

Octorara School Board and Residents Defend BSA Public School Assemblies

by Margaret Downey

Since September 2014, representatives from the Freethought Society (FS) have formally objected to school sponsored Boy Scouts of America (BSA) recruitment assemblies allowed by the Octorara School District in Atglen, Pennsylvania. The assemblies take place on school grounds, during the school day, and BSA receives assembly assistance through teachers and staff.

The following article, written by correspondent Debbie Wyngent appeared on Monday, April 13, 2015 on Lancaster Online:

Freethought Society Challenges Octorara on Boy Scout Policy

The Freethought Society, a national organization that advocates for the nontheist community, is drawing attention to the Octorara Area School District for allowing the Boy Scouts to hold recruitment assemblies on school property during the school day.

Margaret Downey, president of the group, based in Pocopson, Chester County, said her organization was contacted by a parent who wishes to remain anonymous after the district allowed Boy Scout assemblies to take place at school on September 15, 2014. Nontheism is a term that covers a range of views characterized by the absence or rejection of belief in a deity or gods.

The society has lobbied against the Scouting group in other school districts and in Philadelphia for what it calls discrimination against gays and nontheists. Downey sued the Boy Scouts through the Pennsylvania Human Relations Commission. She said her son, Matthew Schottmiller, was kicked out of Scouting for being a nontheist.

In the suit, she requested the Boy Scouts of America allow members to affirm an obligation to “good” rather than to “God.” Downey also said the organization uses its private organization status to avoid compliance with the Americans with Disabilities Act by barring overweight Scouts from some programs and does not allow gay or nontheist parents to be volunteers.

Downey and a group of concerned citizens plan to speak at a school board meeting on April 20. She said they plan to ask the board to end the practice of allowing the private Scouting organization from recruiting during school hours and on school property.

Not on agenda

Superintendent Tom Newcome, citing Downey’s nonresident status and legal advice in light of the society’s history of litigation, said the board has declined to put the matter on the agenda.

Under board policy, agenda items may be suggested by residents but not nonresidents, and whether matters will be included on the written agenda is at the discretion of the board. The Sunshine Act doesn’t require school boards to have written agendas, but boards must give the public ample opportunity to comment on school district matters.

In a Dec. 11, 2014 story in the Philadelphia Gay News, Newcome is quoted as saying local Boy Scout troops are open and welcoming, have provided great opportunities for children and the board feels the issue is a local matter.

“If any student has been harmed by the BSA presentations or if discrimination is brought forward in regards to local troops, the school board should be made aware and the district will address the situation,” Newcome told the newspaper.

Newcome said neither he nor school board members will offer further comment on the issue until the April 20 meeting.

Charlie Rogers, Scout Executive with the Chester County Council of Boy Scouts of America, said no parents or Scouts from Octorara or other area troops have made discrimination complaints to the council.

“Our programs are open to all kids regardless of sexual orientation,” he said.

Gray area

As far as leadership is concerned, Rogers said there have been no complaints and “local organizations select appropriate role models and we don’t question who they pick.”

Rogers said the Boy Scouts do have some religious requirements and called this a “gray area.” He said troops that meet at churches might begin their meetings with a prayer, while those meeting in public schools often skip prayer. He said most religious activities associated with the Boy Scouts are conducted on a family level.

“We have had lots of kids who don’t have a belief in God and most of them function well (within Scouting),” Rogers said.

The Associated Press reported April 2 that the Boy Scouts’ New York chapter has hired the nation’s first openly gay Eagle Scout as a summer camp leader, a direct and public challenge to the national scouting organization’s ban on openly gay adult members. The national organization changed its policy in 2013 to allow openly gay youth as Scouts, but not openly gay adult leaders.

The school board meeting begins at 7 p.m. in the Octorara Junior High School multipurpose room.

Members of Downey’s group are expected to speak during public comment at the end of the meeting.

