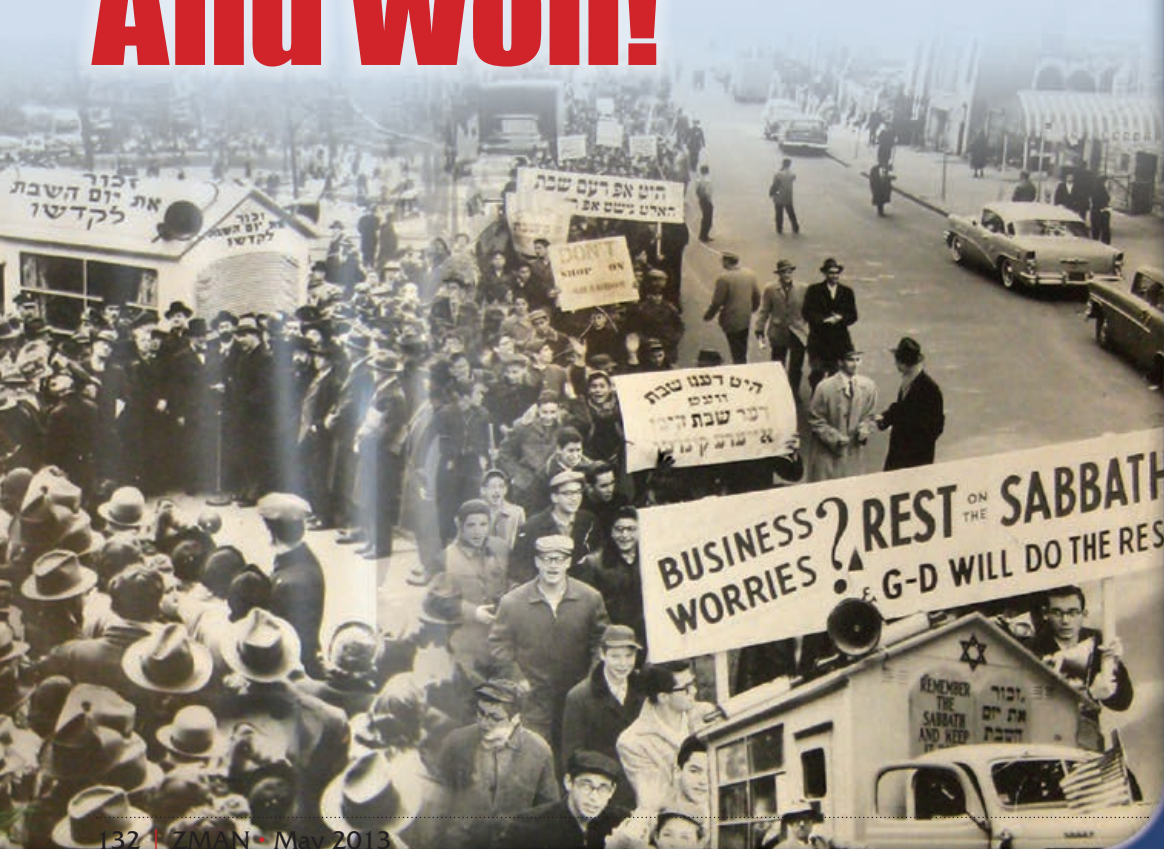


Mr. Chaim Rauch

He Fought The System For The Sake Of *Shabbos*... And Won!



- Shimon Rosenberg



Those living in America for more than 40 years undoubtedly recall the infamous “blue laws” that forbade opening one’s business on Sundays. For most Americans this law was merely an inconvenience, but for Shabbos-observant Jews it posed an impossible choice: work on Shabbos or face severe financial consequences.

Zman is proud to present an in-depth discussion of this significant piece of American history. The story is accompanied by an exclusive interview with Mr. Chaim Rauch of Boro Park, the man who led the fight to enable Shabbos observance in America.

Visit any Jewish neighborhood in the New York area on a Sunday and you will find the stores bustling with customers. For many families, Sunday is shopping day. Mothers can outfit their children who are home from school, and fathers who are home from work can accompany their wives and children in the shopping experience. With the exception of food purveyors, who are busier before *Shabbos*, any storeowner will tell you that Sunday is one of his most lucrative days.

With Sunday spending greasing the wheels of our local economy, we take it for granted that stores can do business on that day. In fact, it was not always so. Jewish activists had to fight for the right to open business on Sundays.

The blue laws levied severe fines on these storeowners. Torah-observant Jews who were already closed the day before because of *Shabbos* suffered most. In fact, some blue laws were enacted specifically to discriminate against Jews and benefit non-Jewish competitors.

History of Blue Laws

The history of blue laws dates back hundreds of years to colonial America. The colonies were dominated by Puritans, devout Christians whose extreme religious views made them a subject of discrimination in England. When they fled the prejudice in their homeland and reestablished themselves in New England, they decided to protect their Christian day of rest by creating codes of behavior along with defined penalties for violators.

All of the original 13 colonies enacted laws forbidding certain activities on Sundays. In some cases this involved sweeping legislation that prohibited numerous activities. People who were caught engaging in business or in any of a large number of other activities on Sundays were subject to large fines, a sound beating or even arrest and prison sentence. In some cases these

laws were extreme. A third-time offender in Virginia could face the death penalty! The term "blue laws" apparently refers to the fact that in some instances these regulations were printed on blue paper. Eventually, the color blue came to be associated with extreme, puritanical views.

