

# 'Religious' Boy Scouts Being Pushed Out of Park



<http://www.dfamily.com/philosophy/teach/hswtl/journal.html>

[Church, State issue. Is Church also Religious Organization, Organizations with Christian Membership, and people living out their Christian convictions?] Our Society or American History 1800s (*states rights, free association*)

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<http://www.newsmax.com/archives/articles/2003/8/1/222058.shtml>

NewsMax.com

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The Boy Scouts' policies barring homosexuals and requiring members to express a belief in God has resulted in a U.S. District Court judge ruling that the venerable organization's long-standing lease of public land in San Diego, California's Balboa Park violates constitutional separation of church and state, according to a report in the San Diego Union.

[Do you think the court made the correct ruling?

Is there a constitutional provision which separates Church and State?

Do the two points defined in the Boy Scout policies make the Boy Scouts a religion?

a Religious organization?

an Organization with Christian membership?

Pretending there WAS a provision requiring separation of Church and State, is a religion the same thing as Religious organization or Organization with Christian membership?]

U.S. District Judge Napoleon Jones Jr. found by "overwhelming and uncontradicted evidence" that the Boy Scouts are a religious organization and received preferential treatment by the city council as to its perennial lease of the 18-acre camp at the park.

"The city handpicked as the preferred lessee an organization that describes religious belief and practice as fundamental to the services it provides," Jones wrote.

[Was there a crime committed?

Does this read that way to you?]

The city and the Boy Scouts say other groups are allowed to use the camp, which has been used by the Scouts since 1920 and under a formal lease with the city since 1957.

[The city has been behaving illegally and unconstitutionally for 83 years (*if we believe the judiciary*). Does that count for anything?]

Jordan Budd, legal director for the ACLU's San Diego office, has argued that the most reasonable remedy in the controversial case would be for the city to cancel its lease with  
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the organization -- or the Scouts could change their policies.

[Can an organization change 2 points in their policy and cease being a Religious Organization?

If no, then either it remains a Religious Organization or it never was a Religious Organization. Which is it?]

"We believe it is long past time for the City Council to end its affiliation with this discriminatory organization and to keep open this public park land for the use of all citizens of San Diego on a fair and equal basis and not just those citizens preferred by the Boy Scouts," he said.

Jones' ruling comes three years after the U.S. Supreme Court ruled that the Boy Scouts have a **constitutionally protected right of "expressive association,"** allowing the organization to exclude gay members.

[Was there something about "expressive association" which makes them a Religious Organization?

I'm still fuzzy on how we took the invented phrase "Separation of Church and State" and got to Religious Organizations. All I can think of is Logical Outworkings. What about you?]

Jesse Choper, a professor with UC Berkeley's Boalt Hall School of Law, remarked that Jones' decision demonstrates that organizations like the Boy Scouts are "entitled to express their views and associate in any way they wish, but they're not entitled to preference."

[Have we seen anything written here which suggest preference?

Have we seen anything written here which suggest the opposite of preference, like exclusion?

Contracts, are they not binding?]

The **American Civil Liberties Union** sued the city and the **Boy Scouts of America** over the lease in August 2000 on behalf of a lesbian couple and an agnostic couple, each couple with a son.

[Is this a grievance?

How do we get from a grievance to an 36 year old contract?]

It is unclear what the immediate impact of the ruling would be because the city and the Scouts could appeal, reported the Union.

The issue is made more complex by the **Scouts' multi-million dollar improvements made over the years.**

According to the report, the final fate of all will be outlined in a final court order, which has yet to be formally published.



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