On April 20, 2015, Glen Loev (FS Vice-President), Tom Schottmiller and I attended the Octorara school board meeting. We were not allowed to speak because we do not reside in the Octorara area. Fortunately, local resident John Stoltzfus was allowed to voice his concerns about BSA assemblies. Stoltzfus was a student in the Octorara public school system and currently resides in the district.

Stolzfus' comments from that night were printed in the May/June 2015 issue of The Freethought Society News (See: "Trying to Stop Public School BSA Recruitment Assemblies"). Stolzfus' high school friend, Jason Chestnut, also attended, but since he was no longer a resident of Octorara he was not allowed to speak either.

Until that April 20th school board meeting, board members and Superintendent Dr. Thomas Newcome had refused to acknowledge any FS correspondence or messages from residents (of which FS was copied). Even questions from the media and requests for interviews went unanswered.

That night, under the agenda heading of "Visitors' Comments," I stated that I reside in Chester County. A board

member asked me, "What is your exact city of residence?" When I stated "West Chester," many of the board members shouted, at almost the exact same time, "Out of district. You can't speak."

Having noticed a camera and technician, I knew that the meeting was being filmed. I made sure to step into view of the camera and handed my written statement to as many of the board members that I could reach. Having anticipated not being able to address the board in the public forum that night, I included Loev's written statement with my handout. Our statements were reprinted in the May/June 2015 issue of The Freethought Society News (See: "Trying to Stop Public School BSA Recruitment Assemblies"). Our goal of delivering our concerns to the board members was accomplished even though we had to remain silent.

Interestingly, the reaction I got from the school board members when I told them the city in which I reside was absent from the final edited version of the film made that night.

After Stolzfus expressed his objections to BSA assemblies, several residents spoke. We were all stunned by some of the commentary. The following description of the statements will likely surprise you as well.

The first resident to speak was Larry Denver of Londonderry Township. He stated that he pays a sizable chunk of real estate taxes. He also proudly disclosed that he is "a committee person for Londonderry Township and is vice-president of The Faith and Freedom Coalition of Pennsylvania."

I immediately recognized the organization name because members of the group had contacted me in the past to voice their objection to FS's goals. The Faith and Freedom Coalition of Pennsylvania is a chapter of a national organization that is described as "an American ecumenical Christian social conservative 501(c)4 nonprofit organization founded by Ralph Reed." Below is a description of the group's "educational" mission copied from their website:

Education is at the very core of everything we do at Faith & Freedom. If we are informed, as a people, about the truths that our forefathers found 'self-evident,' then we can, with God's help, return our nation to the correct path. With that in mind, we focus our attention on:

* Teaching about how America was founded as a Judeo-Christian Nation.

- * Reviewing religious roles in the founding of this country.
- * Teaching the importance of religious leaders, past and present.
- * Teaching original intent of the Declaration of Independence and the US Constitution.
- * Discussion of the processes that anti-religious groups are using to shut down Freedom of Religion in and out of the public arena.
- * Educating on the vital importance of strong involvement in our Local Government.
- * Educating on the fallacy of separation of Church and state.

The anti-secular list of “educational” goals made me cringe. Imagine no separation of “church and state.” This group would be singing a different tune if they found themselves a minority religious order, dealing with intrusive cultural, social, and personal pressures to be more like the majority. They would then understand why government and religion must stay separate.

The rest of the items listed are conservative Christian rhetoric and reflect the narrow-minded thinking of their membership. The Faith and Freedom Coalition of Pennsylvania is determined to rewrite history and erase the fact that the United States was founded on secular values that protect the minority from the majority.

Denver said there are three parts to the BSA assembly controversy which can be addressed in any First Amendment challenge — freedom of speech, freedom of religion, and the right to petition the government.

Denver said that he would not restrict Stoltz's right in saying that he doesn't believe in a deity, but he supports that right equally to BSA saying that there is a deity.

Denver told the school board members that The Faith and Freedom Coalition of Pennsylvania will offer legal support to counter any discrimination lawsuits that might result from allowing BSA to conduct recruitment assemblies. He also offered his assistance to “not restrict BSA's freedom of expression.”

