

Virtually Legal: Or don't believe everything you see on the internet!



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“Is it legal in Arkansas for a man to beat his wife no more than once a month with a stick three inches wide?” the caller asked. Further questioning revealed that she was working on a project for an ethics class that involved a law purportedly still in effect but ethically questionable. Finding a possible example on the internet, she wanted me to research it. I said that I would look into it and call her back. After searching the Arkansas Code, I called the patron and told her that beating one's spouse (regardless of frequency, type or size of implement) is currently against the law. As I searched for an answer, one of the library assistants jumped on the internet and googled the phrase “stupid laws.” The result (over 100,000 hits on a variety of websites) was astounding! My curiosity was engaged — the search was on!

The reference librarians at the University of Arkansas's Young Law Library answer hundreds of questions from the public, faculty, and students, in person, by phone, and via email during the course of a year. Although the questions asked may occasionally be unusual, all queries are taken seriously and answered in a timely manner. Sometimes a question offers an opportunity to consider a larger issue. One could probably spend a lifetime investigating the myriad state, national

and international “crazy laws” found on the internet. The process of trying to verify this sample of purported Arkansas “laws” proved frustrating, mysterious, rewarding, informative and amusing. In this piece, the issue is the accuracy, currency and reliability of some “legal information” found on the internet.

There are quite a few websites that feature dumb, stupid or crazy laws. Many of the “laws” are funny; many are *weird*; some defy logic. In many instances the web address or the name of the site includes language indicating humor, i.e., joke, bit of fun, aha, dumb, stupid, freak, etc. Supposedly this alerts the viewer to proceed with caution if there's any chance one is searching for what is currently the law of a particular jurisdiction. A warning — “some of the laws may still be in force and there may be a penalty for violating them” — is often lacking. Any wording akin to “*caveat emptor*,” if it appears at all, is in small type-face often on the homepage. Examples of cautionary language include:

Here's our fabulous collection of Strange Laws that can date back very far. Most of these laws remain in the books today, even if rarely enforced. Laws shown here have been collected from sources believed to be reliable,

however, there are no guarantees. We recommend that you conduct further research if you plan on using any of these in a publication.¹

Everyone has come across a law that they didn't agree with or that they thought was just plain stupid. We have to hold our breath and follow the laws anyway (often mumbling, "they paid someone to invent this law?"). However, many sources report that there are some laws on Arkansas books that seem so useless that you have to wonder about the people that wrote them. Some of you probably break the law every day! Please note that some of these are old laws that are no longer valid and many have not been confirmed as being true laws. It's just for fun.²

I am assured by the various contributors that these are real standing laws from around the United States of America. I suspect some have been repealed, and a few may even be fictional, but I have no direct knowledge, so please don't take them too seriously — this is not a law manual!³

It's questionable how many people visiting one of these sites pay attention to the cautionary language. At least one site politely requests that "If you come across any not listed here, changes of laws or corrections, please inform me giving some evidence (e.g.: a link, a scanned picture or article etc)."⁴ Sending a citation along with the "law" is not suggested.

Another problem connected to the accuracy of the information provided is grammatical. In several instances, the stupid/weird/

dumb law is characterized as old or archaic but then is quoted as written, usually in the present tense. This might be slicing the legal language pizza a bit too thin, but the casual reader might not pick up on the old/new distinction and be quite ready to accept what they read on the internet as accurate. Since even old, repealed laws are arguably still "in" or "on" the books (printed in books), all laws, as a comprehensive embodiment of our legal history, will exist forever.

Since the Code of Hammurabi, people have questioned the law as well as its purpose(s). Just as there are and were many different legal systems, so are there countless laws on limitless topics. As citizens of the twenty-first century, we think that these laws are dumb, stupid, crazy, etc., because they seem funny to us. Yet one of the most frequent questions law librarians are asked to research is the legislative history or intent of a law — what did the governing body intend or hope to accomplish by enacting this particular law? The intention, the purpose of a law can be very important, particularly if one is trying to persuade a judge or jury to decide in your favor.

The existence of these websites as well as books that compile dumb, stupid, crazy laws seems to indicate that people are interested in the lighter side of the law or just want to make government look silly. Most of the "stupid laws" *are* humorous and amusing trivia. But this author is also concerned that many people believe that these "laws" are still in effect and hence enforced.

This inquiry revealed to some degree how well the American public understands the role of government and the rule of law in society. It's an issue that librarians frequently deal with, exemplified by the patron seeking

1. [Http://sbt.bhmedia.com/laws/html](http://sbt.bhmedia.com/laws/html)

2. [Http://littlerock.about.com/cs/factsfun/a/strangelaws](http://littlerock.about.com/cs/factsfun/a/strangelaws)

3. [Http://homepages.nildram.co.uk/~jimella/laws01.htm](http://homepages.nildram.co.uk/~jimella/laws01.htm)

4. [Http://www.geocities.com/Athens/Parthenon/6528/shaunlaws.htm?200626](http://www.geocities.com/Athens/Parthenon/6528/shaunlaws.htm?200626)

a written decision from a lower level trial court for which no lengthy, well-reasoned judicial opinion exists. The jurisdiction of “law” sought — federal, state or local — is a threshold question. Also, people often either don’t understand or don’t know the differences between the three branches of government and their respective law — or rule — making powers.

