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August 27, 2002

President Brian Gallagher
United Way of America
701 North Fairfax Street
Alexandria, VA 22314

Dear Mr. Gallagher:

I was in the process of writing this letter to you when I received your letter threatening to bring legal action against us for bringing to the public's attention the names of the local United Ways that have withdrawn support for the Boy Scouts. Your use of two words in your letter amazes me. You claim that you do not "discriminate" and then go on to say that your do. You claim that you are committed "to the promotion of diversity in all respects" and allude that the Scouts' policy conflicts with this diversity. "Diversity in all respects" should include the Scouts not exclude them. Because their values are different from gay groups should not exclude them for holding these values. If you truly support "diversity in all respects", then it would be against your stated policy to exclude the Scouts for holding their constitutionally protected values against them; just as it would be to exclude gay groups who hold different values.

Your letter also is inconsistent with your office's memo of August 1 to the United Way field to withhold information from us that would ensure that our "United Way Watch List" is in fact accurate. The letter to us from the Chief Scout Executive, that you refer to favorably, points out that between 65-70 of your locals do not support the Boy Scouts, while your website claims that only ten do not support the Boy Scouts. As an Eagle Scout, Quartermaster Sea Scout and former member of a key committee of the Greater Los Angeles Area United Way I want an accurate listing on our website of those of your locals that do not support the Scouts so that Scout supporters can contribute directly to their local Scout councils. As a long time friend of the Boy Scouts, the United Way of America also should want to see this happen..

After the Supreme Court's decision in the New Jersey Boy Scout case the war against the Scouts did not end. It was continued when gay rights groups put pressure on school districts, State and local governments and local United Ways to discriminate against the Scouts. As a result we created the Scouting Legal Defense Fund (SLDF) as a project of the American Civil Rights Union (ACRU). It is chaired by former Attorney General Edwin Meese III and includes the members of our Policy Board, Congressman Rohrabacher of California and Congressman Chris Cannon of Utah. Earlier ACRU had filed friend of the court briefs in the Supreme Court's Boy Scouts vs. Dale case defending the right of the Boy Scouts to freedom of association. (I hope that since the Boy Scouts of America was a founding member of the United Way of America that you were with the Scouts.)

In addition, the Congress and President Bush came to the Scouts defense by prohibiting discrimination against them by school districts in the recent education bill. Prior to that action he House of Representatives defeated overwhelmingly an effort to repeal the Boy Scout's charter. Legal battles are being waged at the local levels of government where cities such as San Diego are resisting pressure from the Scouts opponents to deny the Boy Scouts access to parks. It is sad that gays who ask for tolerance from those who disagree with them are not in turn tolerant of those with whom they disagree. I and many of our Policy Board are Scouts. Congressman Rohrabacher is Co-Chairman of the House Boy Scout Caucus. He and I are Eagle Scouts. We were taught that once a Scout always a Scout so we simply are defending the Boy Scouts right to set their own moral standards. Different religions and other groups in this country do not agree on moral standards. What is moral to one may be immoral to another. That is another example of "diversity."

One way we support the Scouts is to provide a website at www.defendscouting.com which contains a "United Way Watch List" of local United Ways that have eliminated or reduced funding to the Boy Scouts so that people in those areas can redirect their contributions to the local Scout Council. It is important to us to be sure that the list is correct. That is why that when we receive information that a local United Way is discriminating against the Scouts and it does not come from a Boy Scout Council or other reliable source, we give that United Way the opportunity to respond. It is in the interest of your locals that continue to support the Boy Scouts that they not be tarnished with the brush of those who do discriminate against them. Therefore we were quite surprised by several things in your Executive in Charge of Brand Strategy and Marketing, Cynthia Round's August 1, 2002 memorandum to "United Way Chief Professional Officers, Regional and State United Way Key Volunteers and Staff" about the Scouting Legal Defense Fund (copy attached). This memo was prompted by those requests to some of your locals to respond to reports we have received that they have cut off or disproportionately reduced allocated funding to their local Scout councils. As I have indicated this watch list is for the benefit of local United Way donors who support the Scouts, the media and the general public to identify those local United Ways that either have taken this action or appear to be in the process of doing so. Currently, there are 65 local organizations on this list. Our goals in maintaining the list are to discourage other local United Ways from taking similar steps and to help replace the funding local Scout councils have lost.

