



Preserving the Right of the Boy Scouts of America to Maintain Values-Based Policies Consistent with Its Mission

The Boy Scouts' First Amendment Rights:

- For over 100 years, the Boy Scouts' values have reliably guided generations of boys—numbering over 100 million—into manhood. Scouts have become presidents, governors, congressmen, generals, astronauts, and captains of industry.
- The First Amendment protects the right of the Boy Scouts to instill these traditional morals and values into the boys and young men under its care and to require its members and leaders to abide by these values.
- The Supreme Court's decision in *Boy Scouts of America v. Dale* upheld the Boy Scouts' right to teach these values and to open membership only to those who agree to abide by these values.
- The Boy Scouts should strive to maintain consistency of their message and values in order to ensure that their First Amendment right to free association is affirmed.

Consequences of a Change in Policy:

- The Supreme Court's decision in *Dale* was premised on the Boy Scouts' long-standing national membership policy.
- Altering the national membership policy will undermine *Dale's* foundation and expose councils, local troops, and the national organization to a flood of litigation.
- It is insufficient for the Boy Scouts to leave membership policies up to a local council or troop, as the Boy Scouts will then have no common message upon which to base their right to freedom of expressive association.

What the Scouts Should Do:

- To maintain consistency in its message and to protect the local troops from legal attacks, the Boy Scouts should reaffirm its longstanding national membership policy.
- The Boy Scouts should also take immediate steps to disassociate or revoke the charters of councils and/or troops that are in open defiance of their membership policy.
- Continuing to associate with such councils and/or troops demonstrates an inconsistency between words and deeds that may lead to undermining the Scouts' well-established freedom of association.