

CONFIDENTIAL RECORD SHEET  
 REGISTRATION, SUBSCRIPTION, and STATISTICAL SERVICE  
 BOY SCOUTS OF AMERICA

Date 11-11-86Full name Bernard N. Fogarty  
(No initials if you can possibly get full name)Address [REDACTED]City Saco State Maine Zip Code 04072Date of birth 6-44 (This is important and should be exact.)Approximate age 42 (To be used ONLY when date of birth is not known)

Religion \_\_\_\_\_ Nationality \_\_\_\_\_

Occupation Major, Air National Guard

Education \_\_\_\_\_

Weight 180 lbs. approx. Height 5'10" approx. Race CaucasianColor of hair Reddish-blond Color of eyes \_\_\_\_\_

Outstanding characteristics or interests \_\_\_\_\_

Married or single Single Children None  
(Number, ages, and names, if possible)Wife's name None

## Scouting connections:

| Unit No. | City | State | Office | Date registered | Date resigned |
|----------|------|-------|--------|-----------------|---------------|
| T-371    | Saco | Maine | S.M.   |                 |               |

Special recognition #021554 Deleted 3-12-87 JMW

Suspended or denied registration for following reasons:

See attached sheet

SPECIFY THE FACTS WHICH LEAD YOU TO RECOMMEND DENIAL OF REGISTRATION,  
 AND LIST ATTACHED SUPPORTING DOCUMENTS (STATE ONLY KNOWN FACTS, NOT RUMOR,  
 CONJECTURE, OR SPECULATION):

STARON

MAR 6 1987

NOTED  
 MAR 23 '87  
 JOSEPH L. ANTONI

Signed Hans L. Pokan  
SCOUT EXECUTIVE  
Council PINE TREE # 218

NATIONAL COUNCIL REVIEW COMMITTEE  
Maintaining Standards of Membership  
April 1988

MINUTES

John L. Clendenin, Chairman  
Philip S. Lang  
Glen L. Ryland

William J. McLaughlin, Advisor

The committee met by Teleconference to review the decision of the Pine Tree Council in Portland, Maine regarding the denial of membership to Bernard N. Fogarty.

The material from the Regional Review Committee and Mr. Fogarty's letter of 13 February 1988 requesting review by National Council Review Committee had been previously sent to members of the committee.

The committee reviewed the standards which they must apply as set forth in Article VIII of the Rules and Regulations of the Boy Scouts of America, No. 4992. The question that the committee must decide is whether the applicant "possesses the moral, educational, and emotional qualities" necessary to afford positive leadership to youth. This standard pre-supposes that the committee members will make common sense judgments based on their own experience as to personal attributes necessary to meet the standards of membership.

Chairman Clendenin called on each committee member for their findings based on their review of the material presented.

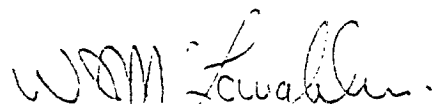
Phil Lang stated based on the statements by Jay Clark, Troop Committee Chairman and information shared by Detective Dentico of the Saco Police Department verifying the pornographic material, the local council committee acted properly in removing Bernard Fogarty from the membership rolls of the Boy Scouts of America.

Glen Ryland reconfirmed the standards by which membership will be judged and expressed his action for support of denial of registration.

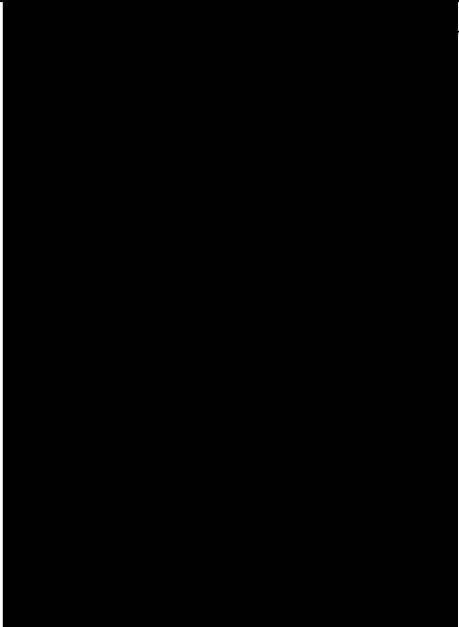
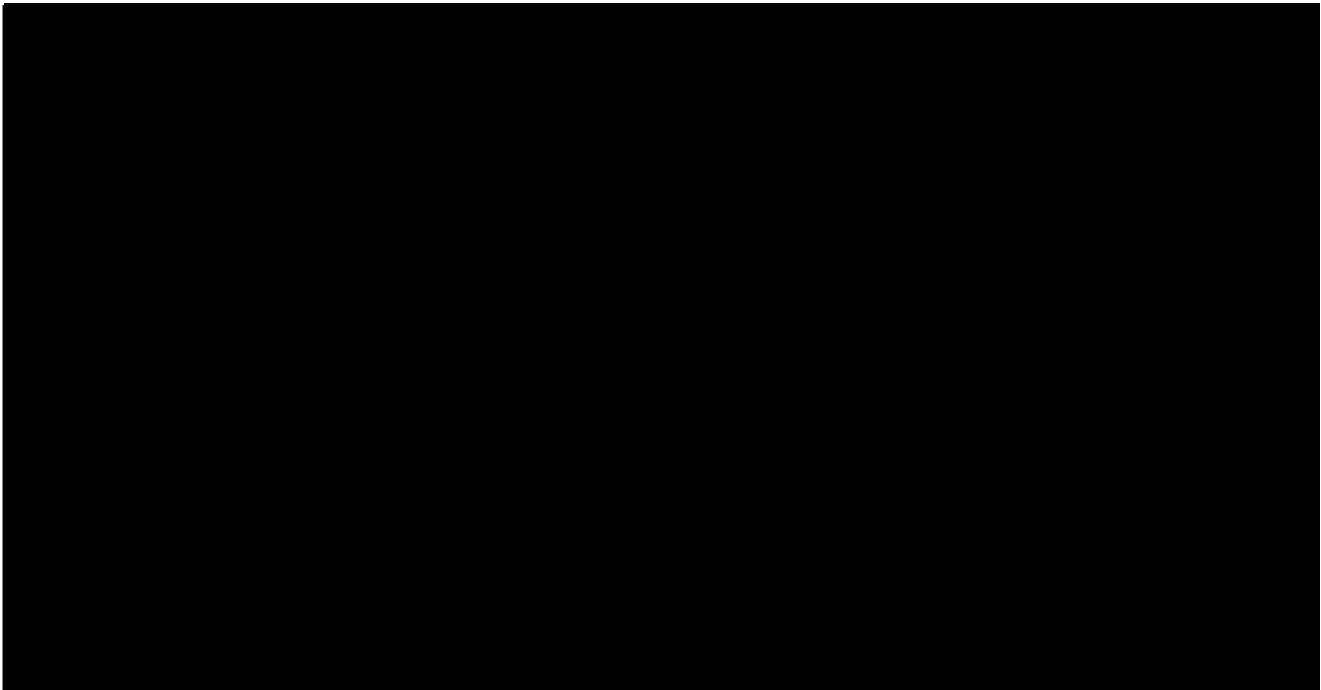
John Clendenin, stated his agreement with the other two committee members.

