

The NUDE & NATURAL NEWSLETTER

The Naturist Society

Naturist Action Committee Naturist Education Foundation

\$20/year

December 2006



Ocracoke Island. Summer of 2006.

North Carolina: A Significant Beach Success for NAC and Local Naturists

After a rough start to the 2006 season, naturists on the Outer Banks win BIG. NAC plays the key role.

It was Memorial Day weekend in May of 2006, and a group of long time acquaintances were renewing friendships on Ocracoke Beach. As is their longstanding custom and preference in this natural spot, many on the beach were comfortably nude.

Ocracoke Island is a part of the Outer Banks, a chain of narrow barrier islands located as much as twenty miles distant from the North Carolina mainland. Ocracoke is accessible only by ferry or light airplane. The relatively remote clothing-optional beach is a part of Cape Hatteras National Seashore, a unit the National Park Service. Historically, park rangers had seldom bothered the folks who chose to be nude.

But that changed abruptly in late May, when the tranquility of the holiday weekend was interrupted when a ranger appeared suddenly on the beach and began threatening to write citations.

Ranger Jamie Denney was a recent transfer from Teddy Roosevelt National Park in North Dakota. She brought with her very little practical experience with those who enjoy nude recreation on public land. Denney gathered the Ocracoke beