of Latter-day Saints and the National Catholic Committee on Scouting came out in support of the new policy. By the close of 2013, only two percent of the Boy Scouts' 116,000 troops had been dropped by sponsors.

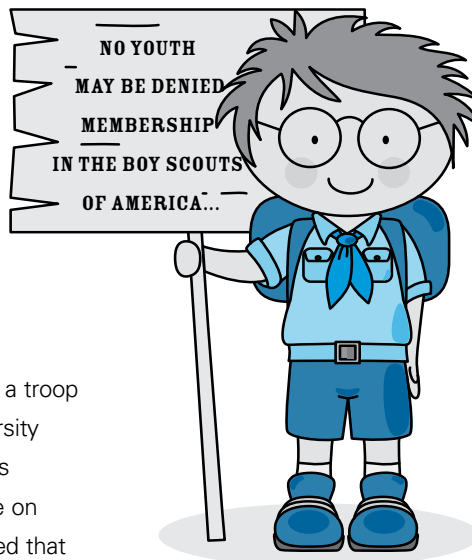
One supporter in particular, however, is extremely dissatisfied with the BSA's policy change. In a resolution, passed at its annual meeting in June 2013, the Southern Baptist Convention (SBC) stated that the new policy

"has the potential to complicate basic understandings of male friendships, needlessly politicize human sexuality, and heighten sexual tensions with the Boy Scouts." The resolution went on to state, "We [the SBC] express our well-founded concern that the current executive leadership of the BSA, along with certain board members, may utilize this membership policy change as merely the first step toward future approval of homosexual leaders in the Scouts." The SBC resolution stopped short of urging its members to pull their sponsorship in the Boy Scouts.

### Pleasing no one

While the BSA saw its policy change of lifting the ban for gay boys, but not gay adults as a sort of middle ground, it essentially ensured that neither side on this issue was happy. The BSA explains its decision this way on its website: "By reinforcing that Scouting is a youth program, and any sexual conduct, whether heterosexual or homosexual, by youth of Scouting age is contrary to the virtues of Scouting, and that no member may use Scouting to promote or advance any social or political position or agenda, this resolution rightly recognizes there is a difference between kids and adults while remaining true to

*>continued on page 8*



the long-standing virtues of Scouting.”

“When it comes to young boys, parents should still have the final say on the issues of sexuality and politics,” John Stemberger, an Eagle Scout and founder of OnMyHonor.net, told *The Washington Post*. “The cleverly-worded resolution tries to dodge criticism from gay activists but still creates a myriad of problems for how to manage and ensure the safety of the boys in the program.”

In an editorial for *The Huffington Post*, Harvey Fierstein, an actor, playwright and gay activist, wrote, “What did the BSA vote actually say? Gay boys will be tolerated. Gay parents are banned. The official policy states that homosexuals cannot be trusted around children. Furthermore, thousands of boys with GLBT mothers or fathers must accept the demonization of their parents if they want to join in the fun.”

### Moving on

In the meantime, the Boy Scouts are moving forward and Stephen Gray, scout executive of the Northern New Jersey Council, noted that recruiting this year is up significantly on a local level.

“I believe this update to our policy will allow all kids who want to be a part of Scouting to experience this life-changing program and to remain true to the long-standing virtues of Scouting,” said Gray. “While people have different opinions about this policy, hopefully we can all agree that young people are better off when they are in Scouting. I take great pride in creating an environment where people and religious organizations, who may disagree on a variety of topics, still work together to benefit the youth in our communities. By focusing on our goals

that unite us, we are able to accomplish incredible results.”

Gigl says the “takeaway” for her is how much our society and its stance on homosexuality has changed since *Dale* and cites a Pew Research Center article which reveals the percentage of Americans saying homosexuality should be accepted by society has increased from 47 percent to 60 percent over the past decade.

These changing views are reflected in changes to other U.S. policies as well. For example, Gigl noted that the military “Don’t Ask, Don’t Tell” policy, which for years prohibited openly gay people from serving in the armed forces, has ended. In addition, changes have been enacted expanding the rights of gay couples under the Defense of Marriage Act.

Given our society’s evolving views on homosexuality — and the Boy Scouts’ policy change regarding gay youth members — would the ruling in the *Dale* case still hold up today? Gigl said she would be surprised if the U.S. Supreme Court would take a case like that now because times have changed and the BSA has changed at least in part its core message. It will be interesting, she said, to see if there is a challenge in another state.

### What’s next?

Is this new policy from the BSA just a first step in accepting gay adult leaders as the SBC suggests? Only time will tell, but the organization’s troubles are far from over. The BSA is feeling financial pressure since several major funders, including Lockheed Martin Corporation and the Merck Foundation, withdrew financial support because of the organization’s ban on gay adult leaders. And, in California, state lawmakers are attempting to pass a bill that would strip the organization of its tax-exempt status due to its anti-gay policies. ■



## Glossary

- animus** — hostile feeling or animosity.
- appealed** — when a decision from a lower court is reviewed by a higher court.
- dearth** — lack of; scarcity.
- felony** — a serious criminal offense usually punished by imprisonment of more than one year.
- infanticide** — the murder of a baby.
- mortality** — death or the number of deaths in a certain population.
- onus** — responsibility or burden.
- overturned** — in the law, to void a prior legal precedent.
- statute** — a particular law established by a legislative branch of government.
- sterilization** — the process of making someone unable to reproduce.