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# Out in the Mountains

VERMONT'S NEWSPAPER FOR LESBIANS, GAY MEN, AND BISEXUALS

Volume VII, Number 9

November 1992

## United Way of Chittenden County Funds Boy Scouts

UNIVERSITY OF VERMONT

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Cleland Selby

Approximately \$25,000 of this year's \$3.4 million budget of the United Way of Chittenden County will be allocated to funding for local Boy Scout troops according to Executive Director Gretchen Morse.

Each United Way is locally incorporated and governed with its own set of policies. Although United Way of Chittenden County exceeds State of Vermont discrimination standards in its governing policy, it does not require that those it funds meet the same standards. "The whole issue with the Boy Scouts is troublesome," stated Ms. Morse as she referred to the Scouts policy requiring members and leaders to be heterosexual and acknowledge the existence of god.

United Way does not establish the policies of the non-profit organizations which receive money through them. According to Morse, because the Boy Scouts claim to be a religious organization and because they comply with United Way standards requiring them to "keep records that indicate compliance with the non-discrimination policy of state and federal law," they meet United Way of Chittenden County's funding standards. Vermont law, according to Ms. Morse, allows for these religious exemptions, including the law requiring non-discrimination on the basis of sexual orientation.

"There is no question that this is a controversial issue," stated Morse. "We are not state or federal regulators." She went on to say that the intent of United Way is to encourage non-profit organizations to follow all anti-discrimination policies that protect people regardless of their sexual orientation, age, race, or gender. However, she also said her organization could not force such policies upon mem-

ber agencies receiving United Way funds.

According to Susan Sussman, Executive Director of the Vermont Human Rights Commission, a religious exemption to Vermont's Public Accommodations Act does not exist. Therefore Gretchen Morse may be in error when she states that Vermont law does allow for a religious exemption for the Boy Scouts.

Ms. Sussman was clear that the issue of employment of Boy scout personnel may or may not fall under a separate statute and could conceivably include the religious exemption to which Ms. Morse makes reference. However, if the Boy Scouts itself is not a private club but is open to the general public, then it is a place of public accommodations and falls under the provisions of the public accommodations statute. As such, while the Boy Scouts may be able to legally discriminate against lesbians and gay men in employment, discrimination against members on the basis of sexual orientation is probably illegal in Vermont.

"There is no exemption for anyone in the Public Accommodations law for sexual orientation," Sussman stated. "There is a religious exemption in employment." Sussman pointed out that there remain questions about whether the Boy Scouts fall under public accommodation statutes. In a federal court case in Illinois in 1990, the court found that in that state the Boy Scouts is indeed a place of public accommodation according to federal statute. The issue in Illinois was not sexual orientation, but instead related to the issue of the acknowledgement of god.

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## Scouts Reaffirm Discrimination Policy

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When contacted about the policy position of the Green Mountain Council of the Boy Scouts regarding discrimination on the basis of sexual orientation, Executive Director David Myers chose not to comment, but instead referred all questions to Blake Lewis, national spokesperson for the Boy Scouts of America.

Mr. Lewis stated that the Scouts have a clear and defined position on sexual orientation. "We have always reflected the expectations of the scouting families. We do not believe that homosexuals provide a role model consistent with these expectations and so we do not allow for the registration of homosexuals as members or leaders."

Mr. Lewis went on to say that the Boy Scouts, "know what families who send their boys to become Boy Scouts expect." When asked if he was aware of the Vermont law which specifically prohibits discrimination because of one's sexual orientation, Mr. Lewis responded that he was not able to know the various laws in the fifty states. He then stated that the position is a firm position and that there could not be a different position for a local Boy Scout Troop. ▼

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