



When the Harlem store Palace Liquors opened one particular day this week, it was a moment that some New Yorkers had wanted for more than three centuries. That is because the day it opened was Sunday. New York liquor stores have never before been allowed to open on Sunday.

But at Sanchez Liquors farther uptown, the shutters remained drawn. "Sunday is the day for resting," said shopkeeper Francisco Calcaño. "Besides, if the store is closed, that means less liquor on the streets on a Sunday, when people are walking with their families."

The long-standing ban on Sunday liquor sales was lifted as part of the state legislature's budget package. The lawmakers reasoned that allowing liquor stores to open on Sunday (even though they will have to choose another day to close each week) will mean more alcohol sales, and more taxes and fees for the state's coffers.

Some may think that this finally means an end to what are called the blue laws, which have regulated Americans' moral behavior, especially what people can or cannot do on a Sunday,

since the 17th century. Things certainly have changed since the time when even a Sunday baseball game was considered immoral -- and outlawed.

Indeed, the people opposed to allowing liquor to be sold on Sundays seldom even mention the word morality. Governor Pataki vetoed the Sunday liquor sales bill, but it was unlikely that he vetoed the law for moral reasons, especially considering his substitute proposal to raise funds for the city -- installing video slot machines in the city's off track betting parlors. In any case, the legislature overrode Pataki's veto.

Still, blue laws have not now faded into the quaint past. There are still laws regulating people's private lives or freedom of choice -- and not only ones that are outdated and unenforced. Some would say that there is at least one new one, promoted by our billionaire bachelor mayor -- a prohibition on smoking indoors.

HISTORY OF BLUE LAWS

New York's law banning liquor sales on Sunday has its origins in Puritan America and even the Roman Empire. "The earliest indication that I was able to uncover about a specific law prohibiting activity on Sunday comes from the Roman emperor Constantine in the year 321," said David Laband, author of *Blue Laws: The History, Economics, and Politics of Sunday Closing Laws*. The law reads in part, Laband said, "Let all judges, and all city people, and all tradesmen, rest upon the venerable day of the sun."

Regulations against Sunday activities were in place in King Charles the Second's England, as well as in the seventeenth-century Puritan colonies in America. Many reference books say that the laws were called "blue" because they were printed on blue paper, but historians have said that the term is more likely to be derived from the use of the word "blue" to mean "rigidly moral."

A 1695 colonial New York blue law read, "Be it therefore enacted that there shall be no traveling, servile laboring and working, shooting, fishing, sporting, playing, horseracing, hunting, or frequenting of tippling houses, or the use of any other unlawful exercises or pastimes, by any of the inhabitants or sojourners within this province, or by any of their slaves or servants, on the Lord's day." The punishment for any of these offenses was a fine of six shillings or three hours in the stocks.

Other colonies had even stiffer blue laws. If someone broke Virginia's Sunday restrictions three times, they faced the death penalty. In colonial Boston, Captain John Kemble was arrested and put in stocks for two hours for kissing his wife on the Sunday that he returned home from three years at sea. In 1789, President George Washington was on his way from Connecticut to attend church in New York when he was charged with a blue law violation for unnecessarily walking or riding on Sunday.

In New York, regulations against Sunday activities continued into the next century, as upstate (largely Protestant) Republican lawmakers supported laws that did not make sense for the Jewish and Catholic residents of New York City. The sale of liquor on Sundays was prohibited, and both professional and amateur baseball games were against the law. By the 1890s, "there was a long tradition in the New York legislature of enacting legislation to enforce morality in the city," wrote Christopher Finan in *Al Smith: The Happy Warrior*, his biography of the 1920s governor. "The interference of upstate Republicans in both the administration of New York City and the social life of its citizens was deeply resented."

In 1907, New York City Democrats unsuccessfully introduced two bills in Albany to change the law prohibiting baseball on Sundays. Then-state Assemblyman Al Smith, according to Finan, spoke out against the Sunday ban on the floor of the state legislature, saying that it was better for young men to be playing baseball than "be driven to places where they play 'Waltz Me Around Again, Willie.'"

In 1917, the New York Giants and Cincinnati Reds played the first Sunday major league baseball game at the Polo Grounds. The managers of both teams were arrested for violating the blue laws. Sunday games became legal in New York two years later, but the ban on Sunday liquor sales became an all-out ban during prohibition. A new law banning Sunday sales was drafted at the end of the prohibition era, and survived until this month.

LIQUOR STORES ON SUNDAY

The new law doesn't do away with the state's blue laws completely. New York's liquor stores may be able to open on Sundays, but will have to close one other day a week. Mark Anderson, deputy commissioner of the [New York State Liquor Authority](#), said that in order to enforce the one-day-a-week closing, he expects that each store will need to include the day that they will

close each week in their license. The law will sunset in five years, so Sunday sales may be banned again. It also limits the number of state liquor licenses to the ones currently in place. Grocery stores are still not allowed to sell wine, and can only sell beer on Sundays after noon.

Liquor store groups have lobbied on both sides of the issue. The Distilled Spirits Council of the United States, which lobbied hard for a lift of the Sunday ban in New York, sponsored a study finding that Sunday openings could bring in an extra \$26.7 million a year in taxes and fees for New York State, because Sunday has become a big shopping day. "This is all about choices," said Lisa Hawkins from the [Distilled Spirits Council](#), who once told Business Review that she should have the right to "have margaritas with my fajitas on Sunday night."

Small owner-run liquor stores have often campaigned to keep Sunday closings, saying that they don't have the staff to open every day, but would be forced to open in order to compete with larger stores.

The new law answers some of their concerns, by mandating that all stores close at least one day a week. Francisco Maracallo, the manager of the Washington Heights store Sandy Liquor, is looking forward to the good sales that he thinks Sunday will bring, and hopes to work out a plan with other liquor stores in the neighborhood, so that each one closes on a different day.

Religious groups have said that not only does banning liquor sales on Sunday limit alcohol abuse, it is a way to preserve the