

Approved April 1, 1986
Date

MINUTES OF THE House COMMITTEE ON Judiciary

The meeting was called to order by Chairman Joe Knopp at
Chairperson

3:30 ~~a.m.~~ p.m. on March 25, 19⁸⁶ in room 313-S of the Capitol.

All members were present except:

Representative Luzzati was excused

Committee staff present:

Mike Heim, Legislative Research Department
Jerry Donaldson, Legislative Research Department
Mary Torrence, Revisor of Statutes' Office
Jan Sims, Committee Secretary

Conferees appearing before the committee:

Sen. Paul Burke
Harvey Bodker
Eileen Stevens, Committee to Halt Useless College Killings
Matt Lynch, Judicial Council
Professor Ryan, Washburn University
Peter Rinn, SRS
Art Griggs, General Counsel, Department of Administration
Elwaine Pomeroy, Kansas Parole Board
David Moses, Sedgwick County District Attorney's Office
General Counsel, State Fire Marshall's Office
Ron Hein, Johnson & Johnson

SB 587 - An act concerning hazing; prohibiting certain acts and providing civil and criminal remedies therefor.

Sen. Paul Burke appeared before the committee in support of SB 587. He said this is the second attempt to legislate against hazing. The first bill was too broad in that it brought in school administrators. This bill is the result of considerable work and compromise from the Interfraternity Councils, administrators, etc. It attempts to focus attention on the fact that hazing does go on even though every university and college and all national offices of sororities and fraternities have policies against hazing. He stated that many times the injuries resulting from hazing are small amounts of property damage, etc. and district and county attorneys will not prosecute under other statutes and it is hoped that if there is a specific statute against hazing it will result in more prosecutions and in turn result in more deterrence to hazing.

Harvey Bodker appeared before the committee in support of SB 587. He stated he is a national officer in his fraternity as well as property manager of his chapter's house at the University of Kansas and is involved in policy making for his fraternity concerning hazing. He stated that notwithstanding the written prohibitions against hazing 30 fatalities have occurred in the last 7 years as a result of hazing. He said 19 states have laws similar to that proposed in SB 587 and there is legislation pending in 7 other states. He stated that those involved at a local level feel strongly that if hazing specifically is illegal it will act as a powerful deterrent against hazing. The students are aware that prosecution is infrequent against damages resulting from hazing but would be more likely to think twice about hazing if they knew they would be breaking the law. It is necessary to make those responsible for damages responsible for their actions.

Eileen Stevens appeared before the committee in support of SB 587. She is the founder of the Committee to Halt Useless College Killings (CHUCK). She stated that her son was a victim of hazing 7 years ago and died as a result of the hazing. Noone was held accountable in his death and this led to the formation of CHUCK. She stated there is a high degree of peer pressure and vows of silence which cover up the hazing that does go on on every college and university campus. She stated hazing should be outlawed to place responsibility on those who injure others. Laws enacted in other states have acted as a deterrent to hazing.

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Mrs. Stevens responded to questions by committee members concerning how far she felt the law should go in bringing in school officials, etc. (Attachment 1)

Matt Lynch of the Judicial Council appeared before the committee in support of SB 473, 478 and 479. He stated that SB 479 amends the Administrative Procedures Act. Sec. 7 adds additional language from the model bill pertaining to what kind of communication with staff was permitted. He stated that the Kansas Corporation Commission does not want to be included under this statute. Professor Ryan also appeared before the committee in support of these bills stating that SB 479 adds to the Administrative Procedures Act. The bill came about as a result of numerous requests from the counsel of various state agencies. Many agencies have hearings at different levels and some come under the current act and others do not. This bill provides needed uniformity as to who comes under the act and who does not. This change would trigger the mechanism to make the procedures act come into effect. He pointed out that the bill has a delayed effective date.

A representative of the Corporation Commission stated that they understand that this bill is this year's effort to achieve the needed uniformity and that there will be an additional trailer bill developed for next year's session. The KCC does not agree with the ex parte order provisions of this bill but understands that they are going to be excluded from this provision and their objections will be addressed in the trailer bill. The KCC has no problem with SB 479 currently but takes no position on the trailer bill because it does not exist at present.

Peter Rinn of SRS appeared before the committee stating he does not oppose coming under the Administrative Procedures Act but No. 7 on line 178 was an SRS request and should go one step further. SRS does not want their hearing officers to have the authority and responsibility to rule on the validity or constitutionality of state or federal law. He indicated that this objection had been presented to the Judicial Council previously and he had been assured that it would be addressed in the trailer bill. (Attachment 2)

Art Griggs, General Counsel for the Department of Administration appeared before the committee stating that the scope of this bill is too broad currently and should be narrowed with the trailer bill. He presented a list of items which his department has in the past held hearings on. (Attachment 3)

Matt Lynch presented a list of 140 amendments which he requested be incorporated into SB 473. He stated these would coordinate the judicial review act with agency procedures and listed certain exemptions. Rep. Walker moved to amend SB 473 by adding the trailer presented by Matt Lynch. Seconded by Rep. O'Neal. Motion carried on a voice vote. Rep. Walker moved to report SB 473 as amended favorable for passage and request the same be referred to a conference committee. Seconded by Rep. O'Neal. Motion carried on a voice vote. Rep. Wunsch moved to report HB 2097 and HB 2121 adversely. Seconded by Rep. Snowbarger. Motion carried on a voice vote.

SB 475 - An act concerning crimes and punishments; relating to sentencing and the ordering of restitution.

Elwaine Pomeroy of the Kansas Parole Board appeared before the committee in support of SB 475. He said the parole board supports a change in the law to allow the court to order full or partial restitution as well as maximum jail sentence. He said the board also supports HB 2924 passed by this committee as amended and has no problem with amending the two bills together. Restitution ordered at the time of sentencing by the court makes much more sense than requiring any restitution to be ordered by the parole board. Rep. O'Neal moved to amend SB 475 by incorporating the provisions of HB 2924 into it. Seconded by Rep. Snowbarger. Motion carried on a voice vote. Rep. O'Neal moved to report SB 475 as amended favorable for passage. Seconded by Rep. Snowbarger. Motion carried on a voice vote.

SB 509 - An act concerning arson.

David Moses of the Sedgwick County District Attorney's Office appeared before the committee in opposition to SB 509. He said the bill as originally drafted

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eliminated the crime of arson. As amended, it makes arson a misdemeanor. He suggested that the arson statute should be left alone and the problems therein should be handled at the local level by city or county ordinance. He said the adoption of city/county ordinances in order to comply with the Uniform Fire Act is easily accomplished (Attachment 4).

The general counsel of the State Fire Marshall's office appeared in opposition to SB 509.

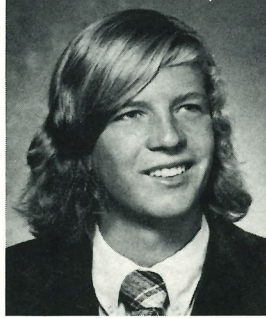
SB 695 - An act concerning the uniform controlled substances act; relating to substances included in schedule I and schedule II.

Ron Hein of Johnson & Johnson appeared before the committee in support of SB 695. *Atch. 5*
There was committee discussion of HB 2888 and SB 695 and their similar provisions. Rep. Duncan moved to amend SB 695 by incorporating the provisions of HB 2888 into it. Seconded by Rep. Fuller. Motion carried on a voice vote. Rep. Duncan moved to report SB 695 as amended favorable for passage. Seconded by Rep. Fuller. Motion carried on a voice vote.

The Chairman adjourned the meeting at 5:25 P.M.

EILEEN STEVENS WOULD NOT ACCEPT
THE EXPLANATION THAT IT WAS
AN "ACCIDENT." THE FOLLOWING TELLS
WHAT SHE HAS DONE ABOUT HER SON'S

DEATH BY HAZING



BY BRUCE D. HORNBUCKLE

*Attachment 1
House Judiciary
March 25 1980*

HER SON WAS LOCKED IN THE TRUNK OF A CAR AFTER BEING GIVEN A PINT OF BOURBON, A FIFTH OF WINE, AND A SIX-PACK OF BEER AND TOLD THAT HE

would have to consume it before being released. It was February 25, 1978, and the weather was bitterly cold, the temperature nine degrees Fahrenheit near Alfred University in upstate New York. This activity was supposed to make her son sick, induce vomiting, and fulfill a traditional part of the pledge program for the local fraternity in which he sought brotherhood.

But he would not make it. When his brothers opened the trunk about forty minutes later, Chuck Stenzel was unconscious. He was put to bed at the Klan Alpine fraternity house where everyone assumed he would "sleep it off." But he didn't. Chuck died the day he pledged of acute alcohol poisoning. The pathologist who performed the autopsy on Chuck's body would later tell Chuck's mother that when her son's body was cut open, he almost passed out from the smell of that alcohol mixture in Chuck's stomach.

Eileen Stevens has every right to hate, to feel bitter. She has the ammunition and the justification to send the Greek system reeling, to rip it apart, exposing all of us at our very worst. But when she came to the Sigma Alpha Epsilon Leadership School last summer, Eileen Stevens came to address what is best in fraternalism, what is noble in our ideals of friendship. She came to share what has been destroyed in her life by a practice in our system which perhaps we have been too reluctant to correct, too reluctant in many cases even to discuss.

Mrs. Stevens reached us. She made us question the

goals and traditions of hazing practices as we have never done before. Maybe it was this lady's soft-spoken sincerity, her willingness to share her pain with fraternity men she surely understands are too often blindly defensive of their traditions. But I think she reached us because she is a mother. There wasn't a man at the Leadership School who could not relate to her or the similar losses we risk inflicting on the families of our own brothers. Indeed, Eileen Stevens speaks to fraternity members with compassion and the understanding of a mother who sees a son compromising his dignity, achieving goals by cheap and degrading methods, being less than he should be, simply not thinking.

More than anything, Eileen Stevens gave Σ AE a personal identification with a challenge that bitterly plagues us. Only last summer at Σ AE's 1979 convention at Newport Beach, California, the fraternity's special committee on hazing had trouble bringing its report to the convention floor because of the prolonged and vocal objections from a minority of chapter delegates. It is no secret that Σ AE has several chapters where hazing practices continue. But neither is it any secret that Σ AE's policies for enforcing its National Laws against hazing have undergone dramatic revision this past year. These stronger policies specifically outline methods for investigating hazing allegations and steps the fraternity will take to remedy abusive pledge programs. Three charters

Bruce D. Hornbuckle, Valdosta State '78 (Georgia Sigma) is a former E&L Consultant with the National Office and is a frequent contributor to THE RECORD. He is now in law school at the University of Georgia.

have already been suspended; two other chapters have been required to show cause to the Supreme Council as to why they should be allowed to retain their charters because of hazing practices. ΣAE is no longer looking the other way. Eileen Steven's story demonstrates that hazing is a serious problem that must be eliminated.

CHUCK STENZEL LIVED IN SAYVILLE, New York, with his mother and stepfather, Eileen and Roy Stevens. Chuck had just paid off the bank notes on his pickup truck, owned a boat, and spent his summers clamming to help meet college expenses. A sophomore majoring in economics, Chuck called home from Alfred University on February 24, 1978 to wish his parents a happy three-day vacation trip to the Bahamas and to share the unexpected news that he would soon be changing his major to history. The family had joked together about the economic factors in Chuck's new career choice.

Very late in the following night, the Stevenses were awakened by a telephone call from the Dean of Student Affairs at Alfred University. There had been a party earlier that night, he said. And there had been a great deal of drinking. Their son Chuck was dead from consuming too much alcohol. The details were sketchy.

The Stevenses made frantic arrangements to leave immediately for Rochester. A snowstorm had made travel difficult, but the Stevenses arrived at the Rochester airport at eight o'clock that morning. Two girls who were students at Alfred and friends of the Stevenses from Sayville had borrowed a car and met Chuck's parents at the airport. The girls took the Stevenses directly to the hospital where Chuck's body had been taken. And after the nearly two-hour drive, the Stevenses arrived only to be advised that they leave.

"The nurse urged us to leave," Mrs. Stevens told the Leadership School delegates, "and she added to my devastation by telling me that Chuck's body was undergoing an autopsy, that there was nothing we could do. She urged us to leave. But of course nothing in heaven or on this earth could have made me leave."

"I sat in that hospital lobby for four hours," Mrs. Stevens continued softly.

"It was only upon demand and getting a little verbal that the nurse finally called someone out to speak with us. A gruff little man whom I will never, ever forget came out and took my hand and walked me into the hospital chapel.

"He told me that he was a pathologist who had assisted at my son's autopsy. He said, 'There is very little I can tell you other than the kid drank a hell of a lot of booze.'"

The pathologist said that the results of the autopsy would probably confirm his speculations, but the probable cause of Chuck's death was acute alcohol poisoning combined with exposure to cold and acute pulmonary edema (the lungs filling beyond their capacity). It seemed, the pathologist said, that her son had drunk an incredible amount of alcohol, had passed out, and was put to bed to sleep it off. His lungs, however, were so filled beyond their capacity that the boy literally drowned in his own fluid.

"Your son didn't have a chance," the pathologist said, "and I can tell you one other thing. I'm sure that it was not your son's experience with alcohol that killed him. It was his lack of experience. His body went into shock and his heart stopped. I can't believe he was left to sleep it off."

Mrs. Stevens then asked to see her son's body. The pathologist gently discouraged her. But it was something she had to do.