The websites are not precise as to exactly which governing body in a jurisdiction created the stupid law. “Law” is applied very loosely. Court decisions, legislative resolutions, statutes, county or municipal ordinances, agency regulations, even local school board policies are correctly considered as “laws.” The sites list a “law” as a statute, then again as a municipal ordinance. Sometimes several states have the same law. Perhaps it’s just coincidence that the same is attributed to two different states or municipalities. Citations to the particular source or jurisdiction are lacking for the majority of entries, which makes verifying the “dumb law” difficult. Some Arkansas “laws” proved impossible to verify using available resources.

Many of the websites isolate a portion of a law to emphasize its stupidity. Presenting the law in its entirety is necessary to understand its purpose. Divorced from its historic social and/or political context, a relatively reasonable law (to those who passed it) suddenly seems just plain weird. Many of the “dumb laws” found on the internet sites are apocryphal or of doubtful authenticity. Verifying several of them proved challenging but not impossible. Nailing Jello to the wall might be easier — fewer variables.

It is relatively easy to find laws that are currently in effect whether they are federal, state or local. Verifying laws that don’t make sense or contain inaccurate or incomplete information is more difficult. What follows are some examples of “dumb laws” particular to Arkansas and the “problems” associated with them.

A ROSE BY ANY OTHER NAME

It’s against the law to mispronounce the name of the state. or If you mispronounce Arkansas (Ar-kan-saw), you’re in for a fine or jail time.

The debate over the proper pronunciation of “Arkansas” has existed since the earliest French explorers and colonists settled in the territory west of the Mississippi River that would become Arkansas. The most pertinent study of the pronunciation issue is contained in the *Proceedings of the Legislature and of the Historical Society of the State of Arkansas and the Eclectic Society of Little Rock, Ark. Fixing the Pronunciation of the name Arkansas*. This 1880 study includes research garnered from reports of several seventeenth and eighteenth century French explorers as well as the opinions of several members of the committee. Committee member Leo Baier sought the opinion of Noah Porter, President of Yale College, as well as the opinion of the poet Henry Wadsworth Longfellow, neither of whom provided any particular insight to resolve the issue. Uriah M. Rose, also a committee member and founder of Little Rock’s Rose Law Firm, penned an elegant and eloquent argument favoring the French origin and pronunciation of “Arkansas.”

In 1881 the Arkansas legislature passed Concurrent Resolution No. IV, Declaring the Proper Pronunciation of the Name of the State.

PREAMBLE.

Whereas, Confusion of practice has arisen in the pronunciation of the name of our State; and it is deemed important that the true pronunciation should be determined for use in oral official proceedings.

And Whereas, The matter has been thoroughly investigated by the State Historical Society, and the Eclectic Society of Little Rock, which have agreed upon the correct pronunciation, as derived from history, and the early usage of the American immigrants.

Be it therefore resolved by both houses of the General Assembly, That the only true pronunciation of the name of the State, in the opinion of this body, is that received by the French from the native Indians, and committed to writing in the French word representing the sound; and that it should be pronounced in three syllables, with the final “s” silent, the “a” in each syllable with the Italian sound, and the accent on the first and last syllables — being the pronunciation formerly, universally, and now still most commonly used; and that the pronunciation with the accent on the second syllable with the sound of “a” in *man*, and the sounding of the terminal “s,” is an innovation, to be discouraged.⁵

The language of the original, 1881 resolution remains constant over time and there is no mention of any consequence that would result from the mispronunciation of “Arkansas.” The last word of the resolution is “discouraged.” This hardly rises to the level of being “against the law” or even “illegal.” There is no indication of any possible fine or jail

time. Searches of the index to the Arkansas Digest and Shepard’s Citations do not reveal any litigation. The author did not try and search state arrest records (since 1881!) so if the “law” was ever enforced, it may have been merely a verbal warning to the offender.

That proper pronunciation is still an issue is demonstrated by a short piece found on Wikipedia commenting on the law. It reads: “Good to know that was official. In Kansas, and a few other parts of the North, they sometimes pronounce it like “Are” then the word “Kansas.” (“Are-Kansas”) Hard to explain but as someone born in Arkansas I consider that pronunciation grating, even offensive somehow. We were a US state first and besides that the origin of the two names are even different.”⁶ Rather than label the Arkansas Pronunciation Statute as a “stupid” law, why not consider it a positive embodiment that acknowledges Arkansans’ affection for and pride in their state?

***ALL CRITTERS GREAT
AND SMALL***

Laws involving wild as well as domestic animals appear on all of the websites. The intent of most of the laws, ordinances or regulations is to encourage humans to behave in a certain way that protects the animals or promotes a societal interest. Some of the “laws” are funnier if they are tweaked just enough to put the burden of obeying the law on the animal.

5. 1881 ARK. ACTS 216.

6. T. ANTHONY, 14:41, 13 November 2005 (UTC), www.wikipedia.org/wiki/Talk:Arkansas (In checking the websites, I went to Wikipedia and got a “page not found” response, demonstrating the unreliability of some Internet information.)

ALLIGATORS

If you live in Arkansas, you may not keep an alligator in your bathtub.

A search of the *Arkansas Digest*, the *Arkansas Code of 1987 Annotated*, the *Arkansas Statutes 1947, Digest of the Arkansas Statutes of 1937* (Pope), found no statute or case about keeping alligators in bathtubs.