Denver disclosed that he teaches Constitutional classes and has been doing so for six years. He said he has read the Constitution thoroughly and there is “no right against being offended in the Constitution.”

Denver also stated that, “There is no right against the offense that a person might feel discriminated against.”

I suppose Denver thinks that Constitutional tenets protecting the minority against the majority do not apply in this case.

I tried to contact Denver after the meeting to interview him and to find out where he teaches. He never returned my call. I could only find evidence that Denver “teaches” his conservative viewpoints about the Constitution in living rooms of private homes in Chester County,

Pennsylvania. His “classes” are advertised through the Coalition for Advancing Freedom — a group that describes its member base as people who “...believe in God in the Judeo-Christian tradition, and like our founders, believe that faith and religious practice contribute positively to a moral and civil society.”

In another display of his inability to equally accept non- religious fellow citizens, Denver said that he would support atheists starting “their own organization.”

Then, way off topic, Denver said that he “sees attacks against religion happening all over the country.” He stated that “one church in Bucks County had three burning incidents in the last few days,” and “a church in Delaware had a similar incident recently.”

We were amazed that Denver was trying to connect these church burning problems to our protest efforts against BSA assemblies. He said, “This a movement that has not only gone on primarily across the country, but also across the world.”

The FS contingent looked at each other in utter

disbelief. Denver was trying to relate the Bucks County and Delaware church burning incidents to atheists and even stated that “These things are being prevalent and normal now. It’s time to draw a line in the sand. We need to stop this.”

Denver said that the Octorara area has “a long, long history of faith.” He went on to say that “personally” he “doesn’t have the kind of faith that it would take to not believe in God. It takes a lot of faith to turn your back on something that’s like that.”

Denver ended his commentary saying, “The right not to believe is guaranteed in the Constitution, but the Boy Scouts have that same guaranteed right.”

All five freethinkers held up small (8½” X 11”), double- sided protest signs which we created ahead of time knowing that we would probably not be able to speak at the meeting. The signs stated, “Stop Boy Scouts of America recruitment assemblies!” and “Public schools should not condone, enable or promote discrimination!”

Denver did not grasp the issue at all, but the issue is very simple. The public school system, which is an extension of the government, should not be entangled with a private religious organization by providing a place for recruitment, help in getting the children to that place, and using the school day to endorse said private religious group. Pointing out the religiosity of BSA was strengthening our case — or so we hoped.

David Blank from Highland Township said that he had recently read an article in the local newspaper about the BSA assembly controversy. He was in attendance because he wanted the school board to know that BSA is “a legal organization that operates within the law and complies with the laws of the United States, the Commonwealth, and our community. The Boy Scouts are a lawful organization and, in fact, teach Scouts — young people, to obey the laws.”

Blank was ignoring the fact that there are anti- discrimination laws at local, state and federal levels. This is, in fact, why BSA decided to declare themselves a “private” organization. They

did so in order to get around those anti-discrimination laws that would have applied to them had they remained a public organization that services the entire community — the organization envisioned by its founder but privatized by BSA executives in order to keep some unwanted members of the community out.

Blank insisted that BSA “operates according to the values that are consistent with the Octorara community.” Well, hopefully not. Otherwise it means that one of the values held dear to the community is bigotry! Blank was making the assumption that all Octorara citizens held his values — values that include religious superiority and

prejudices.

Had I been able to counter Blank’s comments, I would have pointed out that even the Octorara School District has in place anti-discrimination policies. The exact wording of

the policy is:

The Octorara Area School District is an equal opportunity education institution and will not discriminate on the basis of race, color, creed, religion, age, gender, ancestry, national origin, disability, sexual

orientation, marital status, or a health or medical condition 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.

Blank went on to say that Charlie Rodgers, the Chester County Scout Executive, was reported as saying “that there have been no complaints about the local leadership.”

Blank said “the benefits of Scouting are numerous and are recognized by the community. If this were not the case,” he said, “the Boy Scouts in the Octorara area would probably not exist.”

Once again, brushing the community in the same color as himself, Blank said that “people in this community participate in and support BSA.”

