

Scouts hit on homosexual policy

Hearing officer rules group violated city law with office's stated refusal to hire a gay man

By Terry Wilson
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A hearing officer has found that the Chicago Area Council of the Boy Scouts of America violated the city's human rights ordinance for refusing to hire gays and lesbians, attorneys said Tuesday.

Hearing officer Jeffrey L. Taren, who heard testimony in the case of a North Side man who was told there was "no way" the Chicago Area Council of the Boy Scouts would hire a homosexual man, recommended that the Chicago Commission on Human Relations find the Scouts in violation of the ordinance.

"There is nothing associated with the hiring of an openly gay man which would require the [Scouts] to alter anything other than its discriminatory hiring policy," Taren found.

In his 75-page ruling, Taren, however, said the Scouts could prohibit employees from expressing personal opinions that are contrary to Scout oaths and policies.

Richard Walker, national spokesman for the Boy Scouts of America, said the organization is "disappointed" with the ruling and that it plans to enter objections to the commission regarding Taren's decision.

"This is one examiner's opinion," Walker said. "We're still waiting for the full commission to accept or reject his findings."

The issue was raised by G.

Keith Richardson, 34, who had achieved the rank of Eagle Scout and was admitted to the Order of the Arrow, an honor bestowed only to a few scouts.

On May 22, 1992, 10 years after Richardson left the Scouts, Richardson called the council and asked a spokeswoman if the Scouts would hire a gay man. The spokeswoman replied, "no way," according to testimony in the hearing last April.

Richardson had been contacted by a national organization called Forgotten Scouts, which was looking for a case to use in its fight against the organization's hiring procedures that exclude homosexuals, according to testimony. Represented by the American Civil Liberties Union, Richardson filed suit against the Chicago Council of Scouts, seeking \$1 million in damages for violating the city's Human Rights Ordinance.

Attorneys for the Boy Scouts of America argued at the hearing that the Scouts were a religious organization and that such status exempted them from the city ordinance, which bans discrimination based on gender, race, sexual orientation and other categories.

Scout attorneys also argued they have a 1st Amendment right to freedom of association.

But Taren ruled the council is not a religious organization and thus not exempt from coverage. And because the council's specified goal is not to oppose homo-

sexuality, its right to associational expression has not been violated, Taren ruled.

Taren did not compel the Scouts to hire Richardson because he said he found Richardson was a "tester" for a legal challenge to the Scouts' hiring policy and not a serious job applicant.

He recommended Richardson be awarded a nominal \$500 in damages.

"It was not as much a victory for me as it is for the whole concept of stopping discrimination against lesbians and gay men," Richardson said. "With all the other cities and states [that have such ordinances] the Boy Scouts will have to change their policy soon or deal with hundreds of cases just like this."

Richardson, who is a housing court liaison for the clerk of the Cook County Circuit Court, said he was looking for work three years ago when he filed the suit but would not accept the job now.

ACLU attorney Harvey Grossman said the impact of the ruling will be widespread. There are 130 cities and towns in the U.S., including Los Angeles, New York, Atlanta, Seattle and Portland that have ordinances that bar discrimination based on sexual orientation. Additionally, there are nine states with laws that bar similar discrimination.

"We really hope that some of the municipal agencies and county agencies that sponsor the Boy Scouts ... encourage the Scouts to abandon this policy," Grossman said.

The commission is expected to rule within six months.