American alligators range from Florida to North Carolina, west to Texas and parts of Arkansas and Oklahoma. Although removed from the federal endangered species list in 1987, alligators are still protected in Arkansas. The legislature delegated “the control, management, restoration, conservation and regulation of birds, fish, game and wildlife resources of the State . . . to . . . the Arkansas Game and Fish Commission. . . .”⁷ Regulations about alligators are in the Game and Fish Commission Code. It is “. . . unlawful to take, attempt to take, buy, sell or possess an American alligator . . . or other crocodillian species, or any part, nest or eggs thereof.”⁸ There are several exceptions to the regulation, the first of which governs alligator farmers and dealers. Section 40 of the Code includes permit requirements, general provisions, specifications and facility standards, the harvest and sale of alligators as well as penalties for violating each subsection.⁹ An employee of the Commission confirmed that “the regulations do not allow any one to possess any crocodillian species (crocodiles, alligators, caimans) as pets unless one has a valid public education or display purpose.” Permits are issued by the Commission.

Although it is against the law to keep alligators as pets, this does not mean that individuals do not violate the law and purchase alligators. Generally speaking, wildlife species make poor pets, and alligators are wild animals. According to the *Arkansas Hunting Guidebook, 2006-2007*, “there are no open seasons for alligators. . . . You may not hunt these animals or possess any part of their bodies in Arkansas. If they have been legally obtained elsewhere, you must keep documentation of their origin.”¹⁰ However, Arkansas’s alligator population has grown so large that the U.S. Fish and Wildlife Service recently approved an Arkansas Game and Fish Commission plan to open an alligator hunting season. The alligator hunt . . . has been approved for one year with reports and monitoring required for subsequent hunts.¹¹

It’s entirely possible that there is a local ordinance that prohibits keeping an alligator in the bathtub but even if such a local law existed, state and federal law would control. Since young alligators could probably live in a bathtub until they outgrow it, there’s some logic to the prohibition. The bathtub is probably the most readily available place to keep a little ‘gator after it’s purchased. Regardless, keeping an alligator in a bathtub, an aquarium or a cement pond isn’t ideal. When the ‘gator is big enough to eat Fido, Fluffy or the baby, it’s no longer a cute pet. So if such a law ever existed, maybe it was an attempt to discourage keeping alligators by prohibiting at least one possible mode of housing.

7. ARK. CONST. Amend. 35.

8. 18.14 ARK. GAME & FISH COMMISSION Code Book (2006).

9. *Id* at 40.00.

10. ARKANSAS 2006-2007 HUNTING GUIDEBOOK, 26 (2007).

11. [Http://www.agfc.com/hunting/alligator](http://www.agfc.com/hunting/alligator)

BEARS

While it is legal to shoot bears, waking a sleeping bear for the purpose of taking a photograph is prohibited.

The Arkansas Game and Fish Commission is also responsible for regulating bear hunting in the state. Arkansas hunting regulation 16.04 provides: “It shall be unlawful to shoot or disturb bears in dens at any time.”¹² Also, bear baiting is prohibited.¹³ An employee of the Commission told me that “taking a photograph” if done using flash photography would be prohibited because it is “. . . unlawful to shine any artificial light from any public road, street, highway or from within the boundaries of any wildlife management area.”¹⁴ Thus, “waking a sleeping bear for the purpose of taking a photograph” falls within the language of the regulation and is interpreted as being a violation of the law. The penalty is a fine of \$500.00 to \$1,000.00 and a jail sentence not to exceed 10 days may be imposed.

The “law” on the website is tweaked just enough to make it appear dumb. Closer consideration reveals there’s more to the story. Is the purpose of the regulation to protect the bears, the photographer, or the hunter? Probably all three. Since the 1950s Arkansas has worked hard to increase its native bear population. Certainly the state has an interest in protecting its ursine inhabitants as well as its human citizens. Unlike celebrities, bears prefer to be left alone, so think carefully before attempting to photograph a bear under any circumstances.

COWS

It is unlawful to walk one’s cow down Main Street in Little Rock after 1:00 p.m. on Sunday.

Laws regulating animals within city limits are common. In 1882, the city of Little Rock provided:

Sec. 7 It is hereby declared unlawful for any person or persons to drive or to tole, or cause to be driven or toled, any loose cattle, hogs, horses, sheep, or stock of any kind upon or along the following streets in the following limits, . . .

Provided, That nothing in this section shall be construed to apply to any person or person taking such stock or cattle to be put up at any wagon—yard or stable within said limits; . . .

Sec. 9 No horse, cow, or other cattle shall be permitted within the city limits to wear a bell after the hour of 9 p.m.¹⁵

However no day of the week is specified. “Tolling” means to lead or attract (domestic animals, e.g., cattle) to a desired point.

The ordinances dealing with animals in the 1904 Little Rock code are more narrowly tailored and impose greater limits on stock kept within the city limits, but, again, no day of the week is mentioned. Specific to cows strolling about the city:

12. *Id* at 16.05.

13. *Id* at 16.04.

14. *Id* at 18.02-A.

15. LITTLE ROCK, ARK. DIGEST OF THE . . . ORDINANCES, § 7; § 9 (1882).

DOGS

Section 392 — Driving on Free Bridge. — That hereafter it shall be unlawful to drive loose stock of any description or kind over the free bridge, situated at the foot of Main street. City of Little Rock, *except* as between the hours of 10 o'clock p.m. and 4 o'clock a.m., 9 o'clock a.m. to 12 noon, 1 o'clock p.m. to 4 o'clock p.m.¹⁶

The 1932 Little Rock Code contains the same language. In all three codes (1882, 1904, 1932), a monetary fine is imposed for violating the ordinance; no jail time is specified.