Well, those who are allowed, that is! The entire reason we object to BSA assemblies is that they do not include the entire community. Statistically, a community

of over 87,000 people such as Octorara will have a sizable number of gay and nontheist residents.

The statement Blank made next proved why the Octorara school board must not allow BSA assemblies. Blank stated that BSA supports education in their programs and that “makes BSA a partner with the Octorara School District.”

Digging the hole even deeper, Blank said, “The superintendent and the school board have been charged with advancing the education of

children in the district and the Boy Scouts are working with you in that task.”

Wow! I could not have stated the collaboration any better. This type of connection is what makes the Octorara anti-discrimination policy invalid when BSA is allowed to recruit on school grounds, during school hours. Plus the entanglement of teachers and school officials forces them into the discriminatory profile of BSA! This is what must be stopped. Blank was unknowingly making the points of why we object to the BSA and school entanglement for us!

Blank said, “Nobody is required to participate in Scouting.”

He acknowledged that Octorara is a pluralistic community and went on to say, “as a public school, we must reflect that pluralism.”

He, of course, left out the fact that giving BSA a place to hold a recruitment assembly, a time slot where students are captive audience members and providing them help from teachers is showing favoritism to a private organization that discriminates against nontheists and gays. Doing so does not protect or advocate for the appreciation of pluralism.

Blank, insisted, however that “...it makes sense that the Boy Scouts would be permitted to hold assemblies.”

His rationale was that BSA should not be restricted on account that they are perceived to hold to a set of beliefs that are not contrary to the purposes of public good and public education. “On the contrary,” Blank said, BSA “promotes the public good and public education — and they are an honorable organization.”

Blank asked the school board members to continue to allow the BSA assemblies because BSA “seeks to advance healthy and safe adventure, citizenship, personal fitness, and fun.”

FS representatives all agree that BSA programs are fun and offer a lot to youth — that is precisely why all children should be welcomed, not just religious applicants.

I asked if I could remark on some of the comments that were made and to speak on behalf of the Octorara residents that contacted FS to represent their concerns.

School Board president Lisa Bowman said, “No.” Then she said that Octorara residents had ample opportunity to come forward and talk to the board. She also said that people who objected to BSA assemblies could have spoken to Dr. Newcome at either a public board meeting or through a private meeting. She said not one person has come forward to voice concerns.

I said that these folks approach-ed FS with their concerns because they actually fear for their jobs and wanted to stay anonymous.

Bowman insisted that anyone in the Octorara community has an opportunity to speak for themselves and no one has come to either Dr. Newcome or any member of the Board.

I wanted to make it clear that speaking to Dr. Newcome was not possible since he is a well-known Christian leader and one of the persons who voiced a concern to FS is a teacher under his direct supervision. A discussion — even a private one — was out of

the question because of fear of retribution. I was silenced at that point, however.

School Board vice-president Brian Norris said he did research on BSA cases and discovered that in 2006 there was a similar situation in Oregon. The case of Powell v. Portland Public School District & Stan Bunn, Superintendent of Public Instruction was heard at the Oregon Supreme Court.

“In that case,” Norris said, “the [Oregon] Supreme Court ruled in favor of the school district and BSA was not found to be discriminating.”

Since I was not allowed to say anything, I could not address the details of the case at that time. I will now.

There are many rulings at State Supreme Courts levels that differ on opinions. State decisions do not set in stone a precedent for other states to follow.

In the case of Powell v. Portland Public School District & Stan Bunn, Superintendent of Public Instruction, there were conflicting decisions at several levels.

The final decision favored BSA because they had agreed to not state on any literature being circulated by the teachers that they have private and discriminatory membership rules. This case was not about the school sponsoring BSA assemblies during the school day and using the help of teachers and/or administrators.

The facts of the Oregon case are completely different from what FS is objecting to in Pennsylvania.

School board member Sheri Melton said that she doesn't think “...the Boy Scouts are the enemy of American free- dom.”

Melton then said, “It's ISIS.”