The Committee denied registration of Bernard Fogarty, motioned by Phil Lang, seconded by Glen Ryland.

Respectfully submitted,

  
\_\_\_\_\_  
William J. McLaughlin  
Staff Advisor

April 7, 1968



1968

3/22/88

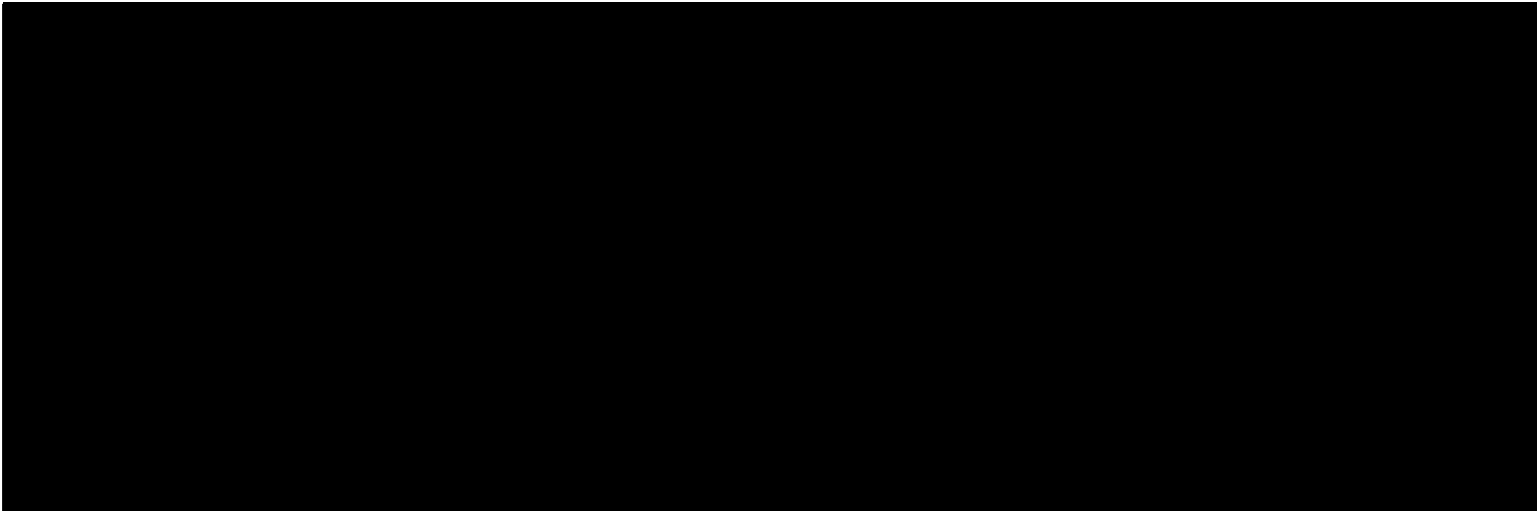
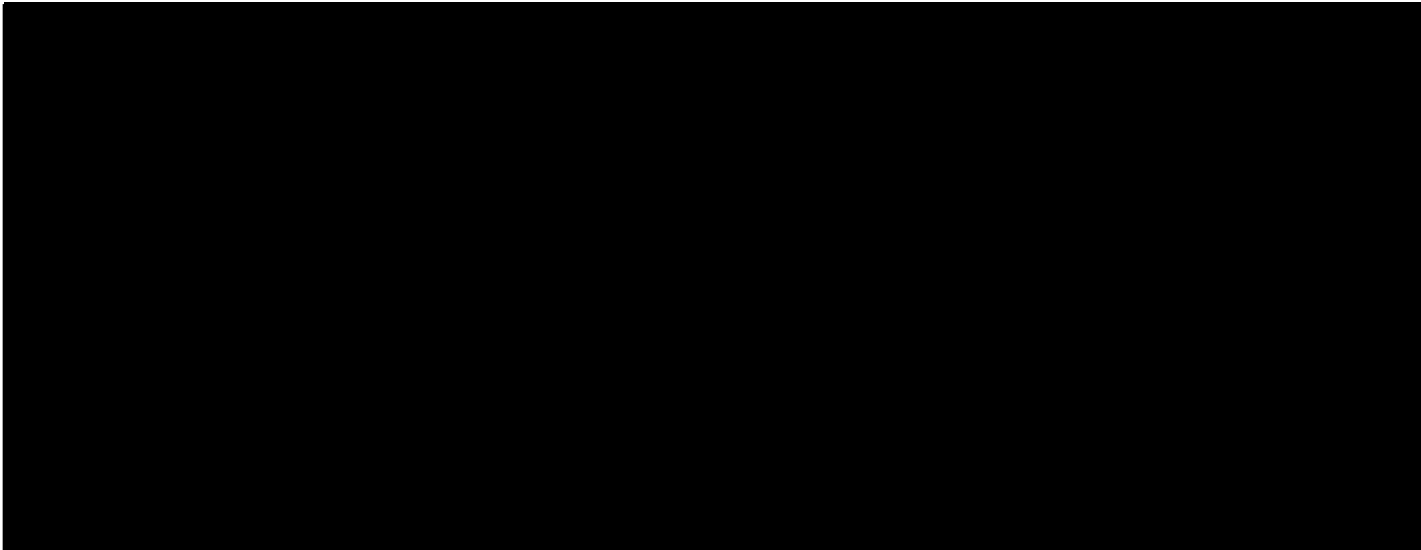
Talked to Harry Palmer  
re: Return of material.

Was not able to bring charges  
of disturbance / or sharing with  
children.