The “stupid laws” about cows date to another era. However, the current Little Rock Code provides:

It shall be unlawful to keep cows, goats, horses, or other hoofed animals in a pen or lot within three hundred (300) feet of any residence other than the residence of the livestock owner or business establishment.¹⁷

No horse, mule, mare, colt, jack or jenny, or swine of any kind, sheep, goat, or cattle or any kind, shall be permitted or suffered to run at large. It is unlawful for the owner or person in charge of any such animals to suffer or permit any of such animals to run at large.¹⁸

So it appears that one can still have cows within the City of Little Rock as limited by the code provisions. There’s no mention of driving the cows anywhere — by car, truck or train or even over the river and through the woods.

Dogs may not bark after 6:00 p.m.

Laws to control excessive noise that disturbs the peace have long been a part of many, if not most, municipal codes. Providing a “dogs can’t bark after 6:00 p.m.” limit is another example of tweaking a legitimate ordinance about noisy dogs so the governing body appears stupid. Exactly *where* dogs can’t bark after 6:00 p.m. is not mentioned; the jurisdiction is absent. Also, the stupid law suggests that the dog needs to be aware of the ordinance.

The Arkansas cities of Little Rock, Fayetteville and Springdale currently have ordinances to control loud and excessive noise within general nuisance law and/or ordinances that specifically address the issue of howling and barking dogs. The City of Little Rock municipal codes of 1882, 1961, and 1988 all contain sections that deal with excessively noisy dogs. The 1904 and 1932 Little Rock codes lacked sections that were “dog specific.” It’s probable that enforcement against barking dogs would have been included in liberal interpretation of the nuisance ordinance(s) prohibiting disturbing or affecting the public peace and comfort.¹⁹

In Little Rock “It shall be unlawful for any person to keep on his premises, or under his control, any dog which by loud and frequent barking and howling shall disturb the reasonable peace and quiet of any person.²⁰ The ordinance deals with the “noise” of a barking or howling dog. It is for the dog owner to be aware that Fido’s vocalizations may disturb the peace and quiet and that he is responsi-

16. LITTLE ROCK, DIGEST OF . . . ORDINANCES , § 392 (1904).

17. LITTLE ROCK CITY CODE, § 6-43 (rev. 1988).

18. *Id.*

19. LITTLE ROCK CITY CODE, §§ 578-592 (1904); and LITTLE ROCK CITY CODE, §§ 1483-1485 (1932).

20. LITTLE ROCK CITY CODE, § 6-18 (rev. 1988).

ble for the dog. Supposedly the enjoyment of peace and quiet at home is an interest that most citizens favor.

In Fayetteville “it shall be unlawful for any person to keep on his premises or under his control any animal which by loud or frequent barking, howling, or otherwise shall disturb the peace and quiet of any person who may reside within reasonable proximity of the place where such animal is kept.”²¹ Fayetteville’s ordinance includes all animals rather than just dogs. Springdale prohibits loud noises in general and declares “the keeping of any animal or bird which habitually causes a loud and raucous noise” to be a public nuisance.²²

There are laws in almost all American cities and towns that try to control dogs or any animals that bark or howl or make so much noise that it disturbs the peace, but time of day may not be mentioned. Perhaps time restrictions are not so necessary. A dog howling in the middle of the day can be just as annoying as one that barks all night long.

MOOSE

Moose may not be viewed from an airplane.

It is considered an offense to push a live moose out of a moving airplane.

Although humorous, particularly if one visualizes getting the moose onto the airplane

so it can then be pushed out of the plane, these purported laws defy logic since moose are not indigenous to Arkansas. (Were moose brought to the state for the express purpose of loading them on a plane only to push them out?) Closer examination of several websites indicates that the “moose laws” are listed among the dumb laws of Alaska on at least one other website. Whether or not these laws actually are “on the books” in that most northern state, at least there is a scintilla of logic behind them, since moose are native to Alaska.²³ One can only suppose that the website creator merely imported incorrect information to their site or possibly confused Alaska and Arkansas. This possible confusion is not that unlikely given the tendency of people to confuse the postal abbreviations of Alaska (AK), Arkansas (AR), and sometimes Arizona (AZ). Nevertheless, one is free to view moose from an airplane in Arkansas since there are no moose — only deer and elk.

Serendipitiously, the *Arkansas Democrat-Gazette* ran an article²⁴ about a moose that fell in a swimming pool at Lyon College, located in Batesville. The article referred to a Moose Restoration Project at the college. Perhaps the purported project is to introduce moose into the wildlife mix here in the Natural State. Since Otus the Head Cat was the author of the column, the project itself may be suspect. However, I doubt that any moose “law” will be enacted any time soon. But time will tell.

21. FAYETTEVILLE CODE OF ORDINANCES, ch. 92-05 (2004).

22. SPRINGDALE CITY CODE, ch. 42.52 (2007).

23. Coincidentally I was chatting with a law student who comes from Alaska. She said that to the best of her knowledge, Alaska really did have a “moose dropping law.” It’s a tale too long to relate in a footnote. Suffice it to say I found no *statute* prohibiting moose dropping and I did not find a regulation after a quick search of the Alaska state website. This may very well turn on how one interprets the phrase “moose dropping.” Further research may be needed into this anecdote.