There was complete silence and everyone had puzzled looks on their faces, wondering if Melton meant for us to be talking about ways in which to stop ISIS instead of addressing the discriminatory practices of BSA. The comment was certainly out of place and distracting. The uncomfortable silence was broken when school board Treasurer Samuel Ganow said that if people came forward to complain in person, they would not be punished or lose their job because “that does not happen here.”

Ganow also said, “If he were the superintendent, over the years some people would have lost their job, so Dr. Newcome deserved a lot of credit.”

Ganow remarked that in the 20 years that he has been on the Board, he has never personally approved any assembly. Ganow claimed that it is not a policy that needs to be addressed by the board. Ganow explained that the board's duty was to look at budget numbers, not to decide what goes on at school assemblies.

School board member Timothy Alexander said that when he heard this BSA assembly issue would be talked about he researched BSA policies. He said that he found out BSA has badges that recognize 37 different religions. Alexander concluded that he finds it hard to label the organization as discriminatory when they are using the concept of God so generally in their material. "Members can believe in any God," he said.

Alexander said that he found it difficult to have a group that "open-minded being labeled close-minded and bigoted."

He said his position is that the Boy Scouts are welcomed in Octorara, as is any other youth group that ...that positively impacts children.

Alexander's logic failed to acknowledge that there are many people who don't believe in any gods at all. He completely ignored the existence of nontheist citizens, even though five of us were sitting in the audience, and one lived in the district.

Alexander also failed to consider that there are roughly 4,200 religions in the world. That means BSA is accepting and acknowledging less than 1 percent of religions!

I wanted to jump out of my chair to inform the school board that BSA is very intolerant of religions that do not agree 100 percent with their views on God and their membership policies.

In 1992, the Unitarian Universalist Association (UUA) Board of Trustees passed a resolution opposing BSA's anti-Agnostic, anti-Atheist, and anti-gay policies.

By 1998, BSA determined that UUAs could no longer award its religious emblems to its Boy Scouts. This was done as a punishment to UUA for not agreeing with BSA membership policies. In addition, no UUA Boy Scout was allowed to wear his previously earned emblem. Many UUA Scouts continued to wear their "Religion in Life" and "Love and Help" emblems in defiance of BSA prohibition. I wanted to ask the Octorara school board members, "How tolerant and accepting is that policy?"

Bowman said that up until this evening neither the superintendent nor the board has been contacted by any residents of the school district who have concerns about BSA

assemblies. That is not true as we know of email messages and of Stoltzfus, who voiced his concerns early in the meeting, and was sitting right there!

It became apparent that the school board could not be convinced that BSA should not be allowed to conduct recruitment assemblies on the grounds, during the school day. The entanglement between a public school and a private religious organization did not appear to bother school board members one bit. Letters sent to them by local residents were not discussed and neither were the letters they received from the American Humanist Association, The Freedom From Religion Foundation, the Center for Inquiry, as well as from others who have been harmed elsewhere due to BSA bigotry.

Ignoring the national BSA issue of prejudices will not make the issue disappear, however. A promise from a local resident to cover legal costs in the event that the Octorara School District is

sued for allowing a student to be discriminated against is foolish. The school board is expressing complete disregard in protecting children who are from gay and nontheist homes. Such a position makes a potential lawsuit all the more costly because they were forewarned about the problem and did nothing to stop it. The school board had an opportunity to sever their ties with a private religious group, but failing to do so placed their budget at risk and makes a mockery of the schools anti- discrimination policy. Since the specifications of that anti- discrimination document are not being applied to BSA assemblies, the Octorara school board may as well revoke the policy altogether.

On Tuesday, April 28, 2015, Lancaster Online published the following article written by correspondent Wygent, who also wrote the April 13, 2015 article:

Octorara School Board Allows Boy Scout Recruiting Despite Protest

Octorara Area School District plans to continue to allow the Boy Scouts of America to hold recruitment assemblies at school this fall despite a Freethought Society protest during a school board meeting April 20.

Five members of the society, saying Octorara should not welcome the organization because it discriminates against gays and nontheists, carried signs of protest to draw attention to the issue. Not all protesters were allowed to speak because school board policy only grants that privilege to district residents.