But was viewed by  
several people including  
Trey committee chairman

WOM

March 3, 1968



Page 1306

Saco, Maine 04072  
13 February 1988

William J. McLaughlin, SPHR  
Director, Personnel Administration Division  
Boy Scouts of America  
1325 Walnut Hill Lane  
Irving, Texas 75038-3096

Dear Mr McLaughlin,

1. It appears from your letter of 5 February, that action taken against me by Harry Pokorny and Roland Sutton was based on the "matter of pornographic literature..." and that I allegedly have stated that I "did not wish to discuss it."
2. As you can see from the attached letter, there was no reference to any pornographic literature in Harry's letter notifying me of his and Roland's decision to suspend my registration. It is on this letter that I have based my appeal through the council, the Northeast Region and, now, to your office. If I were accused of something relating to the matter of pornographic literature, why was I not advised of that in the letter? Certainly, in order to give me a fair hearing and a reasonable opportunity to appeal their actions, it would seem appropriate to delineate the allegations, which they obviously did not do.
3. The suggestion that I "stated" that I did not wish to discuss the matter of pornographic material is false. When I met with the council appeal committee, I told them that our purpose there was to discuss my appeal of the action taken by Harry and Roland pursuant to their 12 November 1986 letter and any other matter was not relevant. I did, however, tell them that if they had any other issues they wanted to discuss, if they would put them in writing and give me a chance to prepare a rebuttal, I would be glad to do so. They, however, chose not to.
4. I did, as I explained in my 7 March 1987 letter to Bill Hillar, Northeast Region, advise the committee that there was no pornography in my house. I also advised Harry of such when I spoke to him before he and Roland decided to suspend my.
5. Understanding now what I have been accused of, perhaps I will now be allowed the opportunity to rebut.
6. I have heard from other sources, suggesting libel, that someone claimed to have taken "two carloads of pornography" from my house. That is preposterous. As I explained to Harry, this "pornography" was described to me as what someone "thought" "could" be used to exploit children. That is a rather broad, subjective description. When this person was not able to find any evidence of exploitation of children, he chose to call around the neighborhood telling people, including Harry and my troop committee, that he had found pornography in my home.

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Since this person was a police officer, unfortunately, people believed him without question. In fact, even the local assistant district attorney told him that he had no basis for any action. And, and this is significant, he returned everything he had taken from me. If in fact there had been any pornography, he could not morally or legally have returned it. Despite this police officer's comments, his actions show that there was no pornography in my house.

7. Regarding the claim that there was "two carloads" of pornography taken from my home, note that I had no problem fitting all of it into my car with room left for passengers.

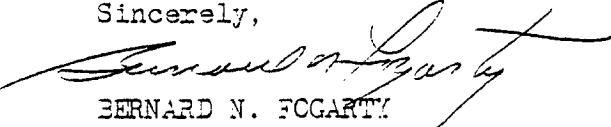
8. So, there clearly was no pornography in my home and Harry knew that. He was also aware of the fact that that same police officer had falsified a police report. This was brought to Harry's attention when I confronted him about a statement in the report, credited to Harry, which was false. When I told Harry about it, his response was, "That's not what I said at all." Obviously, this officer's credibility is questionable at best.

9. Another point which I have made with Harry, and which I think is most pertinent, is that this police officer "investigated" me thoroughly, and, perhaps, vindictively, for over a month and was not able to find any evidence of any wrongful activity. How many Scout leaders have been subjected to such an "investigation" and survived?

10. Clearly, the Pine Tree Council did not do a very good job of acting on the matter of my registration. They acted more out of panic and illogic than out of the interests of the Scouts. By refusing to give me the opportunity to properly address the real issue, they failed to get the facts. It is only now, a year and a half later, that I am finally being told why I was really suspended. I would hope that this is an isolated incident and that quality Scout leaders are not routinely terminated in this manner. Many Scouts have lost out because of the actions taken against me, no good has been achieved and, as can be readily seen, there simply is no justification for that action.

11. Considering the evidence; knowing that the credibility of the officer is questionable; considering that the return of all material taken is de jure evidence that there was no pornography; and considering the extensive police investigation which failed to reveal any wrongful conduct on my part, as well as my extensive, productive record of service to Scouts and Scouting over the past 21 years, it is clear that your decision to restore my registration would be in the best interest of Scouting.

Sincerely,

  
BERNARD N. FOGARTY

1 Atch a/s

February 5, 1988

Mr. Bernard W. Fogarty  
3 Cherryfield Ave.  
Saco, Maine 04072

Dear Mr. Fogarty:

In response to your letter of January 28, 1988, in which you request "specific allegations which have been made against me," I call your attention to the fact that you have previously been advised of the matter of pornographic literature and you have stated that you did not wish to discuss it. Under these circumstances it is our position that you are fully aware of the basis of your denial of registration and we propose to proceed with the National Council review accordingly.

Although you have been provided with a copy, an additional copy of the procedures is here enclosed.

If you wish to discuss this matter further please write to the undersigned.

Thank you.

Very truly yours,

William J. McLaughlin, CDHR  
Director  
Personnel Administration Division

cyc

Enclosure



[REDACTED]  
Saco, Maine 04072  
28 January 1988

Chairman, Personnel Committee  
Boy Scouts of America  
1325 Walnut Hill Lane  
Irving, Texas 75038

Dear Sir,

1. Reference Northeast Region letter dated 15 Oct 87, attached.
2. This letter is an appeal and request for review of the decision of the Regional review committee cited in reference. The basis of this appeal and request is that I have been denied access to both allegations and pertinent documents which were provided to both the Regional review committee and the Pine Tree Council appeal committee, and have, therefore, not been afforded an opportunity to rebut the allegations apparently made against me.
3. I spoke with Chuck Kauffman at Northeast Region and, while he was obviously not courteous, friendly or kind, he was, perhaps inadvertently, helpful. He let slip that the council appeal committee and the Regional review committee both considered information which was denied to me and which I did not have the opportunity to rebut. He claimed to have witnesses that this information was discussed at length with me, but I don't believe that, because it was not.
4. Chuck also stated that there was a "very complete file" at the region and also at National headquarters. That obviously is not true since I was not given the opportunity to present my case. Therefore, those files cannot be complete. Presumably, you have copies of all of the documentation listed below. If not, please let me know and I will provide what is missing from your files.
  - a. Pine Tree Council letter dated 12 Nov 86, suspending my registration.
  - b. My letter dated 29 Nov 86, requesting a review.
  - c. Pine Tree Council letter dated 3 Mar 87, denying (?) my registration. (It does not address the suspension of my registration.)
  - d. My letter dated 7 Mar 87, appealing council action.
  - e. Northeast Region letter dated 15 Oct 87, attached.
5. I have also not been provided information which I requested concerning procedures for processing appeals. I find it difficult to believe that such established procedures were followed. I requested copies of these procedures from both Harry Pokorny and Bill Hillar, but neither provided a copy. Why do you suppose that is?

