

## LETTERS TO THE EDITOR

## Judges Shouldn't Participate in Scouting

**T**he debate regarding the appropriateness of California judges' participating in Boy Scout activities continues, as evidenced by your Feb. 9 article ("A Proposed Ethics Rule for Judges Has Fingers Pointed at Boy Scouts"). As painful as the dispute is to discuss, it must be discussed, and I am glad that a possible resolution is at hand.

The Boy Scout issue is a sensitive one for me. As a youngster, I founded and formed a troop when I moved into a new residential development. I was its first Eagle Scout and became a senior patrol leader. I attended a national Jamboree at Valley Forge, Pa., and represented my troop at various functions throughout my native state of New Jersey.

The Boy Scouts were chartered by an Act of Congress as a Patriotic Society and were first approved in 1916. While case law holds that congressional charters by themselves do not turn an organization's actions into the actions of the state, nevertheless the Scouts are closely allied with government. 10 U.S.C. section 2544 allows for the U.S. Armed Services to lend supplies to the Boy Scouts for purposes of their Jamborees and to give them surplus items. In addition, Scouts may use U.S. bases for purposes of training, camping and related uses.

Regardless of the case holdings, the Boy Scouts give the appearance of a governmentally approved organization and

no judge should serve as a member or officer in any organization that discriminates against or for any sexual orientation, because discrimination based on sexual orientation is not acceptable.

Many years ago, very few persons of color were Boy Scouts. The organization is the better for their inclusion. Today, the Scouts discriminate against homosexuals. Judges have historically never supported an organization that has practices or promoted discrimination. We should not now.

Just think of the valuable lessons of courage and principle that we can teach our children by obeying what should be our own "judges' law" and refuse participation in any organization that discriminates based on race, age, national origin, religion or sexual preference.

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The writer is a judge on the Santa Clara County Municipal Court.

## The P.C. Movement Censors Private Lives

**O**nce again the ayatollahs of political correctness are on the march against the Boy Scouts, one of the few organizations that does anything these days to instill character

and moral integrity into our youth.

If the juvenile delinquents I represent in court had been active in scouting, I wouldn't be seeing them. The Scouts' refusal to compromise their moral aversion to homosexuality and to accept the conventional wisdom that the homosexual life style is a proper role model for male children has occasioned fierce attacks, causing severe financial problems for the Scouts.

This time, it is judges who support or who are active with the Scouts who are feeling the heat from the totalitarians in their midst who would censor their fellow judges' private lives for the sake of ideology. Now, as I understand it, the Judicial Council has made a ruling that, in effect, could require all court employees to sever their ties with the Scouts, though the judges wisely voted almost 2 to 1 not to apply that sanction to themselves.

As an attorney, I am an officer of the court and am a frequent judge pro tem and judicial arbitrator. If these zealots of the left in the Judicial Council get their way, I am sure that they would seek to censor my private associations just as they are doing with the court employees. Such pressure for ideological conformity is not only outrageous, it is truly frightening to contemplate. More frightening is the fact that 415 judges think that it is appropriate.

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