Margaret Downey, president of the group, said in a written statement given to the school board and a reporter that she wanted to speak on behalf of society members in the district who were afraid to speak.

She called hosting recruitment assemblies “an unethical scenario where nontheist families are targeted as unwelcome members of society.”

“The Octorara School District has a sound non- discrimination policy in place, but allowing Boy Scouts of America recruitment assemblies to take place violates that policy,” Downey said.

Octorara graduate John Stoltzfus was the only group member who was allowed to speak. He said the assemblies violate the First Amendment because the association

discriminates against those who don’t believe in God. Stoltzfus said school grounds are for the whole community. He called the notion that those who don’t believe in God can't have morals “nonsensical.”

In his written statement, Dr. Glen Loev of Bryn Mawr said he wanted to speak for teachers and parents who were apprehensive about speaking in public.

“Allowing the Boy Scouts of America to hold pro- motional meetings in public school during school hours, with the assistance of teachers, puts an official stamp of approval on the Boy Scouts’ polices and rules — the positive things that they do and stand for, but also their hurtful, discriminatory policies,” he wrote. “Not intentionally, but effectively, you are condoning

discrimination against gay people. Do not send a message to these students that their parents, their families are inferior, and that it is OK to discriminate against them.”

Board president Lisa Bowman said until that evening the district had not received any comments or concerns about Boy Scout assemblies.

Larry Denver of Londonderry Township, vice president of the Faith and Freedom Coalition of Pennsylvania, said the coalition would stand with the school district if it continued to host Boy Scout assemblies.

David Blank of Highland Township said, “Tolerance is not about having belief. It's about how your beliefs lead you to treat other people.”

Board member Tim Alexander said he thinks it is difficult to label the Boy Scouts as discriminatory because they use the concept of God “so generally in their material.”

“My position is the Boy Scouts are welcome as is any other youth group that provides a positive impact to these kids,” Alexander said.

Superintendent Tom Newcome said via email he made the decision to welcome Scouting assemblies again this fall with the input of the school board and other administrators.

“At this time I plan to continue allowing the local Boy Scout troop leaders to hold their 20-minute assembly in the fall,” Newcome said. “We allow the Girl Scouts the same opportunity.”

Within a month of the Octorara school board meeting, Robert M. Gates, the president of BSA, called for an end to BSA’s ban on gay adult leaders. In his speech at the annual national BSA meeting, Gates warned BSA executives that “we must deal with the world as it is, not as we might wish it to be.”

Gates also said that cascading events — including potential employment discrimination lawsuits and the impending Supreme Court decision on same-sex marriage, as well as mounting internal dissent over the exclusionary policy — had led him to conclude that the current rules “cannot be sustained.”

Gates said that if BSA does not change on its own, the courts are likely to force them to, and “we must all understand that this will probably happen sooner rather than later.” Gates went on to say, “I support a policy that accepts and respects our different perspectives and beliefs.” With insight to the problem, he added, “I truly fear that any other alternative will be the end of us as a national movement.”

Addressing the nontheist membership issue, Gates stated, “If we wait for the courts to act, we could end up with a broad ruling that could forbid any kind of membership standard,” such as the belief in a duty to God and the goal of specifically serving the needs of boys.”

Why wouldn't BSA just treat every person with respect, decency and human kindness — even nontheists? Discrimination is wrong whether it is against gays, nontheists, girls, the overweight and/or the disabled.

The bottom line is that even Gates, the president of BSA, is concerned about discrimination lawsuits. He is fully aware that bigoted BSA membership rules could hurt someone. Why then is the Octorara School District unable and unwilling to be proactive to prevent cases of discrimination and why are they not abiding by their very own anti-discrimination policies? Saying that nobody has been harmed so far is a poor policy that protects nobody. Ignoring BSA bigotry places Octorara students, teachers, administrators and even taxpayers in a very vulnerable legal situation.

The below cartoon drawn by FS supporter Celestia Ward conveys it all. □□