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6. The reason I believe the decision of the Regional review committee to be in error is that the sole reason I was given for my dismissal from Scouting was that Harry and Bill Hillar did a careful review. Harry refused to tell me more than that. Comments Chuck Kauffman made confirmed that there were other allegations which I was not allowed to respond to. Also, the decision of the Regional review committee refers to "denial of membership." While Harry has subsequently denied me membership, the action I appealed was suspension. I know that the BSA can deny membership to anyone without cause, but I believe procedures call for cause for dismissal. I say there was no cause. After 21 years of service to Scouting, I feel I deserve a fair hearing, which clearly I have not received.

7. In order for me to prepare a thorough appeal of the actions taken against me, I must know what has been alleged so that I can rebut it. Both regional and council representatives have refused to tell me. Kauffman did allege, while shouting in my ear, that police had taken pornography from my home. (For the record, this is not true.) This is similar to one of the unrelated issues which the council committee attempted to drag into my appeal. If that is what I am being accused of, why didn't Harry tell me in his letter of 12 Nov 86? Why, if he felt he had a valid reason to suspend me, didn't he tell me what it was and give me an opportunity to rebut it?

8. Chuck Kauffman also made the comment that "the organization (I) was with in Maine" had made the decision to suspend me, not Harry. If that were so, than the other organizations I was with here in Maine should have had equal opportunity to decide that they wanted me to be registered. Yet, Harry refused to accept my registration from one of them, and the other has been waiting a year and a half for my registration to be restored. If it is in fact the sponsoring organization's option, than let me know and I will take care of the rest.

9. Clearly, the action taken against me was wrong because;

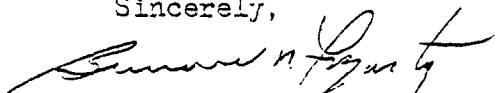
- a. There was no justification,
- b. I was refused access to allegations made against me,
- c. I was denied the opportunity to rebut any allegations except that Harry and Roland Sutton did a "careful review",
- d. I was refused access to established procedures, preventing me from preparing a rebuttal,
- e. Harry prejudiced the council committee and, apparenatly, the regional committee by knowingly presenting false allegations while refusing to tell me what he told them.

10. In order to allow me a fair hearing, I request that you provide me:

- a. Specific allegations which have been made against me, and
- b. A copy of applicable rules and/or regulations relating to such suspensions and appeals.

When I receive this information, I will submit additional statements of rebuttal which will demonstrate that I should not have been suspended.

Sincerely,

  
BERNARD N. FOGARTY

1 Atch a/s

For your info - Pine Tree Council #218, Portland, Maine

*Fogarty*  
*PTI*  
*Ad*

## Ex-Scout leader pleads innocent on sex charge

ALFRED — A 43-year-old Saco man pleaded not guilty at his arraigned this morning in Superior Court on a charge of unlawful sexual contact with at least one boy under the age of 14.

Bernard N. Fogarty of 9 Cherryfield Ave. was released today on a \$10,000 personal recognizance bond.

He had been held in York County Jail following his arrest Monday evening on a three-count, Superior Court grand jury indictment for unlawful sexual contact.

The indictment was handed down last week. Fogarty was arrested at his home Monday at 4:25 p.m. and did not make bail, which was set at \$2,500 cash or \$5,000 double surety.

The indictment followed nearly two years of investigation by Saco officer Arthur Roberts and Saco Sgt. David Loranger.

Police allege Fogarty had unlawful sexual contact with at least one boy under the age of 14 three times during a two year period, from 1984 through 1986.

At the time of the alleged incidents, Fogarty was a Boy Scout leader for Saco Troop 371 and was a volunteer Big Brother with Sweetser Children's Home of 50 Moody St., Saco., according to a search warrant issued June 19, 1986, and filed in Biddeford District Court.

Assistant District Attorney Paul Boots is handling the case. Boots could not be reached for comment because he was in Springvale District Court this morning.

... officials put forward the plan but said it's 100 percent certain it will happen.

They aren't certain the building will work for the proposed 30,000-square-foot aquarium. However, architects have already made preliminary plans for a glass-and-brick facility that would overlook Casco Bay. Officials still have to decide whether the Cumberland Wharf site has adequate parking and room for expansion. So far, city officials and waterfront activists aren't as enthusiastic about the proposed new site as city officials are.

**Man pleads innocent**

*March 14, 1988*  
**ALFRED** — Bernard Fogarty of Saco, identified U.S. Air Force major, pleaded innocent in York Superior Court Wednesday to a three-count indictment charging him with unlawful sexual contact.

In stating that Fogarty, 43, he released on recognizance, attorney Harry Center said that his duty station was at South Portland.

He is charged with several acts in 1984, 1985 and 1986 involving a male youth who at the times was 8 years old in 1984. All took place in Saco. Justice William S. Brodick ordered Fogarty released pending further court action.

**Car wash gets permit**

**SOUTH PORTLAND** — The city issued an occupancy permit to Northern Pride Car Wash Wednesday, but that doesn't resolve all the problems between the city and the owners.

Car wash owner William R. DeSena may have to pay penalties for keeping the car wash open without occupancy permit. Superior Court Justice John L. Perkins ruled Tuesday the city couldn't close the car wash. At the same time, however, he ordered a trial be held in the near future. During the trial, the city will seek fines against DeSena for keeping the business open without city approval. DeSena will seek monetary damages against the city.

**and seeking re-election**

late Rep. Anne M. Rand, D-Portland, is seeking reelection to the Maine House from District 25, the up of part of Portland. he said she has spent the last two years in the

... who will be on duty from 9 a.m. to 5 p.m. festival day, will undergo training sessions with the Portland Police Department and an orientation session with Intown Portland Exchange.

About 40 marshals are needed, and each will receive an IPE festival T-shirt. For information, contact Crowley at IPE, 772-6828.

**Inn may become dormitory**

The Portland Planning Board will hold a public hearing and vote April 26 on the University of Southern Maine's proposal to turn the Best Western Executive Inn at 645 Congress St. into a dormitory housing 350 students, all of them upperclassmen and graduate students.

Former Portland City Manager Tim Honey, now USM vice president of development and external affairs, told the board Tuesday that many students will be deciding where to attend college early in May and USM wants to be able to tell prospective freshmen whether they will be able to get a dormitory room. Dorm space for incoming freshmen would be freed up when the upperclassmen and graduate students are moved to Congress Street.

The board expressed concern about controls on students, with members saying they were worried both about the effect of the students on the area and the area on the students. It also is worried there may not be enough parking spaces so students will have to park on streets. There are 133 parking spaces at the hotel site.

**Officer to resign**

**WESTBROOK** — Police Chief Ronald L. Allannach said Tuesday the lawyer for Officer Lee Lajoie has told him Lajoie will resign voluntarily from the police force today.

If he doesn't, the chief said, Allannach will ask for his resignation. The chief discovered that Lajoie didn't have the college degree he claimed when Allannach was checking department personnel records.