24. *Humidity pods fill pool, but sorghum consistency traps unsuspecting moose*, ARKANSAS DEMOCRAT GAZETTE, July 29, 2006, E3.

***LIFE AND LOVE IN THE
NATURAL STATE***

DON'T HONK YOUR HORN

It is illegal for a person to sound the horn on a vehicle at any place where cold drinks or sandwiches are served after 9:00 p.m.

LittleRock.about.com cautions: “. . . You might be excited enough to honk your car horn. Just watch out when and where you do it,” which is good advice since there *really* is a law that prohibits honking the horn on a vehicle under the circumstances described within the Little Rock city limits. The authors of the several websites that refer to this law are correct. But is it really a *stupid* law?

A “. . . curb service fad was sweeping the country in the late 1920s. Old King Cole at Fifth and Broadway led the way in Little Rock.”²⁵ So there was at least one place that offered curb service of cold drinks and sandwiches after sounding the car horn. How many such establishments existed by the time the City Council passed the first anti-horn honking ordinance is unclear, but the din must have been enough to warrant its enactment.

The ordinance reads:

Section 1. That from and after the passage and approval of this Ordinance, any person operating a vehicle and sounding the horn or bell on same, at any place where cold drinks and/or sandwiches are served, *after Eleven (11) P.M. (Emphasis added)* at any place . . . in the City of Little Rock shall be deemed guilty of a mis-

demeanor, and upon conviction shall be fined in any sum not less than Two Dollars (\$2.00) nor more than Five Dollars (\$5.00).

Section 2. The Chief of Police of the City of Little Rock is hereby instructed to specifically order the enforcement of this Ordinance, and it shall be the duty of the Chief of Police, or his Assistant, to receive complaints with reference to violation of this ordinance, and to immediately dispatch a Squad-car or Motorcycle Officer to the scene of the complaint.

Section 3. Whereas, sounding of horns and bells at cold drink and sandwich establishments has reached such proportions that it has become a nuisance to those living in the neighborhood, and disturbs their rest, an emergency is hereby declared to exist and this ordinance is found to be necessary for the immediate preservation of the public peace, health and safety, and the same shall be in full force and effect from and after its passage and approval.²⁶

Many people can remember going to a drive-in restaurant and honking the horn in order to get service, but in the late 1920s, curb service was something new. Today we call such places drive-thru or fast-food restaurants and summon the car-hop or request food service by pressing a button on an intercom or activating a motion detector. Modern examples are numerous and easily come to mind. It is not unusual for there to be two or more such establishments in close proximity to each other all across the country.

25. JIM AND JUDY LESTER, GREATER LITTLE ROCK, 197 (1986).

26. LITTLE ROCK, ARK., ORDINANCE No. 5638 (September 12, 1938).

In the 1961 city code, sounding the horn was prohibited after 9:00 p.m. (the ordinance was probably amended in 1941 to change the time).²⁷ When the Little Rock Code was revised and recompiled in 1961, the section regarding “Drive-ins; sounding of horns” was placed with the ordinances regulating noises. The language remained the same until 1964 when the section was amended, defining drive-in restaurants as well as proscribing certain behaviors at drive-in restaurants and penalties for violation.²⁸ So this “crazy” law is still on the books, and is enforced. Times change, technologies change. Just remember to heed the advice of the website authors and don’t honk your car horn at the wrong place, at the wrong time while you’re in Little Rock!!

I'D LIKE TO GET TO KNOW YOU

Flirtation between men and women on the streets of Little Rock may result in a 30-day jail term.

This is one of the more intriguing dumb “laws.” A citation, purpose, or historical background for the law is completely lacking. After a little bit of digging about in old city codes, I found the “law.” In 1918, the Little Rock City Council passed an ordinance that *included* this language but the complete ordinance had a very specific purpose.

Ordinances regulating, or attempting to regulate or eliminate, bawdy houses, houses of ill-fame, houses of prostitution, etc., have been on the books in Little Rock for a long time. As early as 1868, houses of prostitution in Little Rock were declared to be nuisances and many ordinances were enacted between 1868 and 1918 attempting to control the be-

havior of the brothel owners and the prostitutes. Fines or penalties were on the books but an entrenched pattern of paying the fines to the authorities who tolerated the system and looked the other way had developed.

Change was inevitable after Charles Edward Taylor was elected mayor of Little Rock in 1911. Taylor is considered to have been a Progressive, reform-minded politician who brought a new sense of responsibility to city government and directed a wide range of reforms that transformed Little Rock from a nineteenth-century river town into a twentieth-century modern municipality. Ridding Little Rock of its reputation as a “wide-open town” was one of Taylor’s priorities.²⁹

In January 1912, Mayor Taylor created the Little Rock Vice Commission, composed of two sub-commissions to investigate “the so-called Social Evil.” Mayor Taylor appointed 22 well-known white citizens to the Commission and 5 well-known Negro citizens to the separate Colored Commission; all were men. A sub-committee was appointed to arrange a plan of work and recommend which aspects of the social evil be investigated which included: existing conditions in Little Rock; causes and sources of supply of the social evil; medical and educational aspects of the social evil; the saloon and the dance hall in connection with the social evil; rescue and reform; methods and experiences of other cities.

