

SUMMARY

**Boy Scouts of America
David K. Park
National Legal Counsel
Boy Scouts of America
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Rule 3.04.

The Boy Scouts of America expresses concern that proposed revisions Rule 3.04 will increase the confusion as to whether judges are allowed to participate in organizations like Boy Scouts. They feel that removal of the language contained in the current Model Code that a judge may belong to an organization “that is in fact and effect an intimate, purely private organization whose membership limitations could not be constitutionally prohibited”, would have an unintended chilling effect on judges’ association with organizations like Boy Scouts. Additionally, they assert that if the standard were actually adopted, it would be vulnerable to challenge under the First Amendment because the draft Commentary to Rule 3.04 is not narrowly tailored and is not the least restrictive means to achieving to Canon 3’s purpose of preserving “the integrity, impartiality, and independence of the judiciary.” Boy Scouts of America requests that the Commentary to Rule 3.04 include the language suggested in the full text of their comment.