Lajoie wrote on his application that he had accumulated credits from Troy State University, a community college, and the University of Southern Maine. A check of those records showed he didn't have the proper credits to earn a degree. Allannach said he had no problems with Lajoie's work as a police officer. He said he would ask for the resignation if Lajoie didn't resign voluntarily "because my standards for clarity and accuracy of all officers are very high."

... thefts, which would be on duty from 9 a.m. to 5 p.m. festival day, will undergo training sessions with the Portland Police Department and an orientation session with Intown Portland Exchange.

About 40 marshals are needed, and each will receive an IPE festival T-shirt. For information, contact Crowley at IPE, 772-6828.

**Thefts FROM PAGE 13**

"We've got to make our juvenile justice system tougher," Casale said.

Lt. Edward J. Googins, in charge of the police department's E Team that deals with special problems, said all that can be done is to "chip away" at the problem.

This involves a public relations campaign, cooperation from residents, crime watch techniques and neighborhood campaigns.

But Donald J. Reardon, vice

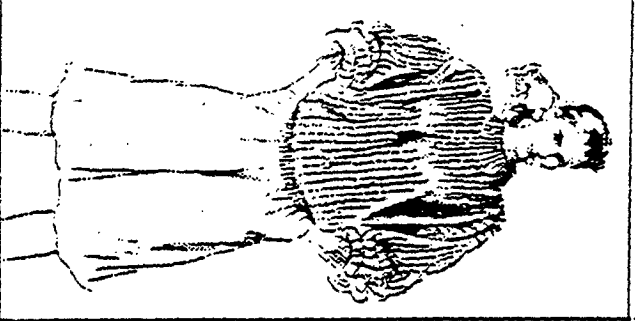
... victims when valuables back of their their windows that were broken," he said.

"There are 50,000 vehicles in this city now," Chitwood said.

president of People Against Auto Crimes, called for "drastic changes" in what is being done to combat theft from cars. Reardon said the increase in such thefts continues even though police have stepped up efforts to combat them. Reardon had no specific suggestions on what could be done.

Roberts gave figures on thefts from cars. In 1987, there were 2,026 thefts from cars, involving other than car accessories, 1,437 involv-

**The Best of Spring at the Best SALE ENDS SATURDAY APRIL**



- Personal Coordinates 25% off
- Country Suburban Coordinates 25% off
- Pendleton Coordinates 25% off
- Regatta Coordinates 25% off
- Skyr Coordinates 25% off
- Cambridge Dry Goods 25% off

**JANITZEN and MAINSTREAM SWIMWEAR NOW 25% OFF**

- Susan Bristol Sweaters 20% off
- Powder Point Sweaters 20% off
- Woolrich Sweaters 20% off
- Lord Issac Slacks 20% off
- Levi Poplin Slacks 20% off
- Hunter Skirts 20% off

LEE JANITZ

*Carroll Edward Jensen*

**Attention procrastinators...**



Northeast Region  
Boy Scouts of America  
P.O. Box 350  
Dayton, New Jersey 08810

Nov. 2, 1987

TO: JACKSON GRADY - S422  
PAUL ERNST - S108

FOR YOUR INFORMATION AND FILE.

kae  
Att. - Memo to File/Oct. 22, 1987  
re: B. Fogarty

Charles B. Kauffman

CONF023182

NORTHEAST REGION

BOY SCOUTS OF AMERICA

MEMO TO FILE

OCTOBER 22, 1987

Bernie Fogarty called on October 22 - 11:30 a.m. Quoted letter saying, "just because Harry Pokorny wants to kick him out." I challenged his quote. He rambled...denied ever being told why or having meeting with council people who told him reasons.

He asked for and was given National address to request review of denial of membership.

CHARLES B. KAUFFMAN - KAE

#0416h

cc: Rudy Flythe

CONF023183



SCOUTING/USA

Northeast Region  
BOY SCOUTS OF AMERICA

P.O. Box 350  
Dayton, New Jersey 08810-0350

bc: Jackson L. Grady - S422  
Paul Ernst - S108

October 15, 1987

Mr. Bernard N. Fogarty

Saco, Maine 04072

Dear Mr. Fogarty:

Attached is the report of the Regional Review Committee which affirms the decision of the Pine Tree Council Review Committee.

The decision of the Regional Review Committee is subject to review by a review committee established at the National Council level but you must write to the chairman of the Personnel Committee at the BSA's National Office explaining specifically why you believe the memorandum decision is in error before review proceedings will be initiated by the National Council.

Sincerely,

CHARLES B. KAUFFMAN,  
Asst. Regional Director  
Northeast Region

kae/0412H

Attachment

cc: Harry Pokorny, Scout executive  
Robert L. Rose, Area Director



Pennsylvania Power & Light Company

Two North Ninth Street • Allentown, PA 18101

October 13, 1987

Leon L. Nonemaker  
Senior Vice President,  
Division Operations

Mr. Kay R. Whitmore  
Regional President  
Northeast Region - BSA  
P.O. Box 350  
Dayton, New Jersey 08810-0350

Dear Kay:

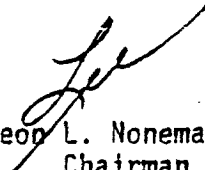
This is in response to the request to review the decision of the Pine Tree Council in Portland, Maine regarding denial of membership to Bernard N. Fogarty.

The Committee included Regional Board Members: Robert G. Kurzman and Randall T. Murrill, Jr., as well as myself. Assistant Regional Director, Charles B. Kauffman, served as Staff Advisor to the Review Committee.

The Committee reviewed in detail the pertinent documents and the November 12, 1986 memorandum of decision of the Pine Tree Council.

In accordance with the procedures established for the Regional Review Committee to review denial of leadership registration, we have concluded that we affirm the decision of the Pine Tree Council Review Committee.

For The Review Committee,

  
Leon L. Nonemaker  
Chairman



Pine  
Tree  
Council, Inc.

BOY SCOUTS of AMERICA

125 AUBURN STREET • PORTLAND, MAINE 04103 • [REDACTED]

Member agency of the following  
UNITED WAYS:

- Androscoggin County
- Bath Brunswick Area
- Coastal York
- Greater Portland
- Kennebec Valley
- Mid-Maine
- Sanford-Springvale
- Seacoast

July 1, 1987

Charles B. Kauffman,  
Ass't Regional Director  
Northeast Region, BSA  
[REDACTED]

COPY FOR PAUL ERNST - 10/15/87

Dayton, NJ 08810

Dear Chuck,

Per your request, the following is an account of the review meeting held in the Pine Tree Council for Mr. Fogarty.