The Little Rock Vice Commission submitted its report to the mayor on May 20, 1913. The Commission “. . . reached the conclusion that the proper method of handling the social evil is by putting it under the control of a special department which must account directly to the Mayor himself.”³⁰ On June 6, 1913, Mayor Taylor wrote a letter to the Chief of Police directing the police to “. . . officially

27. LITTLE ROCK CITY CODE, § 25-74 (1961).

28. *Id.*, §§ 25-156 to 25-159.

29. MARTHA WILLIAMSON RIMMER, <http://www.encyclopediaofarkansas.net/encyclopedia>, “Charles Edward Taylor.”

30. REPORT OF THE LITTLE ROCK VICE COMMISSION, MAY 20, 1913, p.2.

notify the proprietress of every house in the restricted district that, following the recommendations of the Vice Commission, her place must be closed not later than August 25. Also . . . notify the owner of the property, or the owner's agent, that after August 25 they will be proceeded against under the law should a resort be conducted on the premises."³¹

On August 25, 1913, Mayor Taylor ordered ". . . all resorts in the "red light district" be closed, and that the inmates and proprietresses must reform or leave the city, . . . effective at noon today. The police say that practically all of them are gone, and now it will be the duty of the police to see that the orders continue to be enforced."³² That same day in an editorial in the Arkansas Democrat titled *Give the Subject a Rest*, the editors offered the opinion that ". . . The closing of the red light district could have been accomplished at any time by simply a police order to enforce the LAW. . . . The appointment of a vice commission, . . . was all an unnecessary frill. The law on the state book is just the same today as it was before the vice commission was appointed, as it could have been enforced then just as well as it can be enforced now."³³

Additional legislation enacted by the Little Rock City Council after August 25, 1913 seems to indicate that the mayoral edict and police enforcement did not completely eliminate the "social evil." Perhaps the prostitutes did not reform or leave the city but continued to ply their trade less openly or elsewhere. Why five years passed between the 1913 prohibition and banishment of prostitution and the passage of the law prohibiting flirting is unclear. However in June 1918, the City Council passed

Ordinance 2502 "to Suppress Immorality, to Prevent Solicitation and Transportation of Persons for Immoral Purposes, and for Other Purposes."³⁴ The language that prohibited flirting with prostitutes and the penalty for doing so was very specific:

Section 4. It shall be unlawful for any person to attract or to endeavor to attract the attention of any person of the opposite sex, upon or traveling along any of the sidewalks, streets or public ways of the City of Little Rock, by staring at, winking at, coughing at or whistling at such person, with the intent, or in any way calculated to annoy, or to attempt to flirt with any such person.

Section 5. Any person convicted of the violation of Sections 1, 2, or 3 of this ordinance shall be deemed guilty of a misdemeanor and shall be fined in any sum not exceeding two hundred dollars and confined for not more than thirty days. . . .

Any person violating Section 4 of this ordinance shall be fined in any sum not less than \$5.00 nor more than \$25.³⁵

I located the codification of the ordinance in the 1932 *Digest of the Ordinance of the City of Little Rock, Arkansas*. It was in the Criminal Law Title, subsections 707-711 Prostitution, Lewdness and Obscenity.³⁶

Rather than an across-the-board law prohibiting flirtation between men and women, the ordinance was narrowly drawn to pro-

31. *Id.* at 28.

32. *Red Light District is Abolished Today*, ARKANSAS DEMOCRAT, August 25, 1913, at 4.

33. *Give the Subject a Rest*, *Id.* at p.6.

34. LITTLE ROCK CITY ORDINANCE NO. 2502, June 4, 1918.

35. *Id.*

36. I do not know if there is a compilation of Little Rock Ordinances before 1932; I used what was readily available.

mote the government's interest in controlling prostitution. Also, the penalty for flirting did not result in jail time; rather, one paid a fine between five and twenty-five dollars. It was a misdemeanor; not a criminal offense. By failing to include any historical context as well as the language of the entire ordinance, the website authors are able to create a "stupid" law that probably did not seem outrageous at the time it was enacted. The ordinance subsequently disappeared from the municipal code.

So flirting with a member of the opposite sex on the streets of Little Rock can be done without fear or penalty.

HER CROWNING GLORY

Female teachers who bob their hair cannot be given a raise.

It is unclear if this undated "law" against bobbed hair is an Arkansas statute, a court decision, a municipal ordinance or a local school board rule. There is nothing in the current Arkansas code indicating such a consequence for a particular hairstyle. Suspecting that this "law" was promulgated by a local school board and dates from the early twentieth century because of the phrase "bob their hair," I searched the Arkansas digest and earlier codes as well as some secondary sources for a clue. I could find nothing that was identical to the purported "law" but some situations came close.

One example I found about penalizing teachers who bobbed their hair dated back to the early 1920's and was mentioned in several secondary sources. Specifically, the Santa Paula, California superintendent of schools

issued an edict against teachers who bobbed their hair and refused to re-employ a teacher for this single reason.³⁷ This caused quite a controversy *in California*. President Campbell of the University of California declared that "there is no relation between scholarship, teaching ability and especially character on the one hand, and bobbed hair on the other."³⁸ Eventually the California commissioner of secondary education stepped in and settled "the argument by pointing out that if all the bobbed-haired teachers were fired there would not be enough long-haired applicants to go around." Common sense prevailed.³⁹ It appears that the controversy was settled at the local level, by either the commissioner or a municipal court, which accounts for why there was no reported decision. Debates over bobbed hair and other issues of personal appearance probably occurred in many local school districts across the country and were resolved without going to court.

