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# What About Secret Societies?

The subject of secret social organization in the public schools has become a controversy in the Birmingham area. The board of education has adopted a strong policy to enforce the state law prohibiting such groups. The following is an "in-depth" article from the Jan. 1, 1963, issue of the Michigan Education Journal dealing with the historical, legal and moral implications of the problem. The article was entitled "Secret Societies and Michigan Schools."

By MANUEL L. PAPISTA

One of the most forceful social drives in the need for prestige and power. Most persons strive for status; usually recognized as

achievement within a group. In adolescence, the search for status is probably stronger than it is at other periods in life. Young people search for approval, security and recognition. And while the need for social activity is normally satisfied by the school, when students are unable to "belong" to school-sponsored organizations they may remove their group from the school.

One upshot of this is that fraternities and sororities may exist within, or partially within, a school where the administration takes no notice—or at least no stand—on the issue of secret societies.

THE PURPOSE of this article is to serve as a guide to those in Michigan who may be confronted with the problem of secret societies. A careful reading of the Michigan statutes reveals that the Legislature probably intended that the problem be dealt with strictly yet discreetly. There are many strict prohibitions present, with harsh penalties for pupil and administrator alike.

But the problem of coping with fraternities and sororities is a difficult one to handle because, first, one must be able to detect their presence and second, must deal with their growth.

Where high school secret societies do exist there is a tendency for these groups to restrict their membership to individuals of certain economic and social backgrounds. Some restrict on the basis of nationality, color, race, or creed. One of the simplest methods of detecting a "secret" society is to ask the question, "Is the membership restricted?"

WHEN membership in a club is restricted for reasons of economic or social background, no public school has the right to sponsor or condone such an organization. The institution which is given the task of teaching democracy cannot harbor an organization which does not have democratic ideals.

Courts of a number of states have refused contentions that anti-fraternity rules are in excess of a school board's authority; that they constitute a cruel and unusual punishment; that they are arbitrary, unreasonable and discriminatory; that they deprive members of their liberty, property, or happiness without due process of law; that they violate natural rights; that they constitute unwarranted paternalism; that they are a denial of the equal protection of the law and an impairment of vested rights, and that if carried to an extreme they might interfere with religious liberty.

BUT SECRET societies or fraternities and sororities, have existed in America from the Revolu-

tionary era, despite opposition. Organizations in imitation of college fraternities began to appear at the high-school level about 1890. As the movement gained popularity with students, it gained disfavor among educators, as noted by Gilbert Morrison in his 1904 presentation on "Secret Fraternities in High Schools," given at the National Education Association convention.

In those early years, local school boards often attempted to restrict or prohibit high-school fraternities, and beginning with 1907 state legislation on the subject appeared. Almost every conceivable rule and penalty was invoked by school administrators and legislators, but students continued to join the societies.

Numerous cases have been brought to the courts for declaratory judgments as to the status of fraternities of this chapter, or having violated it shall persist in its violation. Any credit given contrary to the provisions hereof shall not be accepted by any school or educational institution within this state."

THE EARLIEST case arose in 1866 and even today is frequently cited as authority, although the school concerned was privately endowed Wheaton College in Illinois.

A student at Wheaton joined the "Good Templars," a temperance group. When he was suspended, he unsuccessfully asked for a court order for reinstatement.

Generally, the local school district, as any other corporation, has the inherent right to make such rules and regulations as are necessary to carry out efficiently the purpose for which it was organized. These rules and regulations cannot be inconsistent with the general law, cannot in themselves be unreasonable or oppressive, nor extend to areas over which the school authorities have no jurisdiction.

The definition of such authority is generally included among the duties of the state superintendent of schools, with the more definite details being delegated, in turn, to the local county or district boards. However, there are certain phases of pupil control that have been specifically legislated upon at the state level.

AS OF 1952, 22 states had outlawed in the public schools membership in any fraternity or secret society, including Michigan (MSA 16.3921, 2, 3, 4).

The state regulatory legislation is not the same on this topic. Only two states—Idaho and Michigan—give permission to school administrators to withhold scholastic credits.

"It shall be the duty of each board," reads the Michigan law, "to prohibit the organization or operation of such fraternities, sororities or other secret societies within the school system over which it has jurisdiction and it may suspend or expel from the school or schools under its control any and all pupils who shall be or remain members of, or who shall join or promise to join, or who shall become pledged to become members of, or who shall solicit any other person to join or promise to join, or be pledged to join any public school fraternity, sorority or secret society declared by Sec. 921 hereof to be illegal."

ANOTHER SECTION of the Michigan law says: "It shall be illegal to give credit for a subject pursued, to promote from grade to grade or to graduate any person who shall knowingly violate the provisions of this chapter, or having violated it shall persist in its violation. Any credit given contrary to the provisions hereof shall not be accepted by any school or educational institution within this state."

The statutes of the various states have been tested as to their validity and constitutionality. In fact, a Michigan decision of 1931 (Steele v. Sexton) is the leading case in this area of the law. In this case, Verne Steele, Jr., sought to compel J. W. Sexton, superintendent of Public Schools of the City of Lansing, and others, to grant him school credits.

THE PLAINTIFF, while a senior in Lansing's Central High School, became a member of a student fraternity called Phi Epsilon. School officers found him guilty upon his own confession, permitted him to pursue his studies, but then refused him credits and a diploma. Steele knew of the prohibition, but argued that the fraternity was not secret and that the prohibition was unconstitutional.

Judge Weist, speaking for the majority of the Michigan Supreme Court, said:

Plaintiff was not suspended or expelled. He has not been deprived of education. School credits involve department subordination to discipline, and obedience to rules and regulations established by the legislature for

the promotion of the best interests of the public schools and good order therein. Plaintiff joined in defiance of the law.

THEN, QUOTING an earlier Mississippi decision and the fundamental constitutional case on this subject, the justice says: "The fourteenth amendment to the Constitution of the United States was never intended to act

as an accomplice to any young man who wanted to take advantage of the gratuitous advantages offered the youths to obtain an education and yet refused to obey and submit to the disciplinary regulations enacted by the legislature for the welfare of the institutions of learning.

The Mississippi case that Justice Weist made reference to upheld the right of a state to prohibit fraternities even in state universities. This case initiated the principle that no constitutional right of the students is denied by such a state law.

THE SUPREME Court of the (See SOCIETIES, 8-B)



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