1. Mr. Fogarty was presented with a letter indicating his registration was being suspended and would not be renewed. He was verbally told that the decision was based on the report from Detective Dentico of the Saco Police Department and the committee of Troop 371, regarding the male child pornographic material.
2. During the review meeting Mr. Fogarty refused to comment on the pornographic issue, indicating that it was not stated in the letter as the reason for suspension.
3. The chairman of the review committee again informed Mr. Fogarty verbally that this was the issue and gave him a chance for comment.
4. Mr. Fogarty again refused to comment indicating that until he was informed in writing that this was the reason for suspension he would not be able to prepare his rebuttal.
5. The chairman of the review committee then asked Mr. Fogarty if he had any additional comments. Mr. Fogarty declined. The chairman then dismissed Mr. Fogarty, deliberated briefly then unanimously confirmed the decision for denial of Mr. Fogarty's registration.

If you would like additional information or have questions, please contact me.

Sincerely,

Harry L. Pokorny  
Scout Executive

HLP:nb

CONF023186

WATS CALL FORM

CALL BACK REQUESTED \_\_\_\_\_

COUNCIL # *WE Region*

PHONE NO: \_\_\_\_\_

CALLER: *Chuck Kauffman*

POSITION: *Asst Reg. Dir.*

TYPE OF PROBLEM

REGISTRATION \_\_\_\_\_

VETERANS \_\_\_\_\_

EXPLORING \_\_\_\_\_

SCOUTING \_\_\_\_\_

BOYS' LIFE \_\_\_\_\_

UNIT #

DIST. #

EXP. DATE

TRANSMITTAL #

FILM #

*Re: Confidential*

*Bernard Fogarty*

*Pine Tree Co.*

*CALL FROM CHUCK KAUFFMAN  
11-15-87 2PM.*

*ARE CONFIRMING CNCL'S DECISION  
TO REFUSE. WILL SEND MTL  
TO ME ON REGIONAL REVIEW  
PLANT*

NAME

*Clua*

DATE

*10/15/87*

TIME

R/S-433  
3/13/86-clf-567r

March 25, 1987

Mr. Harry L. Pokorny  
Scout Executive  
Pine Tree Council, No. 218

PERSONAL AND CONFIDENTIAL

SUBJECT: Bernard M. Fogarty

Dear Harry:

Thank you for the detailed information concerning the above Scouter. We have reviewed this case with our Attorney and have now placed this man on the Confidential File.

Sincerely,

Paul Ernst, Director  
Registration, Subscription &  
Statistical Service

PE/cra

cc: Northeast Region

READY FOR FILE  
MAR 25 1987  
SHIRLEY MEYER

CONF023188

3-11-87  
CLARE -  
SET UP FILE

March 9, 1987

Mr. Harry L. Pokorny  
Scout Executive  
Pine Tree Council, No. 218

PERSONAL & CONFIDENTIAL

SUBJECT: Bernard N. Fogarty

Dear Harry:

Thank you for the very good file which you sent us concerning the above-named individual. It certainly appears that you have followed all the procedures which you should have and that you have had the necessary information in your files which would substantiate our refusal of registration attempts.

If Mr. Fogarty wants to request a review from the region, this certainly is his prerogative. When an individual has accumulated this much material, I am always concerned that the actions have gone past just reading the material which has been collected.

We appreciate your help and if anything of a suspicious nature comes to your attention, please do not hesitate to contact us with this material. In the meantime, we are setting up a file for refusal of any registration attempts which should come to us through any council.

Thank you again for your help in protecting the youth of America.

Sincerely,

Paul Ernst, Director  
Registration, Subscription &  
Statistical Service

eak

cc: Northeast Region

MAR 11 1987  
10:13 AM '87



Pine  
Tree  
Council, Inc.

BOY SCOUTS of AMERICA  
125 AUBURN STREET • PORTLAND, MAINE 04103 • [REDACTED]

218  
A member agency of the following  
UNITED WAYS:

- Androscoggin County
- Bath Brunswick Area
- Coastal York
- Greater Portland
- Kennebec Valley
- Mid-Maine
- Sanford-Springvale
- Seacoast

March 4, 1987

Paul Ernst  
Director, Registration and  
Subscription Service  
Boy Scouts of America  
1325 Walnut Hill Lane  
Irving, Texas 75038-3096

Dear Paul,

Enclosed is a Confidential Record Sheet and supporting materials on Bernard N. Fogarty. As you can see from a review of the materials, we have followed the "Procedures for Maintaining Standards of Leadership" at the council level. The indication from Mr. Fogarty is that he will now pursue the Regional review.

If you have any questions regarding this situation, please contact me.

Sincerely,

Harry L. Pokorny  
Scout Executive

HLP:nb

Enclosures

CONF023190

Denied registration for the following reasons:

Phone contact from Detective Dentico of the Saco Police Dept. indicating that through a search warrant the police had confiscated two police cruisers of magazines, films, photographs, etc. of material they considered pornographic from Bernie Fogarty's home. Detective Dentico described the material as male children conducting sexual acts with male adults. He also indicated there were scrapbooks of pictures of male children in underclothing that had been cut from catalogs and pasted in the books.

Detective Dentico also called other organizations that Bernie was affiliated with including the committee of Troop 371 where Bernie was registered as Scoutmaster. I received a call from committee member, Jay Clark, indicating that he and committee chairman, Priscilla Jalbert, had viewed some of the material at the Police Dept. and wanted Bernie removed as the leader for their troop. (This was done through the troop committee as per Scouting procedures.) Jay also indicated that he felt Bernie should not be involved in the Scouting program at any level based on the male child pornography material that he had viewed.



Pine  
Tree  
Council, Inc.

BOY SCOUTS of AMERICA  
125 AUBURN STREET • PORTLAND, MAINE 04103 • [REDACTED]

A member agency of the following  
UNITED WAYS:

- Androscoggin County
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March 3, 1987

Bernard N. Fogarty  
[REDACTED]

Saco, ME 04072

Dear Mr. Fogarty:

Attached is a memorandum from the review committee appointed to hear your appeal. As indicated in their memorandum the committee confirms the decision for denial of your registration.

The decision of this committee is subject to review by a review committee established at the Regional level. To initiate this review you must write to the Regional President explaining why you believe the memorandum decision is in error. The name and address of the Regional President is as follows:

William A. Hiller, President & C.E.O.  
Agway, Inc.  
[REDACTED]  
Syracuse, NY 13221

Sincerely,

*Roland Sutton*

Roland Sutton  
President

Enclosure

CONF023192



REPORT AND FINDINGS

Review Committee

Pine Tree Council, Boy Scouts of America

Case of: Bernard N. Fogarty

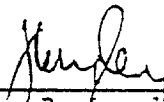
A review committee consisting of Merrill Luthe, Lee Weeks and James B. Longley, Jr., met on February 12, 1987 to review the case of Bernard N. Fogarty.

