

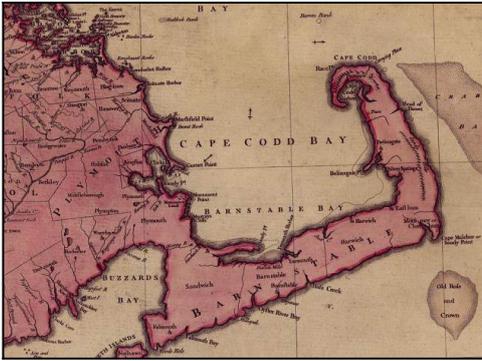
Massachusetts's Blue Laws garner a laugh today, but were serious "crimes" to settlers

Are you a witch? There are still laws on the books that will get you banned! (Joseph E. Baker, 1892)

Blue Laws have reached an almost urban legend level status – sometimes making it difficult to separate fact from fiction. It's not uncommon to hear a few mentioned during a social. In fact, they make great ice breakers and spur on conversation. Those laws that the early settlers passed will cause our friends and family chuckle, but there was a time when they were no laughing matter. The vast majority of these laws were created by puritans who wanted to enforce a religious standard – an enforced morality if you will.

Many, if not most, revolved around Sunday – the Sabbath day. As most Americans know, theist or otherwise, Sunday is the day of rest. No activities were to be undertaken on Sunday. The early European settlers took this day quite seriously, and it wasn't uncommon for a nosy neighbor to report another neighbor for pulling a mule out of the mud. A penalty would follow, often as minor as a fine, but perhaps as severe as a flogging or some pillory time.

Not very neighborly.



1755 Map of "The Most Inhabited Part of New England," published in 1755 by Thomas Jefferys. (Library of Congress)

Generally, most were more "legitimate" violations such as not showing up for church, gambling, or swearing. Public drunkenness was severely frowned upon. Filling up on some grog and passing out under a tree's shade could easily lead to missing Sunday service. It could of course, also lead to a row or two. Since being drunk would have a marked effect on attendance, one of the first Blue Laws to be enacted was the prohibition of alcohol sales on Sunday period.

As some of you may recall, this archaic law persisted until 2004 – one could not purchase alcohol off-premises. You could go to a bar, but you weren't grabbing a six-pack and burgers to watch the game. To this day you cannot purchase alcohol on Thanksgiving Day, Christmas Day, and Memorial Day. A leftover of the puritanical legislation.

So why do we still have these laws? Why haven't they been struck from the "books"? If it is technically breaking the law to violate one of these, will a "bad" cop actually cite or arrest me? Where did the term come from?

The term Blue Law was first mentioned in 1781, some decades after they existed. Reverend Samuel Peters' used the term in his book "General History of Connecticut," but we don't

actually know if he coined the term or used an existent one. In this book he describes these as “Blue Laws; i.e. bloody Laws; for they were all sanctified with whipping, cutting off the ears, burning the tongue, and death.” Serious stuff, indeed.

The urban legend, an incorrect one, is that these laws were published on blue paper, hence the moniker. There is no evidence or historical mention of this anywhere. It’s simply untrue. No one actually knows with certainty, but what we do know is that “Blue” is a term used to often to symbolize something lofty, aristocratic, or puritanical. So “blue” in this sense, would refer to the “high” morality of the laws.



This is where you'll end up if you dare to have your gorilla ride in the backseat. Front seat is totally OK.

For example, Merriam-Webster defines a “**bluenose**” as “a person who advocates a rigorous moral code.” Google defines it as “a priggish or puritanical person.” Of course, we are all familiar with the term “**blueblood**” and its reference to nobility. The word **abluent** means “Washing away; carrying off impurities” according to thefreedictionary.com and “**true blue**”

means *“extremely loyal or orthodox.”*

I think you get the point. Dull etymology lesson over.

Now, that we've cleared the dull, let's have some fun discussing some of these laws.

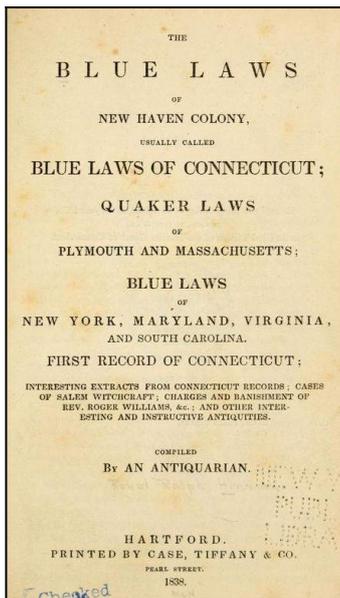
Does your husband snore? If he does it with the windows open, he's busted. Pillory for him. Have a friend in the hospital that you were going to bring a nip to? According to Chapter 270: Section 5. that will get you "...a fine of not more than fifty dollars or by imprisonment for not more than two months." He/she is going to have to tough it out and hope the \$40 per Ibuprofen does the job.

Thinking of adding some Gran Marnier to some chocolate for a dinner party? You're going to do some time, you crook. Massachusetts forbids chocolate to contain any more than 1% alcohol. Wasn't it Patrick Henry that said "Give me spiked chocolate or give me death!"?

Remember that whole Salem Witch Trial blight on Massachusetts's history? We learned our lesson after twenty people, most "witches" were murdered, right? Nope. If you are a "witch" or even a Quaker for that matter, you will be promptly banned. I guess, that's a heck of a lot better than being burned at the stake, crushed with stones, or drowned. What a moral way to punish someone for their immorality!

There are some interesting laws about kids. Did you know that kids get some special privileges under Blue Law legislation? If you are at a baseball or football game and an official or player really gets your goat, you will be cited or flogged for swearing at him. No, seriously. Just tell your son or daughter (must be under the age of 16) the swears and have them yell it. It's totally legal. Also, a child can walk up to a police officer puffing a cigarette and there's not a darn thing he can do about it. However, when the kid runs out of cigarettes, the cop can bust him buying a new pack. The kid can smoke,

just can't buy. Go figure.



Blue Laws weren't solely restricted to Massachusetts.

These days it's pretty common to have a goatee, especially if you shave your head. I see a lot of goatees and I'm pretty sure none of the ...er...goatee-ees, have the special license fee that is mandatory. Imagine getting pulled over – “Driver's License, registration, proof of insurance...and special license for that goatee, please.”

Are you a church-goer? If you don't carry your rifle to church, you're in it deep, pal. But, if you leave church and use that rifle to go hunting, you're in it even deeper. We're talking stockades for you, because **hunting is illegal** on Sundays in Massachusetts. When I hit the road on Sundays this hunting season, I plan on making a lot of citizen's arrests to help generate some revenue for the Commonwealth. We need some extra funding to fix these potholes.

Let's discuss some of the more risque prohibitions. Early Puritans were quite concerned about what other people did in the privacy of their bedrooms. Are you a woman who prefers to be on top? A day in the county jail should straighten you out,

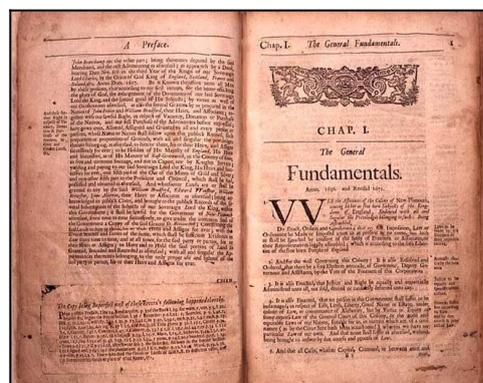
you vixen. If you cheat on your spouse, you get "...state prison for not more than three years or in jail for not more than two years or by a fine of not more than five hundred dollars." Of course, no one commits adultery in the entire state of Massachusetts since there is no record of a single adulterer in our prison system.

Divorced, yet still living in the same house for the sake of the kids perhaps? If you slip up and have any extra-curricular activity it's considered adultery by the state. Off to the state prison for you two. Poor kids.

Until 1974, fellatio was illegal. Surely, this was a law that everyone abided by until November 1, 1974. That's when everyone went bananas and enjoyed fellatio for the first time ever.

Aren't married? You're not having sexual intercourse, of course. We wouldn't do that Joe, because we don't want to be "punished by imprisonment for not more than three months or by a fine of not more than thirty dollars." Such pious kids you are.

Puritans were not only very concerned about your bedroom activities, but they would bring the proverbial hammer down for kissing in public. You lot are in deep trouble. You rascals.



1685 "Book of the General Laws of the Inhabitants of the

*Jurisdiction of New
Plimouth."*

A certain Captain Kimble was so ecstatic at seeing his wife after returning from a three year whaling voyage, that he lost all control and semblance of decorum and kissed his wife. How rude. The two hours that he spent in the stocks for his "lewd and unseemly behavior." Hopefully that insured that he didn't lose control again.

Did you say "**Oh my god!**" today? Yeah, you're going to "...jail for not more than one year or by a fine of not more than three hundred dollars." Don't worry, you'll have a good time since you'll be surrounded by all your friends and family.

Not that I've ever had much of an appetite at a wake, but if you aren't like me, be careful you don't eat more than three sandwiches or you will be pilloried. If you were thinking of bringing your gorilla with you, make sure he's in the front seat. Because, having in the backseat would be illegal.

So will you be cited or arrested by a "bad" cop for violating a blue law? Very unlikely. Even if you did – this brings us to why they are not struck – they are a violation of the Separation Clause (in spite of the McGowan vs. Maryland ruling) and therefore unconstitutional. The government cannot be used to enforce religious tenets, let alone enforce the centuries old morals of a group of puritans.

Having said that, I'd imagine that these aren't struck, because like everything that involves the government it's a long, drawn out process and an expensive one to get them to empty an ashtray in a conference room let alone get anything productive done in terms of legislature. The fact, that they aren't an issue – no one is enforcing them – makes them seem irrelevant. Let's hope no police force or officer decides to go rogue!

If a miracle happens and the state decides to clean up these Blue Laws and strike them from the books, I'd like them to consider leaving one very important and serious Blue Law on the books. In fact, I'd like to see some stiffer penalties involved, even perhaps bringing back the pillory, stockade or even guillotine:

"Tomatoes cannot be used in clam chowder."

Witchcraft, in my opinion.
