

## ACLU Loses Court Battle to DoD and Boy Scouts

From [Stop the ACLU](#).

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[Boy Scouts of America](#) is pleased that the United States Court of Appeals for the Seventh Circuit dismissed the ACLU's lawsuit against the Department of Defense for supporting the National Scout Jamboree.

For more than 25 years, Boy Scouts have held the National Scout Jamboree every four years at Fort A.P. Hill near Fredericksburg, Virginia. Scouts from all over the country camp together for ten days and participate in activities emphasizing physical fitness, appreciation of the outdoors, and patriotism. Seven Presidents have attended the Jamboree since President Franklin D. Roosevelt in 1937. The Jamboree grounds at Fort A.P. Hill are open to the public, and an estimated 300,000 visitors attended in 2005 along with 43,000 Scouts and their leaders. The 2010 Jamboree will celebrate the 100th Anniversary of Boy Scouts of America.

The United States Congress has found that the military's logistical support for the National Scout Jamboree is an incomparable training opportunity for our armed forces. The Jamboree requires the construction, maintenance, and disassembly of a "tent city" capable of supporting tens of thousands of people for a week or longer.

Nevertheless, the ACLU sued the Department of Defense in 1999 over its support for the Jamboree. In 2005, a federal district court in Chicago concluded the Jamboree statute

([10 U.S.C. section 2554](#)) was unconstitutional under the Establishment Clause because Scouting has a nonsectarian "duty to God" requirement. DoD appealed the district court's injunction against military support under that statute for the 2010 Jamboree.

I'm having difficulty keeping up with the court, ACLU and Americans United.

The court rules, the Boy Scout's "nonsectarian" "duty to God" requirement is unconstitutional. The ACLU is saying that prayers offered at [council meetings](#) must be "nonsectarian" to be constitutional.

Then in more confusion, in the same article, the ACLU said; "It should not invoke the name of a particular religious figure, such as Jesus, Allah or Buddah...", implying that they can't pray to Jesus but Mohammed is okay and they can pray to God but to Allah would be prohibited.

Americans United for the Separation of Church and State has no problem with prayer at a [County Commissioners meetings](#) so long as it isn't offered to a true Deity, such as Jesus Christ. Pray to rocks, trees and all the false gods you like, just stay away from the One True God. (an inadvertent acknowledgment of Christ and true religion, but an acknowledgment just the same)

[Indiana Constitution](#)

[North Carolina Constitution](#)

In today's ruling, the federal Court of Appeals in Chicago reversed the district court's decision, concluding that the taxpayers named as the plaintiffs in the lawsuit did not have standing to sue DoD in the first place.

"We are pleased that today's ruling preserves the training opportunity for the military that Congress wanted it to have," said Robert H. Bork, Jr., spokesperson for the Scouts.

"Today's decision allows everyone to get back to planning the centennial Jamboree celebrating Boy Scouts' 100th birthday," said George A. Davidson, the attorney for Boy Scouts of America who argued before the Seventh Circuit last year.

The case is [Winkler v. Gates](#), No. 05-3451 (7th Cir. Apr. 4, 2007).

It's a good win. I just wish it wasn't because of a technicality of standing.

### About the Author

This was a production of [Stop The ACLU](#) Blogburst. If you would like to join us, please email Jay at [Jay@stoptheaclu.com](mailto:Jay@stoptheaclu.com) or Gribbit at [GribbitR@gmail.com](mailto:GribbitR@gmail.com). You will be added to our mailing list and blogroll. [Over 240 blogs already on-board.](#)

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