The committee convened at approximately 5:20 p.m. Following discussion of the issues to be presented and a review of the applicable rules and procedures, the committee met with Mr. Fogarty.

The procedures governing the conduct of the review proceeding and the issues involved were reviewed by the committee with Mr. Fogarty. Mr. Longley served as chairman.

When presented with an opportunity to speak, Mr. Fogarty refused to cooperate with the committee. Following some discussion, the committee adjourned and began its deliberations.

Upon deliberation, the committee found that the Scout Executive acted reasonably, and only after very careful and discrete inquiry, in suspending Mr. Fogarty's privileges as a scout member.

  
\_\_\_\_\_  
James B. Longley, Jr., Chairman

  
\_\_\_\_\_  
Lee Weeks

  
\_\_\_\_\_  
Merrill Luthe

Call  
2 PM

CALL BACK REQUESTED \_\_\_\_\_

COUNCIL # 218

PHONE NO: [REDACTED]

CALLER: Harry Parkony

POSITION: SE

TYPE OF PROBLEM

REGISTRATION \_\_\_\_\_ VETERANS \_\_\_\_\_ EXPLORING \_\_\_\_\_  
SCOUTING \_\_\_\_\_ BOYS' LIFE \_\_\_\_\_

UNIT # DIST. # EXP. DATE TRANSMITTAL # FILM #

RE Volunteer whose has concerns about registering "Bernard Fogarty"

He does not know if he is on list or not

Not at CF-

BERNARD N. FOGARTY

SM TR 371  
SACO, MAINE

Per Mr. Ernst not put on the computer  
11-21-86

em

NAME JPM  
DATE 11/18/86  
TIME 9:52 a

WATS CALL FORM

CALL BACK REQUESTED

COUNCIL # 218

PHONE NO: [REDACTED]

CALLER: Nancy Pokorny

POSITION: SE

TYPE OF PROBLEM

REGISTRATION \_\_\_\_\_

VETERANS \_\_\_\_\_

EXPLORING \_\_\_\_\_

SCOUTING \_\_\_\_\_

BOYS' LIFE \_\_\_\_\_

UNIT #

DIST. #

EXP. DATE

TRANSMITTAL #

FILM #

Re: Bernard Fogarty.  
Needs further help in matter.

NAME Evie

DATE 11-17-86

TIME 2:35 P.M.

R/S-433  
3/13/86-clf-567r



Pine  
Tree  
Council, Inc.

BOY SCOUTS of AMERICA

125 AUBURN STREET • PORTLAND, MAINE 04103 • [REDACTED]

A member agency of the following  
UNITED WAYS:

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December 30, 1986

Bernard N. Fogarty  
[REDACTED]

Saco, ME 04072

Dear Bernie,

I received your letter of December 27<sup>th</sup> and I'm sorry to hear that you feel I am not cooperating in the handling of your appeal. However, as I informed you upon receipt of your letter of appeal that the Pine Tree Council would follow the BSA procedures in this matter. As I indicated in our last conversation, the president would appoint a committee of three volunteers who would serve as a review committee. This has been done. Due to the holidays, this committee was unable to establish a meeting date for your review. A tentative date of Tuesday evening, January 13<sup>th</sup>, has been established for the review meeting. This date needs to be confirmed with a third member of that committee. I will confirm this date with you so that you may be present to discuss information that you feel should be taken into consideration as this committee makes their decision.

In regard to the "Due Process" established by the BSA, it states: "The hearing procedure should be conducted with dispatch - if possible, within a two month period after receipt of a written request for review." Since the council is well within this recommended time frame, the Regional office will not be involved in the appeal until the council review committee makes their decision. If you would like to hear this directly from the Region, I will be happy to provide you with a name and phone number.

Sincerely,

Harry L. Pokorny  
Scout Executive

HLP:nb

B/C Robert L. Rose

CONF023196

DEC 29 1986

[REDACTED]  
Saco, Maine 04072  
27 December 1986

Mr Harry Pokorney  
[REDACTED]

Portland, Maine 04103

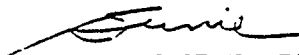
Dear Harry,

Since you have failed to respond to my letter of 29 November, and since you have refused to provide me adequate information concerning your procedures for handling appeals of adverse actions, I am going to elevate my appeal to the regional office.

Kindly provide to me, by return mail, the name, address and telephone number of the appropriate person at the regional office for my appeal.

Your failure to provide this information as requested will be considered to be a hostile attempt to circumvent the due process established by the Boy Scouts of America.

Sincerely,



BERNARD N. FOGARTY

CC: W. Smith

CONF023197

DEC 3 1986

[REDACTED]  
Roland L. Sutton  
Council President  
Pine Tree Council BSA  
[REDACTED]  
Portland, Maine 04103

Saco, Maine 04072  
29 November 1986

Dear Roland,

I am responding to your letter of November 12th, in which you advise me that you and Harry Pokorny have decided to suspend my registration with the BSA and not to renew it.

Your stated reason for this adverse action is that you did a "careful review." This is hardly sufficient cause for such action.


I am requesting a review in accordance with the instructions provided with your letter.

My "version of the facts" is that there is no justification for suspending my registration or denying renewal, and that such action would be detrimental to the Scouting program in general and to individual Scouts in particular.

Note that I have twice given Harry the opportunity to identify specific causes which would warrant such action and he has been unable to produce a single one. He refers only to hearsay, much of which apparently has been recanted, and the possibility that "a year from now something might happen." If these are your standards, than all Scout leaders, including yourselves, should be removed.

Since you have no cause for your actions, I believe that to suspend my registration would not be in the best interest of the Scouting program and recommend that you reverse your decision.

Yours in Scouting,

  
BERNARD N. FOGARTY

cc: H. Pokorny  
W. Smith

CONF023198



Pine  
Tree  
Council, Inc.

BOY SCOUTS of AMERICA

125 AUBURN STREET • PORTLAND, MAINE 04103 • [REDACTED]

A major agency of the following

UNITED STATES:

- Androscoggin County
- Bath Brunswick Area
- Coastal York
- Greater Portland
- Kennebec Valley
- Mid-Maine
- Sanford-Springvale
- Seacoast

November 12, 1986

Bernard N. Fogarty  
[REDACTED]

Saco, ME 04072

Dear Bernie:

After careful review, we have decided that your registration with the Boy Scouts of America should be suspended and not renewed. We are therefore compelled to request that you sever any relations you may have with the Boy Scouts of America.