A search of *The Digest of the Statutes of Arkansas*, Crawford and Moses, 1921 revealed no language prohibiting either continued employment as a teacher or denying increases in salary if a female teacher bobbed her hair. However, in 1921, the Clay County board of directors adopted certain rules and announced "that observance thereof would be required by all *pupils* who attended the school. Among these rules was one, number 3 which reads as follows: "The wearing of transparent hosiery, low-necked dresses, or any style of clothing tending toward immodesty in dress, or the use of face paint or cosmetics, is prohibited."⁴⁰ A student was dismissed from school for wearing talcum powder on her face. Although the case involved some other issues, the Arkansas Supreme

37. STEPHEN EWING, *Blue Laws for School-Teachers*, HARPER'S MONTHLY, February 1928, at 329.

38. *Id.*

39. *Id.*

40. *Pugsley v. Sellmeyer*, 158 ARK. 247, 249-250 (1923).

Court held that the rule in question was reasonable and that the school directors had the right to enforce it. The case clearly involved a *student* wearing powder on her face, **not** a *teacher* bobbing her hair. *The School Law of Arkansas 1931*, published by the State Board of Education, contained no law prohibiting bobbed hair, but Section 183 — *Revocation of Teacher’s License for Cause* — stated that “the State Board of Education may revoke the license of any teacher for cause, but only after a hearing before the board upon reasonable notice to such teacher and a written copy of the cause to be considered,” no list of causes was provided.⁴¹

An important issue that *Pugsley v. Sellmeyer* addressed, and one that still exists today, is the power and authority of the local school board to govern the schools. The state creates school districts and delegates their operation to whatever entities or agencies it desires, according to laws enacted by the legislature. This does not mean that the legislature ceases to exercise control over the education of its citizens. A contemporary (1928) source offered the opinion: “. . . courts will not interfere with the exercise of discretion by school directors in matters confided by law to their judgment, unless there is a clear abuse of the discretion, or a violation of law. So the courts are usually disinclined to interfere with regulations adopted by school boards, and they will not consider whether the regulations are wise or expedient, but merely whether they are a reasonable exercise of the power and discretion of the board. Acting reasonably within the powers conferred, it is the province of the board of education to determine

what things are detrimental to the successful management, good order and discipline of the schools and the rules required to produce these conditions. The presumption is always in favor of the reasonableness and propriety of a rule or regulation duly made.”⁴²

The “law” that “. . . female teachers who bob their hair cannot be given a raise” seems quaint, even silly by twenty-first century standards. Both the edict issued by the Santa Paula, California school superintendent and the rules adopted by the Clay County Directors of Education are more than 80 years old. What constitutes acceptable behavior and dress have changed dramatically.

“The Teacher Fair Dismissal Act of 1983” currently governs the dismissal of certified, public school teachers in Arkansas.⁴³ None of these present day laws or interests helps the Arkansas teacher who purportedly didn’t get a raise because she bobbed her hair.

WATER OVER THE BRIDGE

The Arkansas River can rise no higher than the Main Street Bridge.

According to the websites that included this “law,” the Arkansas legislature passed this unusual law sometime. No date is ever provided, so finding any information was an incredible challenge. “Frustrating” most accurately describes the research, “speculative” describes the results. Questions that immediately came to mind: Why can’t the river rise higher than the bridge? How can the river be prevented from rising above the bridge? When and why did the legislature pass this law? Did

41. STATE BOARD OF EDUCATION, *THE SCHOOL LAW OF ARKANSAS 1931*, p.85.

42. 24 RULING CASE LAW 24, p.575-576 (1929).

43. ARK. CODE ANN. § 6-17-1502 (1999).

this law ever exist? Since legislation is usually introduced at any level of government to try and remedy a situation, solve a problem, create, promote or protect an interest, there are several time periods when introduction, if not passage, of this particular law seems probable.

Major flooding occurred with enough frequency that it was a fact of life for those living close to the Arkansas and Mississippi rivers. Early, local attempts to control flooding by building barriers proved futile. Flooding occurred so often over vast expanses of land that eventually states appealed to the federal government for help. In 1879, Congress created the Mississippi River Commission to establish a unified flood control plan.⁴⁴ Between 1905 and 1915, the Arkansas General Assembly also passed laws to create a program of flood control in Arkansas's Mississippi River Valley.⁴⁵ The system was quite successful until the Great Flood of 1927, when the extent of the devastation forced the Federal government to take action.

After the Great Flood of 1927, Congress moved slowly toward providing assistance. President Franklin D. Roosevelt signed the landmark Flood Control Act of 1936, which recognized flood control as a national responsibility and approved a large number of projects to implement that concept.⁴⁶ This was the first of many acts passed which culminated in the creation and operation of the McClellan-Kerr Arkansas River Navigation System as part of the nation's inland waterways system. Arkansas also passed laws creating flood control areas and methods of decreasing the destructive impact of periodic flooding.

A search of the Arkansas session laws from 1927 and after didn't produce a resolution or law regulating river height. Although the 1927 flood washed away the Baring Cross Bridge, neither the Broadway Bridge (1922 completion) nor the Main Street Bridge (1924 completion) in Little Rock was destroyed. The original Baring Cross Bridge, built by the railroad company, operated between 1873 and 1927 and was rebuilt after the Great Flood. (It's possible that the engineering specifications for the three bridges included language regarding the height of the bridge above the surface of the river but the author did not try to find the documents).