"I hope and pray," Mrs. Stevens told the ΣAEs, "that none of you in this room ever has to go through an experience like that, walking into a sterile room full of stainless steel and uncaring faces. And I saw my son Chuck, my strapping six-foot-two blond son, covered with a sheet, his eyes closed forever. It was probably the most horrible moment of my life. I just kissed him, told him that I loved him, and left that room a very confused and bewildered woman."

The pathologist's explanation of how Chuck died made very little sense to Mrs. Stevens. Her son had not been a drinker. Sure he had enjoyed his good times and had a few beers every now and then with his friends. He wasn't what his mother would call a "goody-goody," but in Chuck's twenty years, she had never seen him inebriated or out of control. She had always known her son to be sensible about things like alcohol, and death by acute alcohol poisoning did not

seem plausible. Mrs. Stevens would not know until after Chuck's funeral that her son had decided to pledge a fraternity the day he died or that his heavy drinking had been part of a pledge program requirement.

The Stevenses went from the hospital to Chuck's dormitory, where his mother gathered clothing in which to bury her son. A crowd of students had gathered outside. Mrs. Stevens was dazed, but she remembers girls were crying, guys were crying; some of the students came up to put their arms around her, saying they were sorry. The atmosphere was one of shock, disbelief, confusion, terrible sadness. The Stevenses had planned to visit Chuck a few weeks later during Alfred University's parents weekend. Mrs. Stevens must have been thinking of this planned visit, hoping that somehow this tragedy would dissolve into a bad dream, praying that this duty of moving her son's things out of his room was not real and that any minute he would come bounding up, ready to go out to dinner with his family. Anything but this.

"When I walked into his room, it looked as though he had just stepped out for a few minutes. There was a half-written letter to home on his desk and a package of cookies partially eaten. To my surprise," she smiled, "his bed was made up. It looked as though he would be back momentarily."

She gathered up some of her son's clothes. She asked to see his roommate, but no one knew where his roommate was. Unknown to Mrs. Stevens, her husband had sent a student to find the dean. No representative from the university had yet met with Chuck's parents. The dean, it seemed, had stayed home that Saturday because he wasn't sure the Stevenses would come to Alfred. He met later in his office with Chuck's parents. The details remained sketchy: There had been a party. There had been a lot of drinking. But then the Stevenses learned the shocking news that two other boys who had attended the same party were hospitalized and in critical condition. The Stevenses were assured that a thorough investigation would be launched by the university and by local authorities. Depositions would be taken from every boy who had been at that party, and all information would be shared with the Stevenses.

Chuck's parents left the campus that day, returning to Sayville to bury their

son. Mrs. Stevens said that the next three days were a blur, and when the funeral was finally over the family tried to make some sense out of what had happened.

"It was at that point in time I received a telephone call from Chuck's roommate," Mrs. Stevens recalled. "He told me that he chose not to see me when we

nity was a local one with no national affiliation, it was Alfred's oldest and most prestigious fraternity. Chuck and two other pledges had been picked up that day at their dorm by members of Klan Alpine and told to get into the trunks of three cars. They each were given a pint of Jack Daniel's, a six-pack of beer, and a fifth of wine and told to

told that others had been through it, this was part of the tradition, that nothing had ever gone wrong before."

Continuing the story her son's roommate had related to her, Mrs. Stevens said that she learned the brothers had ridden around for a period of time with the three pledges locked in the cars' trunks. When the trunks were opened, Chuck was unconscious and had obviously consumed a great deal of what the brothers had given him. The two other pledges were vomiting.

"That was the intention," the roommate told her. "We gave them the mixture so they would vomit, so they would get very, very sick. I went through it. So many of us went through it. Nothing ever went wrong before."

His voice began to crack, and the stunned Mrs. Stevens waited quietly as her son's friend regained his composure. He went on to tell her that he had helped Chuck back to the fraternity house, undressed him, and put him to bed.

"Mrs. Stevens," he said, "I was Chuck's sponsor, his big brother. It was my duty, my responsibility to check on him every fifteen minutes. I was really not supposed to leave him. But, Mrs. Stevens, I passed out. I was too drunk. There were drinking races—it just got out of hand."

The other two pledges were listed in critical condition at the hospital for more than seventy-two hours. One boy had a heart murmur but was too embarrassed about it to tell the brothers. He went into cardiac arrest. The other boy still had traces of a drug in his body which had been administered to him legally for the flu a week before. The combination of this drug and the alcohol sent him into a coma. Strangely, both of these men went on to become initiated members of the Klan Alpine fraternity. The following year, Klan Alpine was quite successful with its rush efforts, pledging more new members than they ever had before.

"I guess they had gained some sort of notoriety," Mrs. Stevens said quietly.

Chuck's mother said she did not feel anger at her son's roommate when he told her what had happened. Rather, she felt sorry for him for what he had been through and admired the fact that he was courageous enough to tell her the truth. What did anger Mrs. Stevens, however, was learning that the fraternity intended to keep its ritual secret and not tell the

MRS. STEVENS," THE ROOMMATE TOLD HER, "CHUCK DIED BEING HAZED INTO KLAN ALPINE, MY FRATERNITY."



Mrs. Stevens and Chuck in a photo taken a month before his death.

came to Alfred because he really didn't want to face me, didn't know what to say to me. He told me that he wanted to do whatever he could to help me, whatever he could to make what happened easier. I asked him for only one thing. I asked him to please tell me what he could, to please tell me what happened to my son.

"I could hear him take a deep breath," Mrs. Stevens told the Leadership School delegates, "and then he said, 'Mrs. Stevens, Chuck died at a fraternity party. Chuck died being hazed into Klan Alpine, my fraternity. We [Klan Alpine members] agreed not to share what had happened. We agreed nothing could bring Chuck back, but I feel it's my responsibility as his friend, to you his mother, to tell you the truth. Chuck only decided to pledge that afternoon. I was somewhat responsible. We were very close friends. I belonged to that fraternity, thought a lot of it.'"

Chuck's roommate went on to tell Mrs. Stevens that although the frater-

consume it before they could be released. No harm had been intended. This was part of the initiation. It was annual, traditional, secret.

Mrs. Stevens paused before she continued the story her son's roommate had told her, looking around the auditorium slowly, finally saying that she knew every man in the room must certainly be thinking what she had thought at this point. Her immediate thought, she said, was that Chuck couldn't have done it, couldn't have been stupid enough to go along with this, was not fool enough to participate in this activity.

"Chuck made a poor decision in going along with this hazing," Mrs. Stevens said, "but it seems to me you put together a combination of alcohol abuse, peer pressure, secrecy, and an unsuspecting student, and you've got a dangerous situation. And I think Chuck was unsuspecting. He did not expect to die. I am certain he expected to wake up the next morning and it would all be over. He was

Stevens family how Chuck had died.

Mrs. Stevens said that when she confronted the Alfred University administration with this information, they denied it, assuring her that their investigation would bring out the truth. The Allegheny County district attorney was delaying his investigation of Chuck's death until official autopsy results became available, she said, partly because he believed that drugs might be involved. Meanwhile, the Stevens family read disturbing newspaper accounts of Chuck's death every day, accounts with sensational headlines suggesting drug use, alcohol abuse, and a weak moral character.

Five weeks after Chuck died, Mrs. Stevens had still heard nothing from the university or from the district attorney's office. And then she received a telephone call from a newspaper reporter who wanted her reaction to the statement that had just been released by the university and the district attorney's office. She said she had heard nothing about any statement, and so it was the reporter who informed her that an investigation had been concluded and Chuck's case had been generally dismissed as an unfortunate and isolated incident for which no blame could be placed. The university had also decided to withdraw its recognition of the fraternity for a probationary period of time. It took no action against any of Klan Alpine's twenty-five or so members.

"I could not accept that," Mrs. Stevens said. "I could not accept the fact that it was an accident. The young man who called me stated himself that the hazing was premeditated, it was planned, it was done annually and traditionally. There was nothing accidental about it. Accidents are spontaneous. It seemed to me that this hazing ritual was obviously done year in and year out."

Mrs. Stevens also learned that Klan Alpine had been on probation before. In fact, it was on probation when Chuck Stenzel pledged because of a fight in a bar the year before in which several students were beaten and injured. She was shocked that parents of students at the university were not made aware of this. And she suspects that the fraternity's probationary status was not known to her son when he made his fatal acceptance of the Klan Alpine bid.

The Stevenses filed a civil suit against Alfred University in August of 1978. It

asserted that someone was responsible for what happened to Chuck Stenzel. The school has consistently denied responsibility for Chuck's death, claiming that the incident occurred off campus at a private fraternity party. According to Mrs. Stevens, it is a contradiction for the university to claim no responsibility for the incident and yet have the jurisdic-

MY INTENTION IS ONLY TO MAKE YOU THINK. I'M NOT ANTI-FRATERNITY. I AM ANTI-ABUSE.'



Mrs. Stevens addresses Leadership School delegates in August of 1980.

tion to place Klan Alpine on probation. The school has never acknowledged that Chuck died in a hazing incident, nor has it provided the Stevenses with the results of the extensive investigations which were promised to them. According to Chuck's mother, the family never received copies of the district attorney's report on the incident, a copy of statements taken from other boys at the party, or any explanation at all of what happened that night. The Stevenses' lawsuit is still in litigation.

In August of 1978, Mrs. Stevens took another step against hazing. With the help of her sister, she formed C.H.U.C.K., an acronym for the Committee to Halt Useless College Killings. The organization's goals are to bring about an awareness of hazing practices, to share the laws and proposed legislation from a number of states that are taking strong steps to

eliminate hazing, to research and document deaths and injuries related to hazing, and to bring about an awareness of the problems of hazing so that others can learn from past tragedies and do something about it.

Mrs. Stevens' story has been told in *People* magazine, and she has been a featured guest on such television shows as *Donahue*, *Tomorrow*, *Good Morning America*, *Today*, *AM New York*, and a number of other news and talk programs. She travels extensively, sharing her story and her information on hazing. On the day she spoke to ΣAE Mrs. Stevens was concluding a speaking tour which had taken her to seven cities in the preceding nine days.

In August of 1979, one year after she formed C.H.U.C.K., Phi Kappa Tau became the first national fraternity to invite her to speak at a national fraternity gathering. Was she scared to face so many fraternity men with her story and her views?

"I was petrified," Mrs. Stevens recalls. Since that time, however, she has been a welcome guest of many national fraternity conferences of undergraduate brothers. She has spoken to Tau Kappa Epsilon, Acacia, Pi Kappa Alpha, Delta Tau Delta, Sigma Phi Epsilon, Alpha Tau Omega, Lambda Chi Alpha, Pi Kappa Phi, and Kappa Delta Rho.

Six states—North Carolina, Virginia, Texas, California, Wisconsin and Wyoming—had passed anti-hazing legislation before Mrs. Stevens began her campaign. Largely as a result of her efforts, a similar bill has become law in New Jersey, and anti-hazing legislation is being proposed in Louisiana, Missouri, West Virginia, Kentucky, and Ohio.

"I realize that legislation is not the answer," Mrs. Stevens told the ΣAEs, "but I do feel it's a positive step. Perhaps it will act as a deterrent. I thought, well, if it takes something like a law to make someone think twice, maybe it's something to work with. I felt that someone should be held accountable when a life is lost. After Chuck died, the fact that this fraternity was put on probation for a limited amount of time was not enough for me.

"I can't say that I want to see young men behind bars," she continued, "but I do think they should be held accountable when they totally disregard human life. When I hear the word 'fraternity' and I hear the word 'brotherhood,' I

think of things like unity, purpose, goals, achievement, ideals, values, and principles. And hazing does not fit at all. It contradicts everything you were founded upon. It conflicts with everything you're striving for. And I truly feel it's something that has to be eradicated, something that has to be brought out in the open, discussed, cared about, and weeded out."

The anti-hazing law which Mrs. Stevens initiated in New York and which is also serving as a model for similar legislation in other states prohibits campus organizations from participating in activities "which recklessly or intentionally endanger mental or physical health or involve the forced consumption of liquor or drugs" for the purpose of initiation into or association with these organizations. This law further requires all colleges and universities in the state to incorporate this prohibition into their campus rules and deems that all campus organizations will have this anti-hazing provision in their own by-laws. The law also requires that all students be informed in writing of these provisions against hazing and that the law be reviewed annually with all members of campus organizations. Any person violating this law is subject to suspension, expulsion, or other firm university disciplinary action. In addition, offenders will be subject to prosecution through applicable criminal statute provisions such as manslaughter, reckless endangerment, or assault. An organization which authorizes hazing activities will forfeit all campus privileges, including its right to license or exist on campus.

It is a tough law, but then hazing is a dangerous practice. And unfortunately, we as Greeks seem to have been inept at completely eliminating the practice on our own. Mrs. Stevens has documented at least sixty-five hazing related deaths, thirty-two of which have occurred since 1970, fourteen since Chuck died. All were probably traditional and all probably intended no harm. By far, acute intoxication is the leading cause of death in fraternity hazing incidents. Furthermore, alcohol is somehow related to ninety-seven per cent of all hazing deaths Mrs. Stevens has documented. The next most common cause of death in fraternity hazing activities is the accidents which occur during "road trips" or "kidnappings." Following closely in the death-by-hazing statistics are accidents

stemming from "exercise sessions" or "workout nights."

One pledge choked to death on his own vomit after being made to run until he was exhausted; another choked to death trying to swallow a thick slice of oil-coated liver. One boy suffocated when the "grave" he had been forced to dig and lie in collapsed on top of him. Another fell to his death from a coffin suspended by chains above a gorge. A number of pledges have drowned after being thrown into rivers, lakes, or creeks. Pneumonia has killed other pledges after they were hazed outside in extremely cold temperatures. One boy died of a skull fracture after being told to jump, blindfolded, into a water tank which nobody realized was empty. Pledges who have been taken away from campus and left lost or intoxicated to find their way back home have been hit and killed by cars, fallen to their deaths from high ledges, or found beaten and in a coma by the side of the road. One boy's body was found at the bottom of a snow-covered reservoir.

Mental hazing also takes its toll, but in a different manner. Pledges who have been told that they failed a phony "national examination" or didn't make the grade in fake oral examinations have run away from the house, driven away in anger, and smashed their cars into telephone poles, trees, or other motorists. Some of these purely psychological methods of hazing have left people affected mentally, resulting in cases of speech impediments or stuttering. "Do you ever know how far you can go in playing with someone's mind?" Mrs. Stevens asks.

Mrs. Stevens seemed almost apologetic or half-shy when she talked to the fraternity. She pointed out to the men listening that she felt sure a mother is the last person someone wants involved in his fraternity. She acknowledged that she has been criticized for her involvement, for airing fraternities' dirty laundry, for trying to bring about change.

"But my intention is not to offend you," she said. "My intention is only to make you think." I have said before I am not anti-fraternity. I am anti-abuse. So many times I've heard young people say they haze pledges because they had to go through it, they haze because it is traditional, they haze because the alumni expect it. And when something goes wrong, I hear young men saying they

didn't mean for anything bad to happen, that they didn't know how this death or injury could have happened. And I really do believe they feel this way, they really do feel bewildered and lost when something goes wrong.

"But let me tell you," she continued, "that if you're doing something that is in any way potentially dangerous, *get rid of it*. Don't be afraid to speak out if it is a problem in your house. You may be surprised that others feel as you do. Please do not let it take a death or tragedy to bring about some action. Wouldn't it be wonderful if educating people and preventive measures could be used, as opposed to doing something after the fact?"

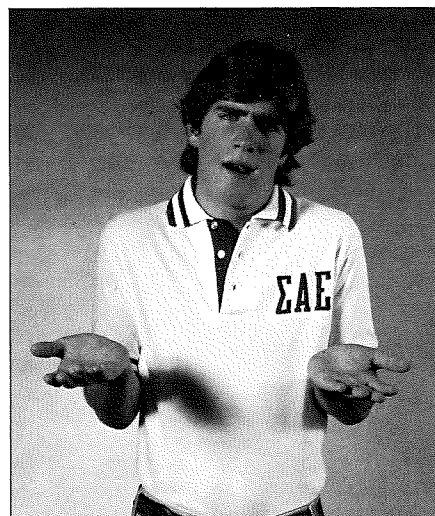
"I urge you to think about what I've said today," Mrs. Stevens continued. "Carry this message back to your houses, talk about it. Sure it's controversial. Sure it's going to anger some people. But everything I'm saying today needs to be said. I don't want it to happen again. I wouldn't want your mother or your family to experience what ours has. It's changed our whole lives. It's something I'll never get over, probably. And in sharing Chuck's story with you, I only hope you learn from it.

"I could stand here until I'm blue in the face and all the officers in your fraternity could do the same," Chuck's mother concluded, "but you are the ones who change things. It's up to you. It's your decision. And I realize that decision will be a lonely one. When and if you're confronted with a problem or a situation like this, I won't be there, no one will be there to assist you. It's up to you to say no."

MRS. STEVENS REACHED US. Her story touched us and gave us perhaps the most realistic perspective on hazing that any of us had ever seen. We saw the cruelty, the waste, the indignity of death by hazing. And we came to understand the risks many of us are taking with certain "traditions" in our own chapters. Her message was clear. So far we have perhaps managed to get by with hazing practices. But maybe our time—the time we have trusted to luck—is running out. ■

WHAT DO WE DO?

Most undergraduates today realize the detrimental effects of hazing. But in trying to change, many throw up their hands and ask...



Some background on the origin and evolution of hazing, its dangerous and potentially deadly effects and the subsequent liability, and specific suggestions on how to eliminate it

*Second of a two-part series
by Bruce D. Hornbuckle*

HAZING WAS UNKNOWN in the early years of Sigma Alpha Epsilon. Bids were extended and friends promptly initiated. There was no waiting, no pledgeship, no "junior initiate" status. Ironically, the practice now defined by some as an abiding tradition would have shocked the founders of virtually every American college fraternity. Hazing was a decidedly European practice rooted in some universities since the Middle Ages and having no place in the ideals of the new American democracy. Not until the 1920s did hazing activities become identified with the American fraternity system. Some have postulated that the practice simply sprang from evil in the heart of men. Others espouse the "European import" theory based on an earlier American fascination with all things European, including fashion, literature, royal families, and even hazing.

Whatever its origin, the idea caught on and spread. Only three times in the past thirty-five years has the practice

substantially decreased in ΣΑΕ: the late 1940s; the mid-1960s; and early in 1980. The first two decreases are explained by wars. American veterans returning to college after World War II were in many cases older and more mature than their pledge trainers. They refused to put up with the "fun and games" of hazing. In the late 1960s, the Greek system was deemed irrelevant by student activists. Fraternity membership dropped drastically and many chapters were forced to close their doors. Those which did not close were forced to make positive changes in order to remain marketable to prospective members.

FOR DIFFERENT REASONS, HAZING is now rapidly declining in ΣΑΕ. In a very real sense, fraternities are now being called to account for their past failures in dealing with the problem. Society is moving quickly on two effective fronts to eliminate hazing. Recent trends in the courts and mounting pressures on college administrators predict one result: Chapters that don't change will be disbanded and/or their presidents, pledge educators, and general membership will be

losing enormous lawsuits before they ever enter the job market.

Additionally, many states have passed or are now considering strong anti-hazing legislation such as that proposed by Eileen Stevens, founder of the Committee to Halt Useless College Killings [See part one of this series, "Death by Hazing," in the February issue]. Older laws, which are now being replaced, bar liability because the victim is considered a "willing participant." This newer legislation is premised on the idea that pledges do not know what's in store for them in initiation rites.

In short, hazing is no longer being combatted solely by the educational programs and resources of fraternities' national offices. More immediate action is being demanded by the administrators on many campuses. College administrators are being faced with pressures from parents, communities, the courts, as well as the threat of being named defendants in criminal and civil lawsuits stemming from hazing incidents. When their own efforts are failing, these administrators are giving national offices the ultimatum of reforming chapter pledge programs or closing the chapters entirely.

A review of recent Σ AE chapter probations and disbandings reveals the suddenness and strength of this nationwide movement to eliminate hazing. Between 1975 and the summer of 1979, Σ AE suspended five charters for reasons such as lack of membership and mediocre performance.¹ The picture changed dramatically in the fall of 1979, however; hazing entered the scene in a big way.

Two developments have been cited as the underlying causes for this shift. Colleges under fire from parents, courts and communities began demanding immediate action from national fraternity offices. And an angry majority of Σ AE delegates to the fraternity's 1979 national convention in Newport Beach, California, mandated that the Supreme Council take swift and deliberate action against chapters that continue to haze. The Council accordingly drew up procedures for investigating hazing complaints and for making decisions on the fate of guilty chapters.

Late in 1979, Σ AE chapters at Gettysburg College and the University of Arizona were disbanded completely be-

cause of general misconduct, with the chapters' pledge programs a contributing factor. Both had been on probation; both had failed to reform their pledge programs. The Arizona and Gettysburg chapter houses were leased out, and current plans call for recolonization on both campuses in 1982. Late in 1979, the Supreme Council placed the University of Oklahoma chapter on probation and in 1980 censured the University of Alabama chapter. Both chapters were hazing pledges and both have since taken strong action to reform their pledge pro-

nity of which we can all be proud."

Reforms in pledge programs, however, are being made by other methods than charter suspensions and lawsuits. Increasing numbers of Σ AE active chapter members are questioning the old hazing traditions. They are determining that the risks of death and injury by hazing are simply too great to justify continued use of the practice. Nonetheless, questioning a tradition is altogether different from the nuts and bolts of actually changing it. The remaining focus of this article deals with the evaluation of a

I ncreasing numbers of active chapter members are determining that the risks of death and injury by hazing are simply too great to justify the continued use of the practice.

grams.

So far this school year, official hazing complaints have been lodged against nine Σ AE chapters. The Supreme Council issued strong warnings to chapters at the University of Kansas, UCLA, Auburn, Arizona State, and Texas. Charters of Σ AE chapters at Texas Christian University, Georgia Tech, and Missouri were suspended for hazing practices. If these three suspended groups can prove to the Supreme Council and the 1981 national convention that hazing practices have ceased, their charters will likely be reinstated. If not, present members will be ordered to vacate these houses and recolonizations will be planned for a future date.

In a recent statement, Eminent Supreme Recorder Ken Tracey explained the fraternity's commitment to eliminate hazing:

"The hazing practices of these chapters were brutal. Lives were being endangered. At the very least, the mental and physical health of these pledges was jeopardized. The potential for tragedy was great," Tracey stated.

"Be assured that we are diligently following the legislation you [the active collegiate chapters] have adopted. We may have fifteen or twenty fewer chapters for a few years, but when the job of rebuilding these closed chapters is complete, we will have a hazing-free frater-

pledge program, suggested activities to achieve the program's goals, and means of changing the chapter's attitude on hazing.

DEEP DOWN, WE KNOW HAZING is wrong. But some feel it achieves important goals such as pledge class unity, a sense of chapter tradition, a feeling of pride in having survived, the knowledge that one has proved equal to or better than the obstacles placed in the way of his initiation. Hazing is quite simply a rite of passage. To endure indignity somehow proves worth, manhood, and the right to belong.

Psychologists, however, point out other theories for the popularity of hazing which are largely based on a presumed insecurity in the hazers. According to two of these theories, pro-hazers are expressing suppressed fears of sibling rivalry or dealing with feelings of inadequacy by imposing false class distinctions on others.

Psychological theories aside, a practice is defended blindly when it seems to achieve certain goals such as pledge class unity or chapter tradition. The risk of death or injury does not seem as immediate as the risk of eliminating parts of a program that seem to work. Playing with a "successful" pledge program is tantamount to playing with fire to many

¹Minnesota Beta, New Mexico Sigma, New York Beta, Utah Sigma, and Virginia Kappa.

people. So it might be helpful in evaluating the pledge program to look for other chapter problems.

CORRELATIONS WERE SLOW TO appear at first, but Σ AE chapters that have modified their pledge programs have shown dramatic improvements in unrelated areas within a year of instituting the positive pledge program. The number of upperclassmen going inactive has decreased, chapter cliques and voting blocks have been eliminated or greatly reduced in power, house occupancy and meal plan participation increased, delinquent dues payments reduced appreciably, chapter apathy decreased, and number of initiates increased.

These changes come simply because the chapter shifts its emphasis from "making a good pledge" to the goal of "making a good brother." When a pledge is abused, he simply endures. He proves all he has to during pledgship. After initiation, it's time to lay back and go along for the ride. Initiation becomes a goal symbolizing the day to slack off. The positive pledge program, on the other hand, makes a new member an integral part of the house. It is this one change in the attitude instilled in a new member that has so much to do with the future strengths and weaknesses of a house.

Developing a positive pledge program will require input from the entire chapter during a meeting, a retreat away from campus, or in an informal discussion. Idaho Alpha at the University of Idaho first took a serious look at its traditional "separation" policy in what began as an informal discussion of the practice at the house one day after lunch. "Separation" was a method designed to build pledge class unity by forbidding pledges to talk to actives during pledgship. The pledges who sat in on that discussion provided the deciding votes a year later when separation was finally abolished.

When the discussion does occur, be sure to consider the goals the chapter wants the program to achieve. There may not be any. Some Σ AE chapters, such as California Alpha at Stanford, have no pledge program at all. While the chapter has been criticized for lack of attention to fraternity history and inadequate knowledge of Σ AE's national bond of brotherhood, California Alpha is consistently one of Σ AE's strongest chapters. And through their own initiative, the California Alpha pledges

HERE'S WHAT YOU DO

Some specific means to eliminate hazing and make pledgship a challenging, positive experience

PROMOTE SCHOLARSHIP: Invite university speaker to discuss test-taking skills, study methods, how to succeed in college; designate quiet hours; take advantage of university academic and tutoring services.

AID CAREER GOALS: Use college resources for seminar on résumé writing, job interview skills; invite different alumni to speak on various careers.

DEVELOP LEADERSHIP: Assign each pledge to a chapter committee; require the pledge class to plan and implement its own activities.

DEVELOP PROBLEM-SOLVING ABILITIES: Have pledges discuss chapter weaknesses such as poor rush, apathy, and poor scholarship, and plan solutions which the active chapter might then adopt.

FOSTER PLEDGE CLASS UNITY: Pledges challenge another fraternity pledge class to a football or basketball game; pledge class plans and implements a house improvement project; pledges plan and implement a rush party, community service project, or a social event.

DEVELOP CHAPTER UNITY OF BOTH PLEDGES AND ACTIVES: Involve pledges on chapter committees; hold pledge-big brother sports events with mixed teams of pledges and actives; have an active chapter-pledge class retreat; big brothers help pledges with assigned house duties (better attitudes toward the house result when the entire chapter is concerned about its appearance); invite pledges to sit in on chapter business meetings.

INSTILL A SENSE OF BROTHERHOOD: Plan special nights when the entire chapter gets together to watch Monday night football, attend a movie, play or concert (check for group and/or student rates); plan an early morning "kidnap breakfast."

DEVELOP SOCIAL SKILLS: Have the house-mother or a home economics professor hold a seminar on table etiquette and other social graces; plan a seminar with college resources on effective communication skills, body language, eye contact, and other aspects of communicating.

BUILD AWARENESS OF CHAPTER HISTORY: Invite an older alumnus to talk about the chapter's early days, its founding, the high and low points of its history, special chapter traditions, and prominent alumni.

KNOWLEDGE OF THE GREEK SYSTEM: Invite campus fraternity dean or IFC president to address the pledge class on the system, its background, its purposes and activities, government, rivalries, opportunities for involvement, and its regulations and sanctions.

INVOLVE PLEDGES IN THE COMMUNITY: Visit a nursing home or youth center to sing, play games, coach or just talk; get involved with local Boy Scouts or Cub Scouts, Big Brothers of

America or other community groups (such involvement might well continue after initiation); pledges plan their own campus or community service project, such as Red Cross blood bank or Kidney Foundation organ bank.

DEVELOP GOOD RUSH SKILLS: Have one of the chapter's best rushers hold a seminar on recruitment skills: how to approach a person, what to talk about, what to look for in a man, what positive opportunities your chapter offers; have each pledge invite prospective members to various chapter functions.

IMPROVE RELATIONS WITH OTHER GREEKS: Have pledges plan an intramural event with another fraternity pledge class; pledge classes get together to plan joint fraternity social or service activities; pledge class plans social or mixer with sorority pledge class; have pledges recognize sorority founding date with a serenade and flowers.

IN ALL PLEDGE CLASS ACTIVITIES, keep these objectives in mind: mutual respect, honesty, organization, determination, strong and real leadership.

OTHER IDEAS: Have pledges hold a "wallet toss" at first pledge class meeting: Each pledge tosses his wallet into a pile, retrieves one, and finds its owner (breaks ice and builds trust); "Income tax work seminar" with a representative of the IRS; have a speed reading instruction firm hold free first session at the chapter house; invite candidates running for public office to speak to the chapter; recognize an outstanding pledge each week—a little recognition goes a long way toward motivation.

Invite a karate expert to hold a demonstration at the house. Have a city police officer discuss house, apartment, and automobile security. Invite experts to give presentations on backpacking, hiking, canoeing, rafting and then do it one weekend as a pledge class or chapter trip.

Eliminate the "grace week" after rush and start the pledge program immediately. The new pledges are fired up after rush and the grace week leaves them inactive and isolated. Besides, the term "grace week" implies to the pledge that he is to dread rather than look forward to the pledgship ahead. Get the big brother program working *early*, within the first week of pledgship when the new pledge most needs someone to help him adjust.

Encourage pledges to participate in intramurals. Have songfests where the pledges learn new songs from the brothers—but be sure it is a combined effort instead of a humiliating sing-along under severe, dictatorial choir directors. Use a copy of Fraternity Historian Joe Walt's cassette tape "The Σ AE Story," available from the National Office, as a source of inspiration and to spice up assigned *Phoenix* readings. ■

undertake community service and house renovation projects on a scale which most find truly amazing.

HOWEVER, IF THE CHAPTER DECIDES there is a need for continued use of the pledge program, most will agree there are certain goals to be achieved. These include: orientation and assimilation of new members into the chapter; motivation of new members; unity; develop good brothers; promote friendship and brotherhood; develop a well-rounded and diverse chapter that provides members with opportunities to excel in academics, athletics, service, social skills; instruct new members in traditions, songs, and history of the fraternity; build and develop leaders.

Once these goals have been determined, decide how to achieve them. For example, many chapters wishing to develop leadership assign each pledge to a committee in the chapter based on that pledge's own interests. The chapter channels the enthusiasm of new members and provides its pledge class with a working knowledge of how the house operates. This idea has also helped reduce chapter apathy and promote overall chapter unity between pledges and actives.

For other activities used to achieve similar goals, see the box on page four.

IMPLEMENTING NEW IDEAS IS A SIZABLE part of the challenge. But the hazing issue goes much deeper. Its elimination will require a change in the chapter's attitude. In other words, the problem won't be solved simply by substituting new activities into the old program. According to Phil Bledsoe, *Missouri Alpha '77* and Student Services Advisor at the University of Missouri, "Hazing is an attitude, an attitude that must be changed. Substituting one practice for another without working to change the underlying attitude grants us only a temporary reprieve."

Dr. Richard L. "Skip" Moore, past director of the Σ AE Leadership School, agrees. Moore also makes the realistic observation that hazing activities persist because they are sometimes fun for the pledges. The new members are receiving attention from the chapter and participating in activities that will make great stories later. He's got a valid point. An honor pledge at a recent Leadership School almost decided not to be initiated

in Evanston when he learned the initiation team did not give the infamous "national exam" or plan any other activities he'd heard so much about in his chapter.

According to Moore, changes in the pledge program have to be realistic and meet the needs and desires of the chapter. "I know pledging can't be all serious and dull," Moore said, "and there are some natural rivalries between pledges and actives." Moore's candid observations underscore the real reason hazing reforms are so often unsuccessful. An all-serious pledge program is often as dull

chairmen.

"To talk about what I did both times through is to list practically the same activities right down the line," he continued. "I guess the only real difference was that they did stuff to us in the first one. In Σ AE the actives did stuff with us."

He went on to explain that the first pledge class had been kidnapped in the middle of a freezing cold night, blindfolded, and left twenty-five miles out in the country to find their way back home. Five pledge brothers were out of school the next week with the flu. In his Σ AE

When alcohol use is studied in relation to all hazing accidents and deaths in other tragedies, it crops up alarmingly in ninety-seven percent of all hazing tragedies.

as a hazing program is dangerous.

So in changing the pledge program, avoid extremes. A balanced program should include social activities and opportunities for the pledges and actives to get together. Replacing road trips with nothing but study halls will surely bring back road trips within a year. In chapter discussions of hazing, ask the brothers why they take pledges on road trips or make them wash cars to get signatures. The usual answer is that these activities give the full chapter a chance to get together and get to know the pledges. Revise the program with these thoughts in mind.

An interesting story is that of the man who went through two pledge programs. During the meeting of a discussion group on hazing at last summer's Leadership School, one of the participants told of depledging one fraternity as a freshman and joining Σ AE a year later.

"Both pledge programs were almost exactly alike," he said. "Both times around I got kidnapped, taken on road trips, had to work on an all-week house renovation project, went on a pledge class sneak, the whole works. One I hated. The other I liked. In the first one, our pledge class kept getting smaller and smaller as guys dropped out. But in Σ AE we were getting new members all the time, and all the pledges were working pretty tight with the chapter's rush

pledge class road trip, the actives were waiting at the drop-off point. They had a bonfire going, a keg of beer, hot dogs, and gave the pledges a ride back into town after a couple of hours of songs, stories, jokes, and an open discussion between actives and pledges on how pledgeship was going.

The point is that two chapters with basically similar pledge programs were achieving totally different results. One house used these activities to abuse the pledges. The other used these activities as a means of bringing the entire house together for safe and constructive social events. The only difference was the attitude, a subtle change of the preposition "to" to "with."

IT HAS BEEN SUGGESTED THAT CHAPTERS use this "with" rather than "to" criteria to review, modify, and revise existing pledge programs. This method of change is often more acceptable to a chapter since it does not involve junking the old pledge program.

Keep modifying existing activities until the entire active chapter will want to participate in it with the pledges. This test also separates the dangerous and degrading elements of an activity from the constructive and fun elements. Rarely will anyone think it fun to do exercises with a pledge class at 3 A.M. or drink a mixture of alcohol until he vomits. In-

volving actives with the pledge program results in a tighter house, a more solid brotherhood, and a lot less danger from hazing.

Another suggestion is to invite a committee of outsiders to review your pledge program. Don't hold anything back. The National Office provides this service. Or you can construct a panel of ΣAE alumni, university officials, parents and faculty members.

In re-evaluating the chapter's pledge program, careful attention should be given to three specific activities: road trips, exercise sessions (or line-ups), and use of alcohol. These three elements are the national leaders in causing death by hazing. Pledges taken on road trips have been hit by cars, shot as trespassers, beaten unconscious by unknown assailants, drowned, bitten by snakes, fallen or been thrown from moving vehicles, involved in wrecks, and fallen to their deaths from high ledges.

Pledges participating in exercise nights have died of stroke or heat exhaustion. Some of these men had medical problems they did not know about or were too embarrassed to reveal to their friends. Chapters working on pledge program reforms should also be aware that road trips and exercise nights are most often the activities concerned when there is a spontaneous demand for "a return to the old way." In other words, don't replace these particular activities with study sessions. Plan chapter intramural sports activities between the actives and pledges when the exercise night is dropped. Plan a mini-retreat with a bonfire in place of the road trip.

Alcohol, however, is the absolute evil in hazing accidents. Alcohol poisoning alone ranks as the third highest cause of hazing deaths and injuries. These incidents involve drinking contests or required drinking by pledges of various alcohol mixtures to induce vomiting. In many cases death or injury has resulted from alcohol reacting to prescribed medicines, traces of which can still be in the body a week after the last dose was taken. When alcohol use is studied in relation to all hazing accidents and deaths in other activities, it crops up alarmingly in ninety-seven percent of all hazing tragedies.

When used, alcohol should be treated responsibly at any fraternity function. But it should be absolutely banned where pledge activities are concerned. If you can't guarantee this reform, at least make

no compromises when it comes to the sobriety of the brothers responsible for whatever activity is planned. Their judgment should not be impaired. Being drunk is no excuse—morally or legally.

IN PLANNING A CONSTRUCTIVE pledge program, be aware that often heavy opposition to change will arise. The most common objection to change is that such activities are traditional. This is probably the toughest obstacle. Brothers will appeal to tradition in a variety of ways: "I went through it so they should; This has

If you have to fake an emotional high to involve people in the fraternity, then we have something very false, some very basic purposes in need of careful questioning.

worked for years so why change now; We know this works, but we know nothing about this new stuff," and so on.

These points will be of genuine concern to the chapter. However, point out successful changes that have already been made in other house programs which have become new and popular traditions in their own right. Point out that tradition can cripple an organization if it is not continually reevaluated and modified to fit changing needs. If ΣAE "traditions" had not evolved, the organization would still be a small, regional, southern fraternity with different chapters taking two-year shifts as the "national office" — or long since forgotten in a merger with Alpha Tau Omega.

Another pro-hazing argument is the "screen out the wimps" assertion. This attitude will appear in the form: "If we don't haze, joining will be too easy and just anybody could end up in our fraternity." This argument is really out of place here. The rush program—not the pledge program—is the place to screen new members. If the chapter is relying on the pledge program to safeguard Minerva's membership rolls from "wimps," it's generally an indication that the rush program needs to be overhauled. In some cases, chapters rely on hazing techniques to harrass a pledge

until he quits. The better approach when a pledge's development is unsatisfactory is to tell the man honestly where he stands.

A related argument is that hazing sets the standard for entry into ΣAE brotherhood. Point out that eliminating hazing simply shifts this standard from one of endurance to one of achievement. Indeed, a chapter should have standards. Expect your brothers to achieve academic excellence, to demonstrate ability in organization and management, to learn how to work and live with others, to know what the fraternity

stands for, to know how and why standards were chosen, and to live up to those standards. But do not confuse a standard of passive endurance with one of active achievement. Essentially, the distinction results in the difference between a weak and fragmented chapter or a strong and well-organized one.

Hazing is also supported by the claim that "it keeps the pledges in line." In reality, hazing is randomly and arbitrarily inflicted suffering. Look to other sanctions for those who break chapter or college rules: fines, probation, payment of damages for destruction, suspension, or expulsion.

By far the most popular cry for hazing practices is that it creates pledge class unity. The chapter has just pledged a group of men who hardly know each other, and the house wants to assimilate and orient them as quickly as possible. Granted, abuse and fear are sure-fire means of forcing some quick semblance of "group-think." But the truth is that a pledge class will attain a better quality of unity in a non-hazing program. Pledge class unity is usually defined as new members getting to know each other, learning to work together, learning to depend on each other, learning to trust each other. Those things will come of their own accord in a pledge program that brings new members together in a

variety of constructive and fun activities. So why force something that will develop naturally? The type of unity created by hazing rings false, carrying high risks of death, injury, pledge attrition, apathy following initiation, and overall lack of chapter unity. These risks are obviously unnecessary, particularly when the same objective can be reached through other methods that have advantages that hazing lacks.

THERE IS AN OLD SAYING THAT when a custom becomes generally accepted it becomes law. But the writing on the wall clearly indicates that hazing customs are meeting increased resistance. Society's reactions to hazing tells us the tide is shifting and that hazing will decrease within this decade. We can wait and let changes be forced upon us by chapter suspensions, lawsuits, university probations, Supreme Council closings of chapters, and the abolition of pledge programs altogether. Or we can effect

change ourselves by eliminating the evils of hazing.

It will take guts. It will require leadership and the courage to stand alone at first. But when you succeed, you will leave your chapter with a legacy of strength and dignity no brother will ever forget.

In his last year as Σ AE's Director of Leadership Training, Skip Moore shared some of his thoughts on hazing with Σ AEs from across the country in a poignantly truthful observation hitting at the very heart of some long-held beliefs in purpose:

"One of the points most often used in favor of hazing is that it increases emotion," Moore said. "It makes the guys want to be in more. It makes them feel like they've earned something. I wonder why it is that we can't let nature work for itself. Anybody who wants to be in an organization is dealing from insecurity. Any pledge is dealing from insecurity. He wants to be in.

"If you have demonstrations of the way your house gets along, demonstra-

tions of doing things together, demonstrations of unity and brotherhood, nature itself will increase their desire to belong," Moore said. "But if you have to fake that, if you have to fake an emotional high to involve people in the fraternity . . . brothers, we have something very false, some very basic concepts and purposes in need of careful questioning."■

The author expresses grateful appreciation of the brothers who assisted in the research for and preparation of this article. All were members of the 1980 Leadership School faculty and include Jeff Bacon, Vermont Beta '80; Charlie Koch, California Delta '79; Charlie Witzleben, Georgia Psi '70; Ray Artigue, Arizona Beta '76; John March, Oklahoma Kappa '75; and Ken Tracey, New Mexico Alpha '70. Special thanks to Dr. Richard L. "Skip" Moore, past director of the Σ AE Leadership School; Phil Bledsoe, Missouri Alpha '77, Student Services Advisor at the University of Missouri; and Eileen Stevens, founder of the Committee to Halt Useless College Killings.

Copies of Mrs. Stevens' documentation of hazing deaths, copies of her anti-hazing legislation, and more information about C.H.U.C.K. can be obtained by writing to Mrs. Eileen Stevens, C.H.U.C.K., Post Office Box 188, Sayville, New York 11782, or by writing to the Σ AE National Office, Post Office Box 1856, Evanston, Illinois 60204.

Students

Fight Against Hazing Rituals Rages on Campuses

Officials seek to end dangerous initiation practices, but many students cling to 'tradition'

By THOMAS J. MEYER

AUSTIN, TEXAS

When Gonzalo Barrientos was growing up on his family's farm 20 miles east of here, naked strangers would sometimes show up at the front door in the middle of the night, asking to use the telephone.

"It would always be scared-stiff students trying to get back to Austin," he says. "They'd take them out there and just drop them off."

In those days, Hell Week was no time to be a new fraternity man at the University of Texas. Students who had pledged membership in social groups often met harsher fates than taking unwanted field trips: They were often paddled, sometimes branded, deprived of sleep, and forced to drink excessive amounts of alcohol.

Hazing has changed here. But not much.

Texas suspended two student organizations last fall after the groups were caught branding freshman members with dry ice. Last month, nine Texas students were hospitalized with staph and strep infections following a hazing incident in which, officials say, 27 students were locked for four days in a room where fraternity members periodically pelted them with raw eggs.

Mr. Barrientos, a Texas State Senator, has worked to halt such incidents by making the state's anti-hazing statute tougher. His effort is part of a national push among government, education, and fraternity officials to do away with the dangerous—sometimes deadly—practices associated with hazing.

Since 1978, 29 college students have died in hazing incidents across the country, according to experts on the issue. Every year, dozens more are hospitalized.

"I think this is the number one problem facing fraternities," says one national fraternity official. Although the practice is not as widespread or severe among women's groups, campus administrators say many sororities, too, practice hazing.

Illegal in 18 States

All national fraternities, as well as the National Interfraternity Conference, have rules strictly prohibiting hazing in initiation rites. Eighteen states have statutes making the practice illegal; nine more are considering such legislation. Many campuses—including Texas—have taken strong stands against groups that haze.

The efforts haven't halted the problem.

"I don't think anybody's thinking," says Eileen Stevens, who has campaigned nationwide against hazing since her son was killed in a 1978 hazing incident at Alfred University. "Everybody thinks it's funny at the time. Nobody intends for anybody to die. No one expects anybody to be injured. No one expects anyone to have alcohol poisoning.

"It's all in the spirit of fun and a harmless prank, and let's have a good time and we'll laugh about it when it's over.

"I think that's one of the saddest things. It gets out of hand. It often takes a tragedy before they change their attitude."

Since the early 1970's, membership in

college fraternities has steadily risen. In the last five years, national membership has grown by more than 150,000, to about 400,000. With the increase, some officials say, hazing has become more common.

"The need to belong is so powerful," says Charles B. Wright, former national president of Phi Beta Sigma fraternity. "It's different from the 60's, when students were looking at these groups with a jaundiced eye. These students are going through whatever is necessary to be a part. The pressure is phenomenal."

John Ragle, an assistant dean of students at Texas, says students force their new members to undergo the acts because they have gone through the rituals themselves.

"Once you survive an experience, you tend to re-evaluate what that experience was about," he says. "You think that if you endured it, it must be all right. It may have been horrible, but you survived, so it must be o.k."

'You've Got to Earn Your Way In'

Some officials say fraternity members often continue the practices in order to retain the exclusiveness of their groups. "Their attitude is, You've got to earn your way into the fraternity," says Eric Weber, the director of the Interfraternity Council at Texas. "The best way to do that is by doing difficult things that you wouldn't normally do. There's a great

fear—fraternity guys don't want to be perceived as wimps."

During hazing rituals, many fraternities and other student groups practice physical abuse in various forms, officials say. Pledges may be paddled and made to take long hikes, perform calisthenics to excess, or sit naked on blocks of ice for long periods of time.

In addition, many organizations try to test their new members by causing mental anguish. Eileen Stevens was told by a member of an Indiana fraternity that each year the group purchases a puppy, which pledges take care of for several weeks. At the end of the group's initiation, the new members are told to kill the animal.

Hazing is practiced by many kinds of fraternities and social organizations, but some officials say it is particularly common among the five predominantly black national fraternities.

"In black fraternities, this happens in 100 per cent of the chapters," says Mr. Wright, who is also a former president of the National Panhellenic Council, the association of black fraternities.

While the hazing is in most ways similar to those in other organizations, he says, some practices—notably the branding of students who have pledged membership—are more common in the black fraternities.

"That's a hard nut to crack," Mr. Wright says. "Things like that and shaving

What We Did Has Happened Here

AUSTIN, TEXAS

"What we did was, we threw some eggs at some pledges," says Bruce Phillips, who, until last month, was a senior at the University of Texas at Austin.

Because they threw those eggs, Mr. Phillips and three of his brothers in Alpha Tau Omega fraternity are no longer enrolled in the university. Their story offers some insight into the motivation of students who take part in hazing.

"What we did has happened here forever," says Mr. Phillips. "It's a written-down tradition."

A university administrator tells the story in more graphic detail. About 27 of the fraternity's pledges were taken to a location far from campus, where they—and two ducks—were locked in a room lined with plastic, he says. Over four days, fraternity members came at irregular intervals and pelted the pledges with raw eggs.

Nine of the pledges had to seek medical care for staph and strep infections following the hazing incident. A doctor at the university health service who noticed that fact notified university officials. The fraternity, a registered student organization, was suspended for three years, and four officers were suspended from the university for two years.

The students—three of whom were seniors—don't plan to come back to the university. They question the administrators' judgment in singling them out for punish-

ment. They are the first to be suspended for hazing in many years at Texas. They are also the first victims of a new crackdown on hazing at the university by William H. Cunningham, the new president.

Last fall, all four signed a newly required pact stating, in part, "If I am caught hazing, I may be expelled from The University."

They say their misfortune resulted, in part, from a lack of clarity about what hazing is.

"How can you define 'hazing'?" asks Mr. Phillips. "Cunningham wouldn't even define it. You can't define it."

"To me, hazing is something that puts somebody in physical danger," says Matthew Zander, a former president of the fraternity and one of the suspended students. "I don't feel like making guys scrub the baseboard with a toothbrush for eight hours is hazing. That's not going to hurt anybody."

'Not Right or Wrong'

Mr. Phillips, who was in charge of the pledge program, says, "Hazing is doing anything that you don't want to do."

He is quick to add: "It's not right or wrong. I can tell you some positive things I think about hazing, and the whole world is going to laugh in my face because they never did it the way I did it, or learned what I learned from it."

What people cannot understand, the

and in State Legislatures

one's head I think are completely asinine, but they still go on."

Mr. Wright, who is vice-president for institutional advancement at Coppin State College, says such practices are particularly problematic on predominantly white campuses. "They say, This is part of our history our culture—you don't understand. And many white administrators fall for that nonsense," he says.

To combat hazing practices, government officials in several states are trying to make anti-hazing laws tougher. Leaders of national fraternal organizations say they are doling out harsher penalties for hazing, and are starting programs to provide positive alternatives for initiation rites.

Campus officials say hazing is a particularly difficult problem to fight because of its clandestine nature. Normally the victims undergo the rituals voluntarily, and they are always sworn to secrecy.

At Texas, for example, administrators say they regularly receive anonymous letters and telephone calls informing them of hazing incidents. "We have to base everything on anonymous phone calls, innuendo, hearsay, and the student grapevine, an elbow in the ribs," says Ronald M. Brown, the university's vice-president for student affairs. "You can't go very far to the courthouse with that."

Administrators also have difficulty because no standard definition for hazing ex-

ists. Some state laws prohibit causing "indignity or humiliation." Others cite "endangering the mental or physical health of students." At some institutions, rules list activities that are specifically prohibited. But often the definitions are left to the discretion of students and administrators.

"We tell them that if you wouldn't mind having your mother and/or a university administrator present, it's probably okay," says Mr. Ragle, the assistant dean of students at Texas.

M.E. (Moe) Littlefield, executive director of the Sigma Nu national fraternity, says hazing can be clearly defined by common sense. "If there's any question, then we ought not to do it," he says. "It's not worth the risk."

New President 'Outraged'

Last fall the University of Texas redoubled its attempts to make students aware of hazing laws. The stronger effort began after William H. Cunningham, the university's new president, received several phone calls alerting him to hazing incidents.

"He was outraged," says Mr. Brown, the university vice president. "He decided to land on it with four feet."

Officials say the new approach was also provoked in part by the 1984 death of a student at Texas A&M University. Bruce Goodrich, a sophomore, died after he was reportedly roused out of bed and ordered to do 87 pushups and situps as part of a hazing ritual.

During the fall, Mr. Cunningham met individually with the leaders of every student group that held any sort of initiation. In addition, he had the leaders of each group sign an agreement stating that they were aware that hazing was illegal, against university rules, and dangerous. The agreement further stated that "hazing is a violation of the rules of common decency."

Last month Texas suspended the Alpha Tau Omega fraternity chapter and four of its leaders, following the egg-throwing incident. It was the first time in recent memory that any Texas students had been suspended for hazing.

"They were testing the waters to see how serious Cunningham was, and they found out how hot those waters were," says Eric Webber, director of the Interfraternity Council at Texas.

While officials at many other institutions are also taking a hard line, some critics say that only tough state laws will properly discourage hazing and punish its perpetrators. Often, they say, administrators ignore the incidents for fear of harming the reputation of their institutions.

"Obviously, the regulations that colleges have and the positions national fraternities have taken haven't worked," says Mrs. Stevens, the anti-hazing leader. "You know they're doing it anyway."

"Many of the colleges used to have a hands-off policy, saying, 'What we don't know won't hurt us,'" she says. But in some states, laws now place the responsibility for enforcement on the institutions.

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CHUCK: the Mother of a Hazing Victim Campaigns 'to Halt Useless Killings'



PHOTOGRAPH FOR THE CHRONICLE BY ROB WEBBER
Eileen Stevens: "If you think about it, even though these are not intentional, these are all planned, premeditated activities that have a lot of danger attached to them."

By THOMAS J. MEYER

SAYVILLE, N.Y.

It looks for all the world like a teenage boy's bedroom.

The ceiling is covered by a rainbow of college pennants. One wall is plastered with posters and framed certificates and photographs.

In one corner, on a shelf, sits a picture of Eileen Stevens and her son Chuck.

It was eight years ago last month that Chuck died, on a cold winter night in upstate New York.

The small room—in her family's home on a dead-end street in this Long Island town—is the headquarters for Mrs. Stevens's national campaign to end hazing, the Committee to Halt Useless College Killings. Its initials spell her son's name.

The pennants are from the campuses—more than 250 of them—where Mrs. Stevens has spoken. The certificates come from national fraternities that have honored Eileen Stevens after hearing her tell Chuck's story. Her hope, in part, is that by telling that story, she can help prevent other young men from meeting the same fate.

It is not a pleasant story.

Chuck Stenzel was a 20-year-old sophomore at Alfred University when he took

part in a hazing at Klan Alpine, the campus's most prestigious fraternity, but one with no national affiliation. Chuck's roommate later told Mrs. Stevens that the fraternity members had given each pledge a pint of whiskey, a six-pack of beer, and a fifth of wine.

The members, he said, had locked Chuck and the others in car trunks and told them they must consume the liquor before they could be released.

After driving around for a while, the members opened the trunks and took the pledges back to the fraternity house to sleep off the alcohol.

Chuck never woke up.

Chuck Stenzel died of acute alcohol poisoning, combined with exposure to cold. His lungs had become so filled that he drowned in his own fluid.

"He was in such a deep state of unconsciousness that his body stopped. It just shut down," his mother says.

"Chuck wasn't the kind of kid who was a drinker or a boozier, other than the normal stuff," she says. "A few beers with friends and that kind of thing. It made very little sense to me."

Mrs. Stevens soon found that Chuck's

Continued on Following Page

Forever?

young men say, is the bonding that comes about through the experience.

"People who have never been in fraternities," says Mr. Zander, "if they could know the friends we have, the people we know, and have the benefit of belonging to a group—whether that's silly or not—they wouldn't have the attitude they do."

It is hazing, in part, that makes fraternities unique, he adds. "That's what makes it special, instead of just, 'Look we're open for business.' You wouldn't have anything in common. It'd just be a bunch of individuals."

Several members of the Alpha Tau Omega chapter stress the importance of the hazing process to allow members to earn their places. "You don't get anything in this life for free," says Mr. Zander.

Mr. Phillips adds: "It's like a bunch of bankers. You wouldn't want some guy who was a pool salesman to come in and be a banker. Don't you have to earn that right in some way?"

Mr. Phillips and Mr. Zander are working full time now, for a development company and a real-estate company. They both plan to transfer to the University of Houston.

They are proud of the way they handled their recent experience. "We took responsibility ourselves, we stuck together, we said what we believe in," says Mr. Zander.

"Some good will come of this," says Mr. Phillips. "If it's that we don't throw any more eggs, then that's good."

Fight Against Hazing Rituals

Continued from Preceding Page
and administrators are paying more attention, she adds.

Some officials say laws are needed simply to clarify the issue. Mr. Barrientos, the Texas State Senator, last year introduced a bill that would both toughen the penalties for people convicted of hazing and clearly define the offense. The bill, which was voted down, would have prohibited using physical brutality, forcing activity, causing extreme mental stress, and making others break the law as part of an initiation process.

Mr. Barrientos admits the issue is cloudy. "I don't know if you're ever going to get anything that specific into the law," he says. "I'd say, if you're not sure, call up the guys in the administration and ask, 'Will this get me in trouble?'"

In the past two years, Maryland and Massachusetts have passed laws to outlaw hazing. Many other states are now considering anti-hazing legislation for the first time.

Kentucky's House last month passed a bill that would make the

practices illegal. A Senate committee will take up the matter in April.

Walter Blevins, a Kentucky State Representative whose district includes Morehead State University, introduced the bill. "Members of the academic community feel hazing is still going on," he says. "My feeling is that some campuses are lucky and some aren't. If we can eliminate a potential disaster, then that's the wise thing to do."

In most states where such legislation has been introduced, it has been widely supported by student groups and fraternities. Opponents of the measures frequently argue that the legislation is redundant—that current laws already cover charges such as assault and battery.

But in some states, student groups have spoken out against the bills. Last week, for instance, the Kansas student association testified against a bill that makes hazing unlawful. "We're not against the intent of the bill, but we feel that the way to get at the problem is to enforce the existing laws," says John Allen, legislative director of the Kansas Student Association. He also argues that the legislation would make fraternities' liability-insurance rates rise substantially.

While support for the laws remains strong among fraternity officials, many say legislation cannot do away with hazing. "I don't think there's a good legal solution to the problem," says Mr. Webber of the Texas Interfraternity Council.

"I think it's more of a social problem. Changes are going to come about because the guys are seeing what they do is not right. There are

laws now, and they don't make any difference."

To encourage such a change of attitude, national fraternity organizations are trying to promote positive alternatives to hazing. Many encourage their chapters to have pledges undertake community-service projects, such as assisting elderly people or underprivileged youths.

Some campus officials say strictly enforced rules may change attitudes. "In the past, even if you didn't haze, you wanted to make people think you were, so you'd be respected," says Mr. Maloney, Texas's assistant dean of students. "Now the trend is to say you don't haze."

Despite the efforts from government officials, administrators, and fraternity officers, many say the traditions of hazing are so entrenched—and so surreptitious—that they may be impossible to eradicate.

"Hazing is never instilled or encouraged or suggested on the part of the national organization. It's never part of the literature or the discussion," says Mr. Littlefield, the director of Sigma Nu. "It comes up unexpectedly from students who, for some reason or another, think it's a good idea. It can crop up in the most surprising places at the most surprising times, despite our best efforts."

Robert F. Marchesani, Jr., the assistant executive director of the National Interfraternity Conference, says hazing is hard to fight because of constant changes in the membership of fraternities. Some members, he says, incorrectly perceive hazing rituals as long-standing traditions.

"It's a problem we'll always have," he says. "It can creep back into our chapters very easily. It just takes one guy with a bad idea to bring it back."

Hazing Victim

Continued from Preceding Page
fate was only the most extreme result of a common practice on college campuses—hazing. Since that time, through her organization—which is known by its acronym, CHUCK—she has worked to spread the word, and to encourage campuses and fraternities to crack down on hazing.

In 1978, six states had laws against hazing. Since that time, Mrs. Stevens has been instrumental in getting similar legislation passed in 12 more. She has testified in behalf of legislation in most of those states. People who have heard her story have instigated efforts elsewhere.

Harvey Bodker, a real-estate broker in Leawood, Kan., heard her speak at his fraternity's national convention. "I was so impressed with her story that I've just gotten involved," he says. He persuaded his state senator to introduce an anti-hazing bill that is now being considered by the Kansas Legislature.

In addition to pursuing legislative action, Mrs. Stevens has maintained a sort of national clearinghouse for hazing stories. She gets 100 letters a week, she says, often from the mothers of young men who have been the victims of hazing incidents.

"I've heard of people deprived of sleep for several days; people have been dropped off miles away and told to crawl back; I've heard of animal abuse; I've heard of sexual abuse," she says.

Mrs. Stevens has sometimes found it difficult to convince college administrators of the severity of the problem. "Everyone is so happy and eager and quick to use the word 'accident,'" she says. "But if you think about it, even though these are not intentional, these are all planned, premeditated activities that have a lot of danger attached to them."

She has frequently been asked why she continues her campaign. "Someone said to me, 'Why don't you let him rest in peace?'" she says. "As far as I'm concerned, Chuck is at rest. I'm not talking about death. I'm talking about life. There's nothing we can do for Chuck, or for victims like Chuck. But there is something we can do to prevent it from happening again and again and again."

LEVIN
columnist

The dark side of fraternity fun

TON — College fraternities back for the same reason: junior proms are popularly satisfy a growing desire for ceremony, ritual, and pageantry, and provide students a sense of structure.

push to join fraternities when many students organize opportunities to make a date. On isolated campuses, students may find on them for parties. At big-city schools, they foster a sense of community brotherhood.

there is a dark side to fraternity life — psychological and physical hazing. As fraternity membership grows, so will injuries and deaths from hazing rituals. We may soon witness an epidemic of hazing-related nervous breakdowns, overdoses, and torture not since the 1950s.

often, university officials

have dealt with delinquent fraternity brothers as they did with flower children in the '60s and '70s. Then, fraternity membership often was a stigma, identified with Vietnam atrocities, ROTC, and reactionary politics. Many students who valued their liberalism or individuality chose to "do their own thing"

So administrators could easily ignore fraternities. Why impose rules when frats exist in name only and pose little threat to official policy?

Professor James A. Fox and I have studied the rebirth of fraternities around the country. We are convinced that they will experience phenomenal growth during the next few years. Students, like their parents, seem to be opting for structure and organization.

Some college officials already have chosen to ban fraternities.

Jack Levin is professor of sociology at Northeastern University.

Others prefer to ignore what they regard as a growing menace. But we hope that many will follow the lead of state legislators in enacting anti-hazing statutes, and will reimpose rules and regulations governing fraternity life.

Fraternities do have value for a university. They can be held responsible for the delinquent behavior of individual members, allowing sanctions to be effectively imposed. And they may help to secure strong alumni financial support.

But universities must be willing to move out of the '60s and to provide a structure for fraternities in the '80s. Above all, they must convince local chapters that it is in their best interest to blackball hazing for good.

NATHAN J. BRANT
columnist

Fraternities didn't invent hazing

INDIANAPOLIS — Ever since the 1890s, national and international fraternities have widely denounced hazing as contrary to all fraternity ideals and traditions. The National Interfraternity Conference has a standing ban on hazing across a ban that was unanimously reaffirmed in 1979 by 57 member fraternities.

Hazing is any action or situation created to produce mental or physical discomfort, embarrassment, harassment, or ridicule. The high fraternity ideals of scholarship, leadership and personal development — leave no room for such silly or potentially dangerous activities.

The problem is much older than fraternities. New students in 17th century European universities were subjected to what was called "penalism" — required to wear weird dress and endure physical abuse,

coarse jokes, and extortion.

In the late 18th and 19th centuries, British prep schools practiced "fagging," hazing that emphasized menial personal service and drudgery. It was justified as a means of teaching humility and proper behavior.

Hazing first appeared in North America in the 1850s as a form of class rivalry — pranks and mischief against freshmen by sophomores.

Our organization and its member fraternities stress the importance of quickly correcting any misdirected belief that hazing is a fraternity tradition. Upon detection, fraternities will expel a member for engaging in individual hazing. If necessary, an entire chapter will be suspended to prevent organized hazing activities.

The fraternity movement provides alternative progres-

Jonathan J. Brant is executive director of the National Interfraternity Conference.

sive education programs that offer the new member the opportunity to learn about his fraternity and himself through positive, constructive, and creative activities.

Most reported incidents of hazing occur in local and high school groups and in military settings. There have been fewer incidents of hazing among NIC member fraternities because they are offering effective solutions, supervision, and alternatives.

However, in those few cases involving fraternities, all of us have to be willing to share responsibility. Hazing will only be eliminated through the collective effort of student personnel officials and fraternity members.

QUOTELINES

"The Greek system helps alleviate the loneliness and alienation of life on a large, anonymous campus."
— Barbara McGowan, UCLA psychologist

"Students are committing themselves to organizations and are seeking close friendships again."
— Carol Thompson, assistant dean, University of Arizona



"A student in one of my classes came in one day with a brand on his arm."
— Eric Hickey, a professor, on hazing ritual at West Georgia College

"Fraternities have contributed to the misguided notion that an adequate social life is to be equated solely with a big alcoholic party."
— William R. Cotter, president, Colby College, which banned fraternities and sororities this year



"USA TODAY hopes to serve as a forum for better understanding and unity to help make the USA truly one nation."

—Allen H. Neuharth
Chairman and Founder
Sept. 15, 1982

John C. Quinn
Editor

John Seigenthaler
Editorial Director

OPINION

EILEEN STEVENS

Guest columnist

A college 'prank' — but it killed my son

SAYVILLE, N.Y. — Pledging a fraternity is a beginning for many young men. For my son Chuck Stenzel, it was an ending. His decision in 1978 to pledge Klan Alpine, Alfred University's oldest fraternity, cost him his life.

He was taken from his dorm room, put into a car trunk with two other surprised pledges, given a grotesque mixture of bourbon, wine, and beer, and told he would not be released from the trunk until he had consumed the alcohol.

It was February in upstate New York — freezing temperatures, snow and ice on the ground. Chuck wore no coat. He died a few hours later from alcohol poisoning and exposure.

My 20-year-old sophomore was buried three days later, and with him his hopes, his dreams, and a promising future. Two boys pledging the same fraternity were hospitalized in alcoholic comas. Although critical for two days, they survived and remained members of Klan Alpine despite their brush with death.

Alfred University and the local district attorney treated the tragedy as an isolated accident. Everyone was sorry, but no one was responsible.

They spoke of tradition, initiation rites, peer pressure, brotherhood — words that brought no comfort to our family, only confusion, anger, frustration, heartache.

I formed C.H.U.C.K., the Committee to Halt Useless College Killings, with little help but a strong determination to bring the issue into the open.

Eileen Stevens is founder of the Committee to Halt Useless College Killings.

There is a tremendous code of secrecy shrouding these practices. Members take oaths of silence. Peer pressure is so great that often injured or intimidated victims remain loyal to their vow of secrecy and the hazing persists.

How many of our sons must be brutalized before this is stopped?

I have carried my message to 240 colleges nationwide, testified at legislative hearings, written countless letters, and worked closely with many national fraternities who have embraced my cause and share my concerns. Eighteen states have enacted anti-hazing laws; others are considering them.

Yet 29 students have died from hazing since then; countless injuries have been reported. Seemingly innocuous pranks have resulted in alcohol poisoning, heat exhaustion, paralysis, emotional breakdowns, blindness, and suicide attempts.

Until college officials stop turning a deaf ear, until prosecutors enforce existing laws, until fraternities eliminate hazing, until potential victims have the courage to say no and to report abuses, we are going to read about tragedy.

Brotherhood is defined as the belief that all men act in unison, caring for one another. We must all do our part. Let's care — before another promising young man has his life snuffed out in such a senseless way as my son Chuck did.

The Debate: FRATERNITY RITES

Today's debate includes our opinion that fraternity hazing can be dangerous and destructive and should be outlawed, an opposing view from California, other views from Indiana, Massachusetts, and New York and voices from across the USA.

Hazing dangerous, must be outlawed

At colleges across the USA this month, young men and women are rushing to join fraternities and sororities.

Once selected, many will endure the ritual of hazing, an initiation rite meant to affirm friendship. The pledges prove they are so determined to join a fraternity, sorority, or club, they will endure humiliation and even physical harm.

Hazing can involve psychological torture, as when brothers at Syracuse forced a pledge to bite the head off a live turkey. Or it may be physical torture: Branding, whipping, beatings, forced calisthenics, or consumption of alcohol.

Eighteen states have laws against hazing, and bills are pending in six others. Yet the torture continues.

At Texas A&M in August, a sophomore died of a heat stroke after upperclassmen forced him to do "motivational exercises" — a hazing ritual of running, push-ups, and sit-ups on a hot, humid night. Four cadets who face criminal charges in that death turned themselves in Monday.

To join a West Hempstead, N.Y., high school fraternity last November, a 16-year-old boy allowed his "brothers" to blindfold him. Then he was kicked in the stomach while forced to do pushups. He nearly died — doctors pumped two quarts of blood from his stomach.

At West Georgia College in 1983, members of one fraternity branded pledges with Greek letters. At the University of Maryland, fraternity members were accused of ordering pledges to steal \$1,000 worth of traffic signs.

Hazing is usually harmless, say its apologists. Boys will be boys — we don't need laws that take all the risk out of life.

Tell that to Eileen Stevens, who writes on this page how her son Chuck died from acute alcohol poisoning. Tell it to the UCLA pledge that a jogger found bleeding and bruised beside a Los Angeles street. Tell it to the University of Florida freshman who suffered an emotional breakdown after systematic paddlings, beatings, and interrogations.

Hazing is dumb, dangerous, and destructive. It damages some young lives and ends others — there have been 29 deaths since 1978.

Fraternities have 250,000 members today, a 40 percent increase from the 1970s. With membership rising and hazing still widely practiced, experts predict that more students will die in the future.

That prediction must never be allowed to come true.

Every state should outlaw hazing. Colleges must prosecute the students and ban the organizations that permit it.

In recent years, many fraternities have reduced their destructive tendencies. More organizations must follow their lead and rise above adolescent antics to offer students lasting friendship and fellowship.

If fraternities and sororities are to survive, they can never make torture a condition of membership. They must reject violence and vandalism, and celebrate instead the spirit for which they exist — true brotherhood and sisterhood.

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10.3.84

0157 as follows: 77-509. (a) A state agency may provide an adjudicative
0158 proceeding at any time with respect to an order within the
0159 agency's jurisdiction.

0160 (b) A state agency shall provide *an opportunity* for an ad-
0161 judicative proceeding with respect to an order upon the written
0162 application of any person, unless:

0163 (1) The state agency lacks jurisdiction of the subject matter;

0164 (2) resolution of the matter requires the state agency to exer-
0165 cise discretion within the scope of subsection ~~(a)~~ (c) of K.S.A.
0166 1985 Supp. 77-508 and amendments thereto;

0167 (3) a statute vests the state agency with discretion to conduct
0168 or not to conduct an adjudicative proceeding ~~before issuing an~~
0169 ~~order~~ to resolve the matter and, in the exercise of that discretion,
0170 the state agency has determined not to conduct an adjudicative
0171 proceeding;

0172 (4) resolution of the matter does not require the state agency
0173 to issue an order that determines the applicant's legal rights,
0174 duties, privileges, immunities or other legal interests;

0175 (5) the matter was not timely submitted to the state agency;
0176 or

0177 (6) the matter was not submitted in a form substantially
0178 complying with any applicable provision of law; or (7) *the*
0179 *request for an adjudicative proceeding solely concerns the va-*
0180 *lidity of a federal or state law or regulation.*

0181 (c) An adjudicative proceeding commences when the state
0182 agency or a presiding officer:

0183 (1) Notifies a party that a prehearing conference, hearing or
0184 other stage of an adjudicative proceeding will be conducted; or

0185 (2) begins to take action on a matter that appropriately may
0186 be determined by an adjudicative proceeding, unless this action
0187 is:

0188 (A) An investigation for the purpose of determining whether
0189 an adjudicative proceeding should be conducted; or

0190 (B) a decision which, under subsection ~~(a)~~ (c) of K.S.A. 1985
0191 Supp. 77-508 and amendments thereto, the state agency may
0192 make without conducting an adjudicative proceeding.

0193 Sec. 5. K.S.A. 1985 Supp. 77-511 is hereby amended to read

However, a state agency shall provide an opportunity for an adjudicative proceeding for any portion of a request that does not concern the validity of a federal or state law or regulation.

Attachment 2
House Judiciary
March 25 1988

STATE OF KANSAS
DEPARTMENT OF ADMINISTRATION
JOHN CARLIN, Governor
ALDEN K. SHIELDS, Secretary of Administration
Room 263-E, Capitol Building
(913) 296-3011

MEMORANDUM

TO: House Judiciary Committee
FROM: Arthur H. Briggs, Chief Attorney
DATE: March 24, 1986
SUBJECT: S.B. 479 - Administrative Procedures Act (APA)

The Department of Administration does not object to the application of the A.P.A. to functions where due process should be afforded citizens; however, we do object to the approach being taken in S.B. 479 in expanding the A.P.A. In general, the specific objections to the S.B. 479 approach are as follows:

1. Scope Too Broad. The S.B. 479 approach to expanding A.P.A. is to say that anytime an agency issues an "order", a person affected by the "order" may have an administrative proceeding. The definition of order is as follows:

"Order means a state agency action of particular applicability that determines the legal rights, duties, privileges, immunities or other legal interest of one or more specific persons."

This broad definition goes far beyond areas where due process must be provided. In its present form, administrative proceedings would have to be provided upon request in the areas shown on the balloon attachment. Currently, we do not provide formal hearings in these areas. Although I do not believe that the adjudicative proceedings of the KAPA are necessary for the types of actions listed on the balloon, the department informally reviews or responds to concerns raised by individuals about these actions. The KAPA's adjudicative proceedings present the potential to increase agency staffing needs and the size of state government.

Attachment 3
House Judiciary
March 26, 1986

2. Additional Burden on Citizens. Before a citizen can seek judicial review of any action taken by a state agency, the law generally requires that all administrative remedies be exhausted (K.S.A. 77-612). Thus, in cases where a State agency declines to alter action it has taken, the expansion of the A.P.A. creates an additional step a citizen must follow before judicial review.

3. Lack of Uniformity. Section 2(a) of S.B. 479 provides:

"This act governs procedures for the formulation and issuance of any order except to the extent that other statutes expressly provide such procedures." (Emphasis added)

Thus, to the extent that current statutes for specific state agencies' functions deviate from the KAPA, there will not be uniformity as to who receives notices and how, who has standing, time frames for agency actions to be accomplished, the scope of permissible discovery or use of subpoenas, etc.

There are many statutes that speak to procedural matters before various state agencies for various agency activities. These "mini-APA's" need to be reviewed and their procedures conformed to the KAPA except when there are valid policy reasons for a deviation.

Conclusion

I recognize that persons interested in this bill envision that a trailer bill will come forth next year to address the three points discussed above. I am merely requesting that this Committee address the trailer bill and S.B. 479 at the same time. I believe this approach is preferable to broadly requiring administrative proceeding by S.B. 479 then leaving it to a future Legislature to properly narrow the scope and harmonize the "mini-APA's" that are in existing agency statutes. I suggest this approach not because of opposition to the A.P.A. but because of my concern that the huge task involved in the trailer bill will not be timely completed. Work is still not complete on the similar Act for Judicial Review and Civil Enforcement of Agency Actions that was passed by the 1984 Legislature.

0120 (13) decisions regarding management, discipline or release
 0121 of persons in the custody of the secretary of corrections;
 0122 (14) decisions of the Kansas parole board relating to parole
 0123 or revocation of parole; and
 0124 (15) decisions relating to the granting or denial of benefits
 0125 pursuant to the employment security law.
 0126 (4) decisions pertaining to contracts, obtaining materials or
 0127 services, or awarding grants;
 0128 (5) management decisions pertaining to internal agency pol-
 0129 icy and procedure, personnel matters other than orders of the
 0130 state civil service board, or the budget process;
 0131 (6) decisions pursuant to K.S.A. 1985 Supp. 45-215 et seq.,
 0132 and amendments thereto, pertaining to disclosure or copying of
 0133 public records;
 0134 (7) decisions pursuant to K.S.A. 75-4317 et seq., and amend-
 0135 ments thereto, pertaining to access to meetings of public bodies;
 0136 (8) approval of plans, specifications or other matters prelim-
 0137 inary to the granting of a license or permit;
 0138 (9) decisions regarding management, discipline or release of
 0139 persons in the custody of the secretary of corrections or com-
 0140 mitted to a state youth center;
 0141 (10) decisions relating to parole or revocation of parole;
 0142 (11) decisions relating to the admission, treatment, condi-
 0143 tional release or discharge of persons at state psychiatric hospi-
 0144 tals or state institutions for the mentally retarded;
 0145 (12) decisions regarding public improvement need, design or
 0146 location;
 0147 (13) decisions as to the specifications governing the nature
 0148 and quality of materials to be used in any public improvement
 0149 project or the plans and specifications governing the design of
 0150 any such project prior to the time the contract for any such
 0151 project is awarded;
 0152 (14) decisions of state educational institutions and the state
 0153 board of regents other than those relating to the granting of
 0154 licenses; and
 0155 (15) other agency actions exempted by statute.
 0156 Sec. 4. K.S.A. 1985 Supp. 77-509 is hereby amended to read

(16) matters pertaining to the administration of the state workmen's compensation self-insurance fund other than workmen compensation proceedings before the director of workers compensation or the director's appointees;

(17) adoption of temporary or permanent rules and regulations pursuant to the rules and regulations filing act and decisions of the state rules and regulations board;

(18) decisions of the secretary of administration with respect to public use of state-owned buildings and grounds under the management and control of the secretary;

(19) any actions of the division of accounts and reports or the municipal accounting board setting requirements as to the form and content of reports, records or accounts of state, county or municipal officers, institutions or agencies and any action by the division of accounts and reports in auditing such reports, records and accounts;

(20) any actions by the division of accounts and reports relating to pre-audits or post-audits of expenditures by state agencies for the purchase of materials, equipment, supplies or services by or for state agencies;

(21) decisions of the state employee awards committee in rendering merit awards to state employees for meritorious suggestions and accomplishments;

(22) determinations of the Kansas public broadcasting commission with respect to qualifications of educational agencies or institutions, non-profit corporations and public television stations for state financial assistance provided for by K.S.A. 75-4901 et seq.

(23) decisions by the secretary of administration as to the applicability of any special assessment taxes to property owned by the state; and

(24) actions of the department of administration in administering the social security program for state or local political subdivisions.

SEDGWICK COUNTY DISTRICT ATTORNEY

18th Judicial District

Sedgwick County Courthouse
Annex — First Floor
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Wichita, Kansas 67203

CLARK V. OWENS
District Attorney

Henry H. Blase
Chief Deputy

Consumer Fraud and
Economic Crime Division
(316) 268-7921

TESTIMONY

TO: HOUSE JUDICIARY COMMITTEE

FROM: DAVID H. MOSES, DIRECTOR, CONSUMER FRAUD & ECONOMIC CRIME
DIVISION, SEDGWICK COUNTY DISTRICT ATTORNEY'S OFFICE

RE: SENATE BILL 509 - AN ACT AMENDING THE CRIME OF ARSON,
K.S.A. 21-3718

GIVEN: MARCH 25, 1986

I would like to thank the chairman and this committee for allowing me the opportunity to comment on the proposed changes to the Arson Law, K.S.A. 21-3718, as it exists today. The Arson Law, in its current form, effectively deals with the major problem of Arson in Kansas and should not be altered.

Since October, 1980 until July, 1984, I was the Assistant Sedgwick County District Attorney assigned to oversee all arson investigations and prosecutions in Sedgwick County. Since July, 1984, I continue to oversee all arson-for-profit investigations and prosecutions along with my other duties as Director of the Sedgwick County District Attorney's Consumer Fraud and Economic Crime Division.

In the calendar year 1985, the Wichita Fire Department had approximately 28 arson fires reported where damage resulted and the incurred loss was less than \$150.00. The damage estimates range from \$5.00 to \$100.00. The types of property damaged included six apartment houses, including one where a 1979 fire killed three people, six commercial establishments, two detention facilities, one church, and one university dormitory. The Sedgwick County Fire Department reported two 1985 arson fires with damage less than \$150.00.

It is important to remember that the crime of Arson is unique. The crime of criminal damage to property traditionally has a stopping point. By this, I mean that once a window is broken, door splintered, or home ransacked, the damage has stopped. Fire, by its basic nature, continues its destruction and risk to human life as long as it goes undiscovered. When fire is the vehicle used to carry out a prank or immature act, the actor loses direct control over the amount of damage or injury inflicted. Regardless of the fire's extent, homes and living quarters are evacuated, fire departments are dispatched and the potential for incidental injury is present.

*Attachment 4
House Judiciary
March 25 1986*

One specific example of a fire in Sedgwick County that supports my concern is a fire set in a vacant house in the County. A window was left open to fuel the fire, transmission fluid was spread throughout and matches were left to ignite the fluid. The arson investigator's conclusion was the arsonist intended to burn the entire house down. Only because the matches burned out prior to igniting the fluid was very little damage incurred. This fire, under the proposed amendment, would be a misdemeanor.

Another classic example occurred in Wichita during the early 1980's. Competitors of a local "game room" hired an individual to burn the "game room." Although the arsonist failed to complete his intended act, damage in a value less than \$150.00 occurred. By amending K.S.A. 21-3718, all such arsons-for-profit that cause some but little damage, while intending great damage, would be misdemeanors.

Although the arsonist may intend great damage, the completed act of arson occurs regardless of the extent of damage. In State of Kansas v. McVeigh, 213 Kan. 432, 516 P.2d 918 (1973) the Kansas Supreme Court held that although some damage is necessary, it need not be extensive. McVeigh hurled a fire bomb, or molotov cocktail, against the building housing the Wichita Police Academy and caused minor smoke and scorching damage. McVeigh completed his act, therefore, could not have been charged with an attempt and under the proposed amendment, would have only been guilty of a misdemeanor.

As stated earlier, very little damage can result in major complications. The Sedgwick County Fire Department, which maintains jurisdiction over the Kansas Coliseum, is concerned that a "misdemeanor arson", as proposed, could still create a stampede for the exits by nearly 10,000 people, subjecting those people to injury and possibly death.

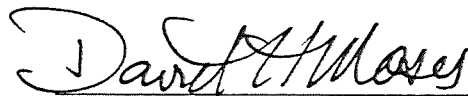
To deal with the problem of "university pranks" and other "minor" fire-related acts, several suggestions come to mind. One, charge perpetrators with arson and utilize both the diversion and probation programs authorized by the legislature. Two, refuse to charge the actors, which is an unlikely alternative. Finally, do the same thing that is done in Sedgwick County, which is also a fairly standard practice throughout the country.

Sedgwick County fire officials, in both the city and county, have adopted the Uniform Fire Code (UFC) as published by the Western Chief's Association, Inc. Article 11, Division I of the Uniform Fire Code, 1979 Edition, among other things, makes it unlawful to conduct any open burning, etc. The penalty for the commission of this misdemeanor is "a fine of not more than \$500.00 or by imprisonment for not more than one year or both." This charge is used on a regular basis by both the City and County when the situation does not necessarily justify a felony arson charge. It has specifically been used for dormitory pranks and fires. Attached to this testimony are copies of the City of Wichita Code adopting the UFC, amendments

to Article 11, Division I of the UFC and the penalty provision.

It is not necessary for this legislature to tamper with a law that is working as intended. I urge this committee to not amend K.S.A. 21-3718. Both the Sedgwick County Fire Department and the City of Wichita Fire Department join me in these concerns. If particular municipalities and limited areas have a problem that needs to be addressed, it can be done in their particular areas by implementing city and county ordinances or resolutions.

Respectfully submitted,

A handwritten signature in cursive script that reads "David H. Moses". The signature is written in dark ink and is positioned above a horizontal line.

DAVID H. MOSES
Assistant District Attorney
Director, Consumer Fraud &
Economic Crime Division

Chapter 15.01

UNIFORM FIRE CODE

Sections:

- 15.01.010 Adoption of Code.
- 15.01.020 Article 2, Section 2.302 amended.
- 15.01.030 Article 2, Section 2.303(b) amended.
- 15.01.040 Article 78, Section 78.102(c) amended.
- 15.01.050 Article 78, Section 78.103 amended.
- 15.01.055 Article 10, Section 10.207(a) amended.
- 15.01.060 Article 10, Section 10.307(a) amended.
- 15.01.070 Article 79, Section 79.201(a) amended.
- 15.01.080 Article 79, Division III, Section 79.702(e) amended.
- 15.01.090 Article 4, Section 4.101 amended.
- 15.01.100 Article 79, Section 79.1106(c) amended.
- 15.01.110 Article 82, Section 82.102(a) amended.
- 15.01.120 Article 25, Section 25.113(c) amended.
- 15.01.130 Article 11, Division I amended.
- 15.01.140 Article 11, Section 11.302(b) and (c) amended.
- 15.01.150 Penalty for violation.
- 15.01.160 Article 79, Section 79.703(b) amended.
- 15.01.170 Article 2, Division II, Section 2.201(b) amended.
- 15.01.175 Article 11, Section 11.209 adopted.
- 15.01.130 Smoke detectors.

* **15.01.010 Adoption of Code** The Uniform Fire Code published by the Western Fire Chiefs Association, Inc., 1979 Edition, including the appendix thereto, except as to amendments to Article 2, Section 2.302, Article 2, Section 2.303(b), Article 78, Section 78.102(c), Article 78, Section 78.103, Article 10, Section 10.207(a), Article 10, Section 10.307(a), Article 79, Section 79.201(a), Article 79, Section 79.702(e), Article 4, Section 4.101, Article 79, Section 79.1106(c), Article 82, Section 82.102(a), Article 25, Section 25.113(c), Article 11, Division 1, Article 11, Section 11.302(b) and (c), is by reference incorporated in and by this publication made a part of this title and chapter as fully as though set out at length herein and is adopted as the fire prevention code of the city. (Ord. No. 36-702, (part).)

15.01.020 Article 2, Section 2.302 amended. Article 2, Section 2.302 of the Uniform Fire Code, 1979 Edition, shall read as follows:

When a written notice is issued to remove a fire hazard, or when a permit is denied by the Fire Chief or his authorized agent, the owner or occupant has ten (10) days in which to file an appeal. The appeal shall be in writing to the Board of City Commissioners and shall be heard promptly. The Board of City Commissioners are authorized to take testimony and to grant or reject such appeal, subject to review by the proper court. (Ord. No. 36-702, (part).)

15.01.120 Article 25, Section 25.113(c) amended. Article 25, Section 25.113(c) of the Uniform Fire Code, 1979 Edition, shall read as follows:

No person shall permit overcrowding or admittance of any person exceeding the approved capacity, as specified in the Building Code, of any building or portion thereof. In determining such capacity, all occupants of the building or portion thereof, including patrons, guests, employees, entertainers and management personnel shall be included. The Chief or his authorized agent, upon finding any overcrowding conditions, obstructions to egress, or any condition which constitutes danger to life, shall immediately take such action as is necessary to insure the safety of persons in and around such building or portion thereof and in connection therewith, may order any performance, presentations, spectacles, or entertainment being conducted therein to cease until such condition is corrected or, upon approval of the Fire Chief, a Deputy Chief or Fire Marshal, may cause the premises to be locked until such condition is corrected. Any person violating any of the provisions of this Section shall be guilty of a misdemeanor and in addition to the penalties provided herein the Court may, upon conviction, order the building or portion thereof in which the overcrowded conditions existed to be locked for a period not exceeding thirty (30) calendar days.

In the event any building or portion thereof is locked by the Court as provided herein, the owner or occupant of such building or portion thereof may appeal to the Board of City Commissioners and such appeal shall be filed in accordance with and subject to the provisions of Section 15.01.020 above.

(Ord. No. 36-702, (part).)

* 15.01.130 Article 11, Division I amended. Article 11, Division I of the Uniform Fire Code, 1979 Edition, shall read as follows:

(a) It shall be unlawful for any person to conduct or permit within the City of Wichita any open burning of any materials wherein contaminants resulting from such combustion are emitted directly into the ambient air without passing through a stack or chimney from any enclosed chamber as herein described; providing that such open burning prohibition shall not apply to (1) open fires for cooking or ceremonial purposes in facilities constructed specifically for such purposes on public or private premises used for recreational purposes, provided that any such fire so started shall be extinguished and made safe before the person starting or maintaining the same shall leave the place where the fire was started, (2) the burning of combustible material in indoor fireplaces, (3) such open burning of combustible materials as may be authorized by issuance of an open burning permit with conditions and restrictions stated thereon as determined by the Chief of the Fire Department with the concurrence of the Director of Community Health or their authorized agents, where the reduction or disposal of such solid waste or material would otherwise be impractical or not feasible and where such open

burning would not be in conflict with state regulations.

It shall be prima facie evidence that the person who owns or controls property on which open burning occurs has caused or permitted said open fire.

Any enclosed chamber device or structure used for the destruction, or volume reduction, of garbage, rubbish, or other liquid or solid waste materials by combustion pursuant to disposal or salvaging operations may be used, provided that each such device has multiple chambers consisting of three or more refractory-lined combustion furnaces in series, physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned, or complies with any alternative state regulations applicable to incinerators.

(b) No person shall deposit hot ashes, hot cinders, smoldering coals or oily substances liable to spontaneous ignition, into any combustible receptacle; or place the same within 10 feet of any combustible materials, except in metal or other noncombustible, covered receptacles. Such receptacles, unless resting on a noncombustible floor or on the ground outside the buildings, shall be placed on noncombustible stands and in every case shall be kept at least 2 feet away from any combustible wall, partition, or exterior window opening.

(Ord. No. 36-702, (part).)

15.01.140 Article 11, Section 11.302(b) and (c) amended. Article 11, Section 11.302(b) and (c) of the Uniform Fire Code, 1979 Edition, shall read as follows:

(b) It shall be unlawful for any person to knowingly give, signal, or transmit or for any person to knowingly cause or permit to be given, signaled, or transmitted, in any manner, any false alarm.

(c) It shall be unlawful for any person to tamper with or maliciously damage any emergency alarm equipment that is designed to alert building occupants or transmit alarms to the Fire Department.

(Ord. No. 36-702, (part).)

* **15.01.150 Penalty for violation.** Any person, individual, partnership, corporation or association who violates any of the provisions of Title 15, "Fire Protection," is guilty of a misdemeanor and shall upon conviction be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year or both. (Ord. No. 36-702, (part); Ord. No. 35-012, (part).)

15.01.160 Article 79, Section 79.703(b) amended. Article 79, Section 79.703(b) of the Uniform Fire Code, 1979 Edition, shall read as follows:

Supervision. The dispensing of Classes I and II liquids into the fuel tank of a vehicle or into a container shall at all times be under the supervision of a qualified attendant. Service stations not open to the public do not

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232-7263

HOUSE JUDICIARY COMMITTEE
MARCH 25, 1986
RE: SB695

Mr. Chairman and Members of the Committee:

Last year I came before this Committee to request rescheduling of the drug sufentanil, an anesthetic. That drug had been rescheduled at the federal level in May, 1984, but was not rescheduled in Kansas until April 25, 1985, after the Legislature acted.

This year, a similar anesthetic agent, alfentanil, is in the process of being moved from Schedule I to Schedule II at the federal level. The effect of this move would be to permit the marketing of alfentanil under the stringent regulatory requirements of Schedule II. However, the same dilemma may occur again in Kansas due to the fact that the final rescheduling by the Drug Enforcement Agency (DEA) of the Dept. of Justice may not occur until after the legislative session adjourns. If that occurs, although the drug will be legally available in the vast majority of states, once again, Kansas physicians will not be able to prescribe the drug, and patients will not be able to benefit it.

The Senate Judiciary Committee therefore amended SB695 to reschedule alfentanil from Schedule I to Schedule II. If the feds do not reschedule the drug, there has been no harm done because the drug will not be available for distribution anyway due to the federal prohibitions.

I would urge the Committee to approve SB695 as passed by the Senate. I understand that Mr. Everett Willoughby, executive director of the Kansas Board of Pharmacy, has talked with the feds about this matter, and that they are supportive of the Senate amendment at the state level. In addition, I would note that several states have taken this action to insure that a sufentanil type situation does not occur again in their state.

Thank you very much, and I will yield for any questions.

Respectfully submitted,

HIATT & CARPENTER, CHARTERED

Ronald R. Hein
Legislative Counsel
Johnson & Johnson

RRH:lc

*Attachment 5
House Judiciary
March 25, 1986*

Kansas State Board of Pharmacy

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PHONE (913) 296-4056

STATE OF KANSAS



JOHN CARLIN
GOVERNOR

EVERETT L. WILLOUGHBY
EXECUTIVE SECRETARY

LYNN E. EBEL
BOARD ATTORNEY

STATEMENT TO THE HOUSE JUDICIAL COMMITTEE

March 25, 1986

Everett L. Willoughby, Executive Secretary
Kansas State Board of Pharmacy

Mr. Chairman and members of the Committee, annually the Board of Pharmacy submits to the Speaker of the House and the President of the Senate a report on substances proposed by the Board for scheduling, rescheduling, or deletion by the Legislature.

The list is submitted so Kansas will be in conformance with the federal Drug Enforcement Administration scheduling.

The three drugs proposed for scheduling as Schedule I drugs are MDMA, MPPP, and PEPAP. These drugs have been placed in Schedule I federally, since they have no known medical use and have a great potential for abuse. They, for the most part, are produced clandestinely and pose a threat to the public health and welfare. These "designer drugs" have appeared on the streets in Sedgwick and possibly Johnson and Wyandotte counties.

The Board is proposing that alfentanil, now a Schedule I controlled substance, be rescheduled as a Schedule II. Alfentanil now has an accepted medical use as an improved anesthetic analgesic. According to Howard McClain, Jr., Chief of the Drug Control Section, U.S. Department of Justice, alfentanil will be rescheduled federally within three months.

Although the proposed change would place it in Schedule II in Kansas, it could not be prescribed or used until it is rescheduled federally. As soon as it is rescheduled federally, it would be available for use in hospitals in Kansas, and Kansas physicians would not be deprived of the use of the advanced medication as has happened in the past.

If alfentanil is not rescheduled at this time, it would not be available for use until it is rescheduled by the Legislature in 1987.

The Board of Pharmacy considers this to be an important piece of legislation and would appreciate your favorable consideration of this bill.

Thank you for allowing me to present the views of the Board on SB 695.

*Attachment 6
House Judiciary
March 25 1986*