You should understand that the BSA leadership registration is a privilege and is not automatically granted to everyone who applies. We reserve the right to refuse registration whenever there is concern that an individual may not measure up to the standards of leadership which the Boy Scouts of America seeks to provide for our youth. Please also understand that this decision and the reasons for it will be maintained as confidential.

Should you wish to have this decision reviewed, enclosed is a copy of the procedures to be followed requesting a review.

Sincerely,

\_\_\_\_\_  
Harry L. Pokorny  
Scout Executive

\_\_\_\_\_  
Roland L. Sutton  
Council President

Enclosure

CONF023199

January 16, 1986

Mr. Harry Pokorny  
Boy Scouts of America  
Pine Tree Council  
[REDACTED]  
Portland, Me. 04101

Dear Mr. Pokorny and Committee Members,

It is with regret that I relay the following details and opinion to you. However, since you've requested same regarding Bernard Fogarty please note the following.

My name is [REDACTED]. My recent scouting experiences is approximately 7 years. Earlier scouting experience span the time of approximately 3 years from tenderfoot to 1st class. My two sons, [REDACTED] 17, (an Eagle candidate with 2 badges remaining), and [REDACTED] 12, (tenderfoot candidate) have both been under the supervision of Scoutmaster Fogarty until recently. I have been very active through the last 7 years across the broad spectrum of scout activities from paper drives to camp-outs to troop committee work and consider myself fairly knowledgable about troop activities, efforts, and accomplishments.

This past summer, I was called by our committee chairperson, Mrs. Priscilla Jalbert, who explained to me that Mr. Fogarty was found to have large amounts of pornographic material at his home and further related that this matter was uncovered by the Saco Police Department subsequent to a robbery investigation at the Scoutmasters home. She was extremely upset and felt that she would rather have somebody else address this matter for the troop. In an effort to preclude any wide spread damaging publicity of the troop scouts and as a senior member of the committee, I agreed to look into

CONF023200



the matter and act appropriately. She suggested I speak with Detective Dentico at the Saco Police Department for further detail. Officer Dentico was very concerned that a search of Mr. Fogarty's premises revealed such a large and extensive accumulation of child pornographic material especially in light of Mr. Fogarty's youth connected activities. The detective asked if I had seen, heard, or knew of any situations involving molestation, pampering, or such. I explained I had never seen anything of that nature, but had heard something 3 or 4 years ago at a camp-out. I unexpectedly arrived at [REDACTED] property on the [REDACTED] in Saco during a scout weekend camp-out. I arrived Saturday evening just after the scouts had eaten. They had spent Friday evening tent camping at the same site. As the Scouts milled around, I happened to be standing off to one side only a few feet from Scoutmaster Fogarty when [REDACTED] a scout from the [REDACTED] Home tugged at Mr. Fogarty's sleeve suggesting that he and Mr. Fogarty return to the tent and turn in. The scout did this rather repeatedly. Mr. Fogarty turned and said [REDACTED], why do you want to do that? The boy replied he was cold and wished to cuddle as they did last night. And that was the end of the conversation.

From that point forward, I was very cognizant of Mr. Fogarty's actions with the children, which included at times 1 or 2 boys going, at his invitation, swimming at the YMCA. However, nothing was ever reported to me nor did I ever see anything out of line. I do know of Mr. Fogaerty's apparently long involvement with scouting and have visited his home and seen his vast collection of scouting memorabilia displayed throughout the living and kitchen area of his home.

Several years ago, we had a scout by the name of [REDACTED] who after repeated behavioral problems was expelled from the troop. At the time of the troop committee meeting regarding this problem, [REDACTED] alluded to Mr. Fogarty being less than a desirable person for scouting activity and further explained that her son [REDACTED] had stayed at Mr. Fogarty's home overnight several times. She further explained that he had seen literature at Mr. Fogarty's that were of a pornographic nature. She also inferred to Mr. Fogarty being of a homosexual inclination. Mr. Fogarty,

present at this meeting, offered his resignation if the committee was unsatisfied with his performance, but in no way acknowledged or answered [REDACTED] comments, and because of the nature of the scouts dismissal, the committee, following an uncomfortable silence, never pressed the issue. I have questioned my boys and I know that others have done the same and found no evidence of any pampering or child molestation. My older son has been aware of my uncomfortable feelings regarding Mr. Fogarty's earlier activity eg. [REDACTED] committee meeting, and has been wary on such throughout his scouting activity. He likewise knows of no incident. As a parent, and member of the scouting family, I am extremely concerned. I have seen a half of room full of child pornography, actual photos, and tapes that were removed by the police as a result of a search warrant from Mr. Fogarty's home. This material was hard core child pornography. The extent of this persons involvement in child pornography may be exemplified by the scrap book I saw that included meticulously cut ads from catalogue salesbooks marketing childrens undergarments. These individual images were pasted in a multipage scrapbook of at least 30-40 pages. The children in these ads, in my opinion, were from an age group of about 4 years old to teens. Some of the photos I saw, it was reported to me were taken by Mr. Fogarty of sleeping children in their underwear during his earlier scouting activity in a midwestern state. The police officer said he has been involved in many uncomfortable moral situations in his experience with the police force, however, he had never seen such a large collection of overwhelmingly pornographic child material. He explained his difficulty in having anyone coming forward to make an actual complaint in this sort of case and it was his impression that most likely it would have been children from a troubled home or in fact from the [REDACTED] Home that would have been the most likely victims if any incidents did in fact take place. He related to me that the children he spoke with with whom Mr. Fogarty had been involved with were very supportive of Mr. Fogarty and that the bond between Mr. Fogarty and the children was so strong that it was most unlikely, even through professional counseling, that these children would come forward. No formal charge was ever filed by the Saco Police Department and I do not know the disposition of the truckload of discovered material. However, I have been told Mr. Fogarty sees nothing wrong with his child pornographic interests and feels that this is a decision of the children themselves to be involved or not.

In my opinion, this person requires some form of assistance and should in no way be involved in scouting or other children related activities. I question if such involvement were to occur if it would not to be a breach of confidence that parents entrust and expect of those mature adults involved with scouting, little league, or any such child related organized activity. It would seem prudent to me that this person not be allowed any scouting activity and that such activity be universally excluded by some type of national communication. Unfortunately, we are all aware of incidents which might have been avoided had those with knowledge taken initial steps early on eg. Kittery, etc.

I know this is a difficult subject to address particularly in light of the fact that Mr. Fogarty finds his actions acceptable and non-related to scouting. I pray that your committee will look to the better good, safety, and welfare of those entrusted to you and act accordingly. Thank you for your every consideration. These related facts and opinions are my own experiences and views and do not necessarily represent those experiences and opinions of the troop.

  
Committee Chairman