



Michael Walker for The New York Times

In an image from an amateur film, a masked protester, left, was arrested last fall in Chicago, where an old law bars the wearing of masks in public.

## Chicago Looks at Past To Purge Stale Statutes

By PAM BELLUCK

CHICAGO, Sept. 10 — If you make your living running a dating service or a matchmaking business, better stay out of Chicago. Anyone who accepts a fee to “promote a marriage between a man and a woman” is breaking city law.

And if you have a yen to open a “museum of anatomy,” in which “the principal part of the exhibition is illustrative of the human anatomy,” you’ve picked the wrong town.

But perhaps not for long. At the behest of Mayor Richard M. Daley, Chicago has undertaken an unusual and painstaking campaign to get rid of anachronistic and obsolete laws.



### FRAUD THROUGH SPIRITUALISM

No person shall obtain money ... (for) spirit mediumship, palmistry, card reading, astrology, seership or like crafty science.

City lawyers have spent months combing through Chicago’s foot-thick city code books. And now, Mr. Daley is asking the City Council to repeal dozens of statutes, dealing with everything from séances to opium dens to victory gardens.

The mayor’s decision was not exactly a spontaneous spasm of house-cleaning. In January, the city was sued in federal court over an old ordinance that barred the wearing of masks in public.

The plaintiffs included demonstrators who had been arrested last fall for wearing black bandannas during a protest against labor practices outside a Niketown store. The suit was joined by Muslim men who said police officers had ordered them to remove head scarves during a Palestinian protest, and Muslim women who said officers had harassed them about their head coverings.

The lawsuit contended that the ordinance, passed in 1922 in response, city officials believe, to a surge in Ku Klux Klan activity, was unconstitutional. The mayor agreed, ordering an exhaustive review of city statutes.

“We had instructions from the mayor to locate dead wood in the municipal code,” said Robert L. Janega, deputy corporation counsel of the city’s legislative and intergovernmental affairs division, whose staff started poring over the law books last January. “What happens is an ordinance falls out of favor and nobody remembers it, and then sometimes somebody trips over it.”

The list of laws on the chopping block opens a rich window on the history of Chicago, from the late 1800’s through the turn of the 20th century and up to World War II.

“They come across as practices that were a threat to the social orders at the time,” said Ralph Pugh, a historian at the Chicago Historical Society. “I’m surprised to hear that Chicago’s been able to keep all this detritus on the boards for so long and still have a relatively effective system of government.”

Perry Duis, a historian at the University of Illinois at Chicago, said the



#### • MUSEUM OF ANATOMY

It shall be unlawful for any person to own or operate any exhibition ... wherein the principal part of the exhibition is illustrative of the human anatomy.

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laws reflected a city struggling to shed its freewheeling turn-of-the-century identity.

"Chicago was always conscious about its image that it was an overgrown cow town, and the city was always attempting to try to herd undesirable people out of the city and clean up the image of its public places," he said.

Many of the laws appear intended to protect innocent visitors from charlatans and swindlers.

Alderman Edward M. Burke, something of a historian of Chicago himself, said the law against marriage brokers was probably in response to a mass migration of women. Some of them fell victim to white slavery, Mr. Burke said, and others to "shady characters, con men, grifters procuring brides for lonely men at railroad terminals."

But Mr. Duis said some ordinances reflected another side of a brash young Chicago: that those responsible for enforcing the laws were often corrupt. With an ordinance like one fining the operators of opium dens, for example, the police could harass Chinese immigrants for their own profit or be tempted with bribes to look the other way.

Although other cities and towns periodically clean out their legal closets, it is usually part of organizing and renumbering laws that have recently been passed, said Robert Gibson, a legal analyst with Book Publishing Company in Seattle, which publishes city codes. Neither he nor other experts in municipal fine print remember a city as large as Chicago undertaking such a task.

In reviewing their old codes, cities often discover a trove of historical curiosities. When Covington, Ga., population 10,000, began pruning its laws last year, it found a statute barring the use of slingshots within city limits and another banning the "use of any type of drum for the purpose of attracting any attention," said Edward Crudup, the Covington city attorney.

As for New York, "I imagine there's plenty of dusty corners of the municipal code," said John Mollenkopf, director of the Center for Urban Research at the City University of New York.

In Chicago, some of the archaic laws include World War II-era regulations imposing fines for destroying victory gardens or specifying re-



#### MASKING IN PUBLIC

It shall be unlawful for any person to appear in public in any mask, cap, cowl, hood.

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quired attire for air raid drills.

Mr. Janega said that in addition to the ordinance barring masks, at least one other law on the list had been subject to a legal challenge: a ban on holding a meeting or "séance of any kind in the name of spiritualism, or of any other religious body, society, cult or denomination." That turn-of-the-century ordinance was intended to prevent fraud at a time when interest in the occult was on the rise. In the 1970's, Mr. Janega said, a court ruled in one case that the law was unconstitutional.

The 15 plaintiffs in the mask lawsuit are not mollified by the city's proposal to drop the ordinance, even though charges against the protesters were dropped, said Ed Voci, one of their lawyers.

"This is not just a funny little old ordinance," said another lawyer for the protesters, Nancy Gerrity, who said that a police official handed officers copies of the long-forgotten ordinance during the demonstration and that some of the protesters arrested were not wearing bandannas. "This is an ordinance they were using to violate people's rights."

But others hail the legal poundshedding, contending that leaving unenforced laws on the books undermines public respect for law itself.

"I'm thrilled," said Alderman Burton Natarus, who about 15 years ago, as a joke, proposed an amendment that anyone introducing a law had to propose repealing an old one.

Perhaps no one feels more vindicated than Christopher Cohen, a former alderman, who in the 1970's made a serious mission out of trying to repeal exceptionally silly laws.

To embarrass the City Council into repealing an ordinance banning kite flying, Mr. Cohen staged a "kite fly-in" at Daley Plaza. He said he also managed to repeal an ordinance that "banned people who were ugly" from appearing in public, and he thought he remembered one that captured Chicago at its most parochial, decreeing that "pigeons could not fly over the Seventh Ward."