We are puzzled, therefore, why your Ms. Round would direct that "Local United Ways should not comply with this organization's (the Scouting Legal Defense Fund's) request for information" at the same time that you are accusing us for not getting it. As you well know, when a local United Way takes this action against the Scouts it is hardly a secret. Invariably, it is controversial and extensively covered by the local media. The most common result, as you know, is that allocation pool contributions to these United Ways usually drop, which hurts all remaining allocation pool recipients, while both directed contributions to the Scouts through these local chapters and contributions made directly to the local Scout councils usually increase. Indeed, several local United Ways that withdrew support have had to reverse their actions against the Scouts in an effort to restore allocation pool contributions to previous levels.

Unfortunately, as you also know, because of the extensive news coverage, the actions of these United Ways often hurt other United Ways in the vicinity which continue to fund the Scouts. Much of the public often tars them with the same brush because many people do not understand that the United Way is not a single organization nationwide. These neighboring United Ways often have had to devote time and resources to make it clear to donors in their service area that they continue to support the Scouts. Frequently, the local Scout councils help in that effort, since they obviously have an interest in seeing that funding drive goals are met. Unfortunately, they are not always successful and donations decline anyway. Rather than hurting the Scouts as has been claimed our website is specific. If a local United Way is not listed it is not hurt by our website. You should support our effort to report accurate information rather than try to cover it up by threatening lawsuits.

We know first hand that there is a great deal of misleading and incorrect information circulating about which United Ways have taken action against the Scouts, especially on the Internet. Your organization, I must point out, is part of this problem. As I noted earlier, your web site continues to mislead visitors into thinking that only ten United Ways have taken such action. This widespread misinformation clearly hurts the great majority of United Ways that continue to fund the Scouts, which should be a concern to you. Because it also hurts the local Scout councils that look to them for funding, it certainly is a concern to us. One of the values of the Watch List has been to educate the public that, in fact, local United Ways have discretion on this issue as well as to give them a place to check out their local chapter. Since this misinformation causes such problems for so many local United Ways, it is especially surprising that your national office has directed local United Ways to not cooperate with us. If we receive no answer we must suppose that the adverse information is correct.

As I have indicated I was active in the Los Angeles area's United Way in the late sixties and served on the committee that passed on candidate organizations for funding. I value the United Way; therefore unless the national United Way is willing actively and publicly to discourage local United Ways from discriminating against the Boy Scouts, it is clear to me that the next best way to protect the United Way's reputation is to make sure that there is a minimum of misinformation circulating about it.

Another puzzling aspect of Ms. Round's memo is that she appears to *order* the local United Way's not to comply with our request by saying: "Local United Ways should not comply with this organization's request for information." It raises in my mind and others with whom I have discussed this directive, just how independent of the national organization these local units actually are. In the 1980's when I was in the White House as Special Assistant to President Reagan for Policy Development, I became acquainted with one of your predecessors, William Aramony, who liked to issue threats. Since I certainly did not have a high opinion of him, I closely followed the coverage of the funding scandal and the related actions for which he was eventually convicted. One of the points which the national office, as well as many local United Ways made over and over again during that time was that the local units were all independent and, therefore, were not tainted by the illegal diversions of funds at the national office. If you are unwilling to "interfere" with the locals' decisions on discrimination against the Boy Scouts because they are independent then why does your office direct them not to comply with our request? Which is it?

If they are not so independent, what is the national office's position on cutting off funding to the Scouts? What is your role in encouraging or discouraging local United Ways to do this by trying to enforce non-discrimination agreements based on "sexual orientation," something that national Scout policy prevents local councils from doing? Some local United Way's that did respond to our letter claimed that they had not turned the Scouts down since they had not applied. Of course the Scouts in those cases did not apply because that United Way would have required them to sign an agreement that they could not sign. It has been known for some time that the national United Way office advises local units that are contemplating taking such action. We are requesting that you clarify what additional role the national office might be playing in these actions against the Scouts.