Destruction of the Main Street Bridge in Little Rock in 1973 and its reconstruction were part of the Arkansas River Navigation System project. It is possible that there was a demand that the Arkansas General Assembly do something to ensure that the level of the Arkansas River would rise no higher than the Main Street Bridge. What is certain is that all the bridges spanning the waterway were subject to vertical and horizontal clearances as set out in the engineering and construction contracts; and the Army Corps of Engineers would have been responsible for those specifications. Vertical clearance for all bridges on the waterway is 52 feet, 98 percent of the time. Actual vertical clearance above the normal level of the navigation pool can be greater. Most of the bridges have a horizontal clearance of 300 feet.⁴⁷

Flood control was one of many goals of the McClellan-Kerr Navigation System. The Army Corps of Engineers plan ". . . stated clearly that flood-control reservoirs in the

44. Donna Jackson, <http://www.encyclopediaofarkansas.net/encyclopedia>, "Levees and Drainage Districts."

45. *Id.*

46. S. CHARLES BOLTON, 25 YEARS LATER: A HISTORY OF THE MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM IN ARKANSAS, p.11.

47. U.S. ARMY CORPS OF ENGINEERS, GUIDE TO THE MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM, 18 (1981).

Arkansas River Basin will . . . result in a considerable reduction in flood heights and frequencies; however, the direct and indirect flood losses along the main stem of the Arkansas River will still be large after this system of reservoirs is in operation.”⁴⁸ The Arkansas General Assembly could legislate forever and a day and never be able to prohibit the river from rising above the Main Street Bridge — it’s probably beyond the power of any government.

BEATING ONE'S SPOUSE

Finally we return to consider, and conclude with, the stupid law with which this investigation began.

It is legal in Arkansas for a man to beat his wife no more than once a month with a stick three inches or wider . . . on the courthouse steps . . . on the state-house steps. . . .

Although gleefully included on almost all of the stupid laws websites, no such law was found in any of the various compilations of Arkansas statutes. However, after checking the various stupid/dumb/crazy laws websites again, the states of Alabama, Arizona, California, South Carolina appear to permit beating one’s spouse within certain limited circumstances: once a month, or only on Sundays, on the courthouse steps or the State House steps, with a leather strap or a stick no wider or larger than three inches or one’s thumb, with the permission of the victim!

An interesting aspect of researching this particular “law” is that I first asked a criminal law professor if he had ever heard it. He said “Of course. My criminal law professor told us that this legal concept dates back hundreds of years and is usually known as the “rule of thumb”! Wanting to follow up on this nugget of knowledge, I looked in *Black’s Law Dictionary* and found no entry. *The Oxford English Dictionary* defines rule of thumb: a method or procedure derived entirely from practice or experience, without any basis in scientific knowledge; a roughly practical method.⁴⁹ Finally I searched one online legal periodical index for possibly relevant articles; there were over 6000 hits. Since an in-depth consideration of the rule of thumb is beyond the scope of this article, I’ll leave that for the reader to delve into. However, one author wrote an interesting article that suggests that “rule of thumb” has nothing to do with punishment and very little to do with thumbs.⁵⁰

Conclusion

Based on the small sample of “stupid laws” examined here, I think that the majority of stupid laws can be compared to legal versions of urban legends. They’re not necessarily urban but may certainly be mythic. Since urban legends often contain a grain of truth they are easily distorted and/or frequently exaggerated. They appeal to our sense of humor, fear, disbelief. Yet the crazy laws included on the websites can also be interpreted as cautionary tales, some of which proved to be grounded in reality.

48. BOLTON, 50.

49. OXFORD ENGLISH DICTIONARY v.14, p.232 (2d ed. 1989).

50. Henry Ansgar Kelly, *Rule of Thumb and the Folklaw of the Husband’s Stick*, 44 J. LEGAL EDUC. 341 (1994).

Whether the crazy law is communicated by a friend, read in a book, or found on the internet, we tend to accept its reliability. The method of communication guarantees authenticity because our friends wouldn't lie, books tell the truth, and everything on the internet is true. Yet throughout history, life demonstrates time and again that friends, books, and governments can and do provide misinformation or at least a version of the truth. Today, the internet is a fast, easily accessible, global purveyor of information as well as misinformation. Despite our modern, intellectual arrogance, we can still be beguiled. Hopefully this brief examination of some silly laws has been entertaining as well as informative. Just as one is cautioned not to believe everything you see or hear, don't believe everything that's on the internet!

So if you ever visit Arkansas, please correctly pronounce the name of the state — "Ark-an-saw." Don't keep your pet alligator

in a bathtub or photograph a sleeping bear with a flash. Don't honk your car horn at a fast-food joint or let your dog bark too loudly or too long in Little Rock. Please feel free to flirt. But remember, don't beat anyone, at anytime, with anything, because that *is* against the law!

Afterword

I do not pretend to be an authority on Arkansas history, general or legal, and would welcome any information that would clarify or correct any errors I made.

I began this quest in response to a random reference question. I also thought "Not another blot on the reputation of my adopted state!" I ended my quest confident that Arkansas is not alone in having "laws" that are humorous or unusual. So we are like other states, a product of our history reflecting who and what we were, are, and will be. *Regnat Populus*.