

Shriner's Fight for Existence Before U. S. Supreme Court

By LOUIS R. LAUTIER

Washington. — Through Attorneys James E. White and S. A. T. Watkins, Shriners last Saturday filed in the supreme court of the United States a supplemental brief in support of their appeal to set aside the decision of the Texas courts enjoining them from using the name, emblems and insignia of the Order of Mystic Shrine. In it they asserted that the white Shriners were guilty of laches. The Shrine organization has existed for 25 years and, it is argued, the white organization through its long delay in asserting any adverse right has lost any right it might have had to object.

SHRINERS CITE RIGHTS UNDER CONSTITUTION

The statute of limitations of Texas, which provides that every action other than for the recovery of real estate must be brought within four years, is a complete bar to the action of the white Shriners and the rights of the Shriners are vested and protected by the 14th amendment to the federal Constitution. It is claimed in the brief.

The argument is also made that it is a settled rule of law that long delay and acquiescence established rights which the courts would protect. In 1894, it is stated, the white Shriners received official notice of the existence and activities of the other shriners. The decision of the Texas courts, it is contended, is contrary to a long line of decisions of the supreme court of the United States. State courts are bound by the Constitution, it is declared, to give full faith and credit to the decisions of the supreme court.

In the case of *Creswell* against the grand lodge of the Knights of Pythias, it is pointed out, the supreme court held that the white Knights of Pythias were guilty of such long delay and acquiescence as defeated their action when it was shown that the order was permitted to exist for a number of years without objection on the part of the white Knights of Pythias. It is also claimed that the decision of the Texas courts denied to Shriners a substantial right granted by an act of Congress of April 9, 1866, which provided that all citizens of the United States shall have the same right in every state as is enjoyed by white citizens. The Texas decision, it is also claimed, confiscated property of the Shriners without due process of law.

Both groups of Shriners trace their origin from the same source. The Order of Mystic Shrine was instituted by the Mohammedan, Kalif Alee, son-in-law of the Prophet Mohammed, at Mecca, Arabia, A. D. 656.

ORDER STARTED IN 1893 BY FOREIGN OFFICERS

William J. Florence, who was initiated into the order in some foreign country, brought it to America. He introduced it to Dr. Walter M. Flemming who in turn introduced it among the white Masons of this country about 1872. They formed a grand body in 1875. The ritual now in use is a translation from the original Arabic found in the archives of the order at Aleppo, Syria. The emblems are the crescent, pyramid, sphinx head, panther bodied female sphinx, urn, sun, moon and stars, and have been in use for centuries by the oriental peoples and Egyptians. The red Turkish fez is the head covering and is worn by the Turks and many other oriental people.

Thirteen Masons, who were Knights Templar and 32d degree Scottish Rite Masons, were initiated into the Order of Mystic Shrine in Chicago, Ill., June 1, 1893, by Rosfeld Pasha of Arabia, S. Russell of Syria, Amel Kader of Palestine and A. B. Belot of the north coast of Africa.

These men organized Palestine temple at Chicago on June 2, 1893. Its name was later changed to Arabic temple. On June 10, 1893, they or-

ganized a grand imperial council. It was incorporated under the laws of the state of Illinois on July 5, 1893, and the constitution and laws for the government of the order were entered in the Congressional library by John G. Jones.

In 1893 temples of Shriners were organized in Chicago, St. Louis, Kansas City, Louisville, Cleveland, New York City, Baltimore, Pittsburgh, Alexandria and Richmond, Va., Los Angeles and Washington, D. C. In July, 1894, the imperial potentate of the white Shriners reported to his organization the existence of the order.

John G. Jones, the first executive head of the Shriners, was expelled from the Masonic order. On Dec. 12, 1900, representatives of the different temples of the Shrine met in Philadelphia, reorganized the order and changed its name to Ancient Egyptian Arabic Order Nobles of the Mystic Shrine of North and South America and its jurisdiction. The order was incorporated in the District of Columbia on Nov. 18, 1901. Oro temple at El Paso, Tex., was chartered Jan. 12, 1902. Other temples in Texas were chartered—El Malka at El Paso on May 8, 1907; Doric temple at Houston on Aug. 7, 1917, and Arabic temple at Houston on July 14, 1915.

The prerequisites for membership in both Shrines are that the applicant must be a Mason and a Knight Templar or 32d degree Scottish Rite Mason. Both orders draw their memberships from the respective grand lodges of Masons. There is no affiliation between the two orders, although both came from the same source. The first Masonic grand lodge was organized in England in 1717. It instituted lodges in America.

PRINCE HALL INITIATED BY FREEMASONS IN 1775

Prince Hall and his 14 associates at Boston, Mass., on March 6, 1775, were the first persons initiated in the order of Free Masonry in America. They formed a lodge which was chartered by the Masonic grand lodge of England on Sept. 29, 1784, under the name of African lodge No. 459. Later a lodge of Masons was instituted at Philadelphia and another lodge at Providence, R. I. These three lodges in 1808 organized the Prince Hall grand lodge of Massachusetts. From this beginning grand lodges of Masons were organized in nearly every state of the United States and Canada. The grand lodge of Masons was organized in Texas in 1855.

The Order of Knights Templar was started among the Masons in 1820, and that of Scottish Rite in 1850. They are being practiced by Masons in nearly every state of the United States and Canada. They have been practiced longer by white Masons.

There are more than 300,000 Masons in the United States and about 50,000 Knights Templar and Scottish Rite Masons. Of these there are 11,000 Shriners. Both Masonic orders have charity and relief for their object, and so do both Shrine organizations. Funds are derived from initiation fees, dues and assessments.

The Race Shriners have accumulated for their purposes over \$900,000 in property. They have spent \$700,000 in the operation of the order.

TEXAS SUPREME COURT BARS FRATERS

The Shrine meets annually. Its conventions are welcomed by public officials. Its subordinate organizations have paraded the streets in their convention cities. Its officers have conferred with the white officers on affairs of the orders.

The suit for an injunction was filed on Dec. 14, 1918, by the officers of Arabia temple (white) against the officers of Doric temple at El Paso, Tex. Later both national organizations intervened. On Feb. 22, 1924, an injunction against the Shriners was granted. Its prohibition ran against all subordinate temples and the entire membership of the Shrine throughout North America.