We found one part of Ms. Round's memorandum particularly disturbing. That is her statement that "Our initial strategy to deal with this organization is to urge the national office of the Boy Scouts of America (BSA) to communicate directly with Scouting Legal Defense Fund on behalf of United Way." She goes on to say that in your conversation with Chief Scout Executive Roy Williams, he agreed that our efforts to maintain and publicize the Watch List "were not in BSA's best interest." As you know, since he copied you, we have received a letter from the Chief Scout Executive making just such a claim. As long as the United Way of America attempts to cover up the facts the public certainly will be penalizing innocent locals and their Boy Scout councils as well. Since the list of locals withdrawing from Boy Scout support continues to grow, it is only natural that Scout supporters will call their local to ensure that it is not in the process of doing so. The information that caused the creation of our "Watch List" initially came from the media. If anything, our Watch List will reduce this rush to judgment rather than increase it.

It is difficult to see how Mr. Williams could take the position he has about an independent effort designed to help protect United Way funding for local Scout councils and to replace funding that has already been lost. But the memo from Ms. Round suggests an answer. She states clearly that your "initial strategy" was to place pressure on the Chief Scout Executive to write us to get us to quit our efforts. Since the Boy Scouts of America depends on more than $80 million a year from the United Way it is in their best interest to accede to a direct request from you to stop our effort. The possibility that this is what has occurred is very disturbing. Contrary to Ms. Round's statement we had received no complaint from BSA until you made your call. United Ways around the country are important sources of funding for local Scouting programs. The Scouts, as a charter founder of United Way, have in turn been strong supporters of United Way over the years. This history, until recently, has been mutually beneficial and continues to be in most local United Way service areas. However, because the Scouts' currently depend upon United Way contributions for a significant portion of their funding they would be clearly vulnerable to this type of pressure from you. We hope this was not the case. However, the fact that this was your "initial strategy" certainly raises this question. It must be clear to you why we are conducting this independent effort on behalf of all of us who value what Scouting has done for us and for the nation. We are independent of the United Way of America while the Boy Scouts of America is not. We do not depend on you for funding while the Scouts do. We request that you clarify your intent in going to the national Scouts to bring pressure on us to stop an activity that you clearly find threatening.

We certainly did not create the public relations problem you clearly have as a result of local United Ways taking discriminatory funding actions against the Scouts because of their position on excluding openly homosexual men from serving as Scoutmasters. But your response to our simple request to local United Ways to verify information that we already have is a classic case of trying to "kill the messenger." As always, when this strategy is employed it suggests that there are more fundamental problems and issues involved that need to be examined to understand what is really going on. It seems to us that the more productive course for you in dealing with this problem is to pressure local United Ways not to take this action in the first place and reverse it, as some have, if they have already done so.

While we think that these actions against the Scouts by local United Ways are unwise, unwarranted and violate the spirit of the mission of United Way, we certainly recognize their right to take them. However, we also recognize that potential United Way donors, Scout supporters, the media and the general public also have the right to know which United Ways have chosen this course so they, in turn, can take whatever action they think is appropriate. We will continue to maintain the Watch List to help them do that.

I hope that this lengthy letter answers all your questions about us and I hope that you will respond to the questions we have raised. We are interested especially about how independent these local United Way organizations truly are, the position of the national United Way on cutting off funding for the Scouts on the basis of their position on homosexual scoutmasters and why, according to Ms. Round, your initial strategy was to get the national Scouts to pressure us not to continue the United Way Watch List.

My delay in responding to your letter was caused by it being sent to our former headquarters in San Diego held there and forwarded to our new headquarters in Alexandria.

Sincerely,

Robert B. Carleson
Chairman

cc Roy L. Williams, Chief Scout Executive

Board of Directors: Hon. Robert B. Carleson, Chairman; Hon. Edwin Meese III; Ronald A. Zumbrun, Esq.