United Way
of America
The Way America Cares.
Community by Community.™

Brian A. Gallagher
President and Chief Executive Officer

701 North Fairfax Street
Alexandria, Virginia 22314-2045
Tel 703 683-7800 Fax 703 683-7846
brian.gallagher@uwa.unitedway.org
www.unitedway.org

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Mr. Robert B. Carleson
Chairman, American Civil Rights Union
Scouting Legal Defense Fund
1220 Rosencrans Street, #325
San Diego, CA 92106

Dear Mr. Carleson:

I am writing to express my concern about your campaign to identify United Way organizations that may have reduced or stopped funding to the Boy Scouts and to request that you discontinue any efforts in this regard. Labeling or characterizing United Way funding decisions as discriminatory or attributable to the Boy Scout position on sexual orientation is misleading and raises legal issues that create potential liability for your organization. The Boy Scouts of America do not support your campaign and have voiced concerns that it will erode funding levels. I strongly urge you to cease your efforts to target United Way organizations in light of the following:

First, your plan to draw particular assumptions and inferences about United Way funding decisions has significant legal implications. The mere fact that funding to a Boy Scout council may have been changed in no way automatically means it is due to any single reason or cause. United Way funding allocation decisions are made by volunteer boards based upon the needs of communities. Agency funding may fluctuate due to a number of reasons, including community priorities and campaign revenue. Public representations based on assumptions that funding decisions are attributable solely to the Boy Scout policy on sexual orientation would be factually inaccurate and misleading.

Furthermore, the characterization of local United Way funding decisions as discriminatory is legally inaccurate and may be libelous. Like the Boy Scouts of America, United Ways are private entities that may set funding and membership criteria based upon organizational policies and values. Use of allocation criteria is proper provided that it is consistent with applicable laws and applied in an objective manner. United Way organizations may properly adopt funding policies that consider agency exclusionary practices without engaging in discriminatory conduct.

I am aware that Roy Williams, Chief Scout Executive of the Boy Scouts of America, has already communicated to you that he is not supportive of your efforts. There is no question that your proposed campaign will have the opposite effect that you intend with reduced funding for all agencies, including local Boy Scout councils. Organizational relationships will also suffer as a result.

The United Way system has a long-standing history of supporting the Boy Scouts and a deeply held commitment to the promotion of diversity in all respects. The Boy Scout's policy on sexual orientation has created challenges in reconciling these two competing interests. Most communities remain supportive of the Boy Scouts. However, mutual respect of each other's position is critical in maintaining vital community services.

Again, I urge you to reconsider your strategy and cease efforts to identify or label United Way organizations. In the event that you publish any misrepresentations about United Way organizations, we will not hesitate to take action to protect the interests of our members.

Sincerely,

Brian A. Gallagher