

Boy scouts of america

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This controversial First Amendment case was heard by the United States Supreme Court in 2000, on appeal from New Jersey's Superior Court. The dispute arose between the Boy Scouts of America, specifically a New Jersey troop, and a man named James Dale. Dale was an adult Boy Scout and a troop leader in New Jersey. He was also openly homosexual and a gay rights activist. The Boy Scouts were not aware of Dale's sexual orientation until he attended a seminar that dealt with the needs of homosexual teenagers which was covered by a local newspaper.

When the Boy Scouts discovered that Dale was in fact a homosexual, they kicked him out of the organization, claiming that his sexual orientation directly opposed the values they wished to instill in the young members of their group. Dale filed suit in the New Jersey Superior Court. He asserted that when the Boy Scouts revoked his membership, they violated New Jersey law. That law forbids discrimination based on a person's sexual orientation in places of public accommodations. The Court ruled in favor of Dale. The Boy Scouts however, believed that their constitutional right of expressive association had been violated.

That First Amendment right allows organizations with selective membership standards to forbid membership to anyone who does not meet those standards. The Boy Scouts appealed the judgment to federal court. At the Supreme Court, the decision of the state court was overturned, ruling in favor of the Boy Scouts. The Court provided that the Boy Scouts were selective in accepting members into the organization since they only accept boys over the age of ten, and therefore the group had only practiced their First Amendment right of expressive association.

Furthermore, the scout oath illustrated the group's opposition to homosexual behavior. When members say the oath, they promise to keep themselves "morally clean". Alongside the membership standards, the oath essentially won the case. This case, while controversial, was decided correctly. The freedom to associate allows groups to gather for any purpose. The freedom of speech allows those groups to speak of their ideas. Freedom of expression is really only a combination of the two. The First Amendment protects groups from being forced to admit members who directly defy their purposes.

The same would have applied no matter the group in question. Imagine if the NAACP was forced to admit a man who openly expressed hatred toward African Americans, or a group meant for veterans that was forced to admit an anti-war advocate. This type of forced inclusion into the organization would really disrupt the business of the group. Sometimes, it would make the group pointless altogether. Most likely we would not see membership refusals such as those mentioned as a case of discrimination. It is simply a conflict of interest.

The Supreme Court's decision in *Boy Scouts of America v. Dale* is extremely relevant to society as a whole, especially to those individuals who are members of certain organizations who practice selective membership standards. No one wants to attend a church that was forced to hire an atheist preacher. No little girl wants to show up to her Girl Scout meeting to find that a little boy has become her fellow scout. As individuals, we like to surround ourselves with people who share similar qualities and characteristics with us.

We enjoy gathering with others who share our opinions and purposes. Had the Supreme Court ruled differently in this case, this type of activity could easily be considered discriminatory and punishable by law. While the decision was unfortunate for James Dale, it upheld the Boy Scouts' constitutional rights, and protected society's rights as well. In the article, *Police in Gun Searches Face Disbelief in Court*, New York Times reporter Benjamin Weiser discusses the growing trend of unconstitutional searches conducted by police officers in May of 2008.

One such illegal search happened in New York to a man who was carrying a pistol. In court, the officers involved testified that they had just cause to search the suspect. They claimed, " He was loitering, sweating nervously and had a bulge under his jacket" (Weiser). The judge however, found that the officers' story was untrue, and that they had searched the man illegally, violating the Fourth Amendment. Since the gun could not be used as evidence, the case was thrown out. Weiser's research indicates that this type of situation occurs more often than we might think.

He provides that in the last six years there have been twenty similar cases in New York City alone, where police officers unconstitutionally searched suspects, often resulting in the release of criminals who illegally carry firearms (Weiser). The Fourth Amendment protects Americans from search and seizure without probable cause, and this includes searches for weapons by police officers. The fact that these particular officers violated the Fourth Amendment is unfortunate, because their behavior put criminals back onto the streets.

However, there was nothing that the judges that heard the cases could do, because the Bill of Rights applies to all Americans, criminals included. While society might prefer that the Fourth Amendment not apply to criminal suspects, the Constitution was meant to protect all people. It would be unfair to be searched without cause, especially if a suspect was not carrying an illegal weapon. The amendment is important in that it protects every aspect of our personal lives.

Without it, the police could barge into our homes and take anything that they wanted, confiscate our cars, or seize anything we carry with us, activities that certainly do not constitute a free democracy. In the article, A Witness Startles Court in Pellicano Trial, New York Times reporter David Halbfinger tells the story of a witness “pleading the fifth” in a Los Angeles court room in April of 2008. The trial was that of Anthony Pellicano, a private eye accused of wiretapping on behalf of his rich and famous clients.

During cross examination, witness Phyllis Miller was asked questions about her own involvement in the case. A lawyer got her to admit that she was guilty of a crime herself. After a number of questions were asked, of which she responded to, Miller refused to answer any more self incriminating questions, pleading the fifth. However, the responses she did give now have her facing charges of her own of perjury and fraud. The Fifth Amendment deals with double jeopardy, the due process of the law, and the testimony witnesses in trial.

Specifically stating that no person, “shall be compelled in any criminal case to be a witness against himself” (Cornell University Law School). This amendment protects individuals from being forced to testify during their own

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trials, which might lead to a guilty verdict. The Fifth Amendment is very relevant to society, in that it not only protects us from being charged multiple times for the same crime, but also allows us to keep quiet when we are on trial ourselves. Imagine a guilty man on trial forced to testify truthfully about a murder he committed.

Most likely his answers would not be honest anyway, so why ask him to talk at all? Furthermore, imagine his wife testifying about what happened on the night of the crime. If the woman is asked questions about her involvement which might lead to a trial of her own, it is unfair to force her to speak. The Fifth Amendment in its entirety is important for Americans, because it deals with the protection of our personal lives and liberties. Being forced to testify as a witness to another person's trial should not mean that we to be put on trial.

In the article, Washington Mayor to Take Fight for Gun Law to Supreme Court, New York Times reporter Adam Liptak discusses a controversial gun control law out of Washington D. C.. That very strict law made carrying a gun, even two feet in your own home, illegal if you are not licensed to do so. The law was taken to Court and deemed unconstitutional. The mayor of the District of Columbia, Adrian M. Fenty, disagreed with the Court's decision and challenged it in the United States Court of Appeals in May of 2007.

The Court however, refused to retry the case, claiming it was within the limits of the Bill of Rights, so Mayor Fenty planned to take the case to the Supreme Court in July of 2007. Liptak asserted in the article that it was his belief that the Supreme Court would agree to hear the case (Liptak). The Second Amendment, which has always been very controversial, protects an

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individual's right to keep and bear arms (Cornell University Law School). Many people believe that by limiting the rights allowed by the Second Amendment, violent crime rates would decrease.

Still others want to keep their constitutional right to carry guns regardless of crime. The Second Amendment is very relevant in today's society. In a world filled with criminals and violence, we deserve to have the means to protect ourselves, especially when many criminals carry illegal guns themselves. Imagine a robber breaking into your home in the middle of the night with a gun of his own. Most Americans would feel much safer if they had a gun to protect not only their families, but their property as well.

Many people feel that by enacting gun control laws, we are putting ourselves at risk since many criminals own guns illegally anyway. The Constitution was written as a means of protecting certain civil liberties, one of which is life. Without the Second Amendment, we have no means of protecting our lives against the violent criminals who wish to hurt or kill us. In the article, National Briefing: South, South Carolina: Appeal to Supreme Court, the Associated Press introduces readers to the case of an imprisoned teenager in South Carolina.

The teenager, who at the age of twelve brutally murdered his grandparents and burned down their home in 2001, was sentenced to thirty years in prison for his crime. At his trial, his lawyers claimed that his crime was a result of a medication he was taking at the time, Zoloft. When the boy was found guilty, and the sentence was announced, his lawyers planned to take the case to the Supreme Court for violating the Eighth Amendment. The Eighth

Amendment protects Americans from cruel and unusual punishment, excessive fines, and excessive bail (Cornell University School of Law).

Meaning that, certain crimes should not be punished with extreme sentences, huge bail amounts, or an unreasonable amount of years in prison. For a case such as described above, the punishment seems most reasonable and most likely the teenager will remain in prison. However, sometimes criminals are punished excessively for the scope of their crimes. The Eighth Amendment is very relevant in today's society, because it protects us from being punished to greatly for a small crime. Imagine being given the death penalty for a parking violation.

Obviously a punishment such as this would be a violation of the Bill of Rights, and should be. However, without the Eighth Amendment things such as this could happen all the time. We could serve ten years in prison for stealing a piece of bubble gum from the candy store, or be arrested for failure to pay a speeding ticket and have bail set at a million dollars. This type of punishment would be unfair, excessive, cruel, and most definitely unusual. The Eighth Amendment only protects us from such unfair treatment, and therefore is very important in a country built on fairness and freedom.

Reflection Honestly, the Bill of Rights is probably the most important part of the Constitution. It protects our freedoms and rights from being taken away from us, and since our country was built on that foundation, it is important that we retain our personal rights. I do not really believe that any one of the first ten amendments is more important than the others, but it seems that the First Amendment is the one that is violated the most often. It also seems to be the one amendment that Americans value the most out of the ten.

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Without the First Amendment, should one of the others be violated, we might not have the right to speak up about it in the first place. I also think that the Eighth Amendment is very critical to our country. In other countries people are thrown in prison and put to death for doing silly crimes and that is wrong. The writers of the Bill of Rights were very clever to include this amendment because it protects us from being treated inhumanly. Overall, I think that all of the first ten amendments work together to protect our rights and freedoms, and thankfully they are usually obeyed.

From this assignment I have learned a lot. I have always known that the Bill of Rights is important, but I never realized how often it is violated on an individual basis. As a citizen of the United States, I am grateful for the rights I have been given by the Constitution. Many citizens of other countries are not so lucky, and I am afraid that many Americans take these rights for granted. I also did not realize how often new amendments are proposed, and moreover, how irrelevant some of the proposed can be. From my research I learned of one amendment meant to define and protect marriage between a man and a woman.

It is very interesting to me what some people consider a personal right. I think that without the Bill of Rights, the Constitution itself would be very vague. Since it speaks of certain civil liberties, it was only logical to list those liberties within the document. When we govern by and enforce the Constitution, we are guaranteed these most important rights and freedoms, which make America a country that is privileged and different from most others across the globe. Thankfully our founding fathers envisioned a nation that was democratic and free.

Therefore, the Bill of Rights is incredibly valuable to our country and the rights and freedoms that we are given, because without it we might not have understood exactly what America was meant to be. I can honestly say that I learned a lot by working through this project, and I think that all students in the United States should have to do similar work to appreciate what they have. Works Cited The Associated Press, " National Briefing South; South Carolina: Appeal to Supreme Court. " The New York Times 12 May 2008 14 May 2008

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