It is noteworthy that even in colonial times, when the concept of personal freedom was not yet widely recognized, the blue laws were viewed as excessive and in direct contrast to the concepts of independence and personal freedom that the New World was supposed to represent. Even George Washington ran afoul of blue laws when he rode his horse on a Sunday from Connecticut to a New York church. He was prosecuted in court for violating the codes which forbade riding a horse on Sunday for a non-essential purpose.

Strangely enough, the blue laws survived the US Constitution, the Bill of Rights, and even the civil rights movement, marching right into modern history completely intact. Some of these laws were revoked, some were expanded and many more were left unchanged. But the bottom line is that blue laws remained viable in the United States.

In contrast to Jewish law, which clearly defines which acts are permitted and which are forbidden on *Shabbos*, the blue laws varied widely. Each state or even locality instituted its own codes, in some cases banning cooking, shaving or haircutting, card games, playing with balls, greasing wagon wheels... and the list goes on. Some laws went so far as to forbid making one's bed on Sunday!

In many cases, the wording of the original legislation made it clear that the regulations targeted those who did not observe the Christian day of rest. While this obviously made direct reference to Jews, it also applied to Seventh Day Adventists—Christians who observe their Sabbath on Saturday as well.

In a June 1961 article in *Time* magazine decrying the ongoing existence of blue laws, the author notes that every state had such



Historic photo of a demonstration in Haifa in 1920 on behalf of *Shabbos* observance.

laws in effect except Alaska. Often these codes were complex and even inane. In New York, the owner of a bar could not open a bottle of wine until 1:00 PM on Sunday and certain forms of sports were forbidden until after 2:00 PM. In Pennsylvania, storeowners were permitted to sell books on Sundays—but not records (remember those?). North Dakota permitted shoe shiners to work on Sunday, but did not permit them to sell shoe polish.

The same article goes on to mention that these laws have been challenged in court by Torah-observant Jews who argued that they discriminate against those who observe *Shabbos*. Many people believe that the laws violate the freedom of religion guaranteed by the First Amendment. Nevertheless, the Supreme Court repeatedly ruled that governments have the right to enact such laws since they are consistent with the nation's sensitivities, despite the fact that their original intent was for religious coercion.

Blue Laws that Remain in Effect Today

Since the time that article was instituted, the political climate in America has changed drastically. Many blue laws have since been revoked due to public pressure. Still, blue laws remain in effect in many parts of

America to this day. Either nobody has yet challenged them or the locals are proud of them. Of the various such laws that remain, the best known are those that forbid the sale of cars or alcoholic beverages on Sundays.

As recently as 2006, all wine and liquor stores in New York had to remain closed on Sundays. Since then the state law has been changed to permit these stores to open on Sundays provided that instead they remain closed a different day of the week. (In practical terms, this permutation had little effect on alcohol vendors since many of New York State's counties retain their local blue laws that continue to ban selling alcohol on Sundays.)

Until 1985, Texans had to wait for Monday to purchase pots and washing machines. In an odd twist, the law permitted selling hammers on Sundays but not nails. In 1984, a hardware store in Texas finally succeeded in having that law repealed.

SUNDAY LAWS

In Force in the Province of Ontario

PROHIBIT

1. **LABOR.** With certain exceptions this includes:
 - (a) THE WORK OF LABORERS, MECHANICS AND MANUFACTURERS.
 - (b) ALL FARM WORK, such as SEEDING, HARVESTING, FENCING, DITCHING.
 - (c) WORK ON RAILWAYS, such as BUILDING AND CONSTRUCTION, and also REPAIR WORK, except in emergencies, and TRAFFIC, excepting the forwarding of PASSENGER AND CERTAIN FREIGHT TRAINS.
 - (d) ALL BUILDING, TEAMING, DRIVING FOR BUSINESS PURPOSES, THE WORK OF BAKERS AND BARBERS, Etc.
 - (e) THE WORK OF MUSICIANS AND PAID PERFORMERS OF ANY KIND. Works of necessity and mercy excepted.
2. **BUSINESS.** It is unlawful to MAKE CONTRACTS or to BUY, SELL or DELIVER ANYTHING on Sunday, including LIQUORS, CIGARS, NEWSPAPERS, Etc. Generally speaking the only exceptions are DELIVERING PASSENGERS' BAGGAGE, MILK for domestic use, and SUPPLYING MEALS AND MEDICINES.
3. **ALL GAMES, RACES OR OTHER SPORTS FOR MONEY OR PRIZES,** or which are noisy, or at which a fee is charged, and the business of AMUSEMENT or ENTERTAINMENT.
4. **ALL EXCURSIONS** for hire and with the object of pleasure, by TRAIN, STEAMER or OTHER CONVEYANCE.
5. **ADVERTISING** in Canada, unlawful things to take place on Sunday, either in Canada or across the line.
6. **IMPORTING, SELLING or DISTRIBUTING FOREIGN NEWSPAPERS** on Sunday.
7. **ALL GAMBLING, TIPPING, USING PROFANE LANGUAGE,** and all other acts which disturb the public quiet.
8. **ALL PUBLIC MEETINGS,** except in Churches.
9. **HUNTING, SHOOTING, FISHING;** also **BATHING** in any public place or in sight of a place of public worship, or private residence.

THE PENALTY IS FROM \$1.00 TO \$500.00

THE GAME LAW

Of the Province makes Sunday a CLOSE SEASON for all GAME and HUNTING and SHOOTING UNLAWFUL on that day.

THE PENALTY IS FROM \$5.00 TO \$25.00

Old Canadian document listing activities that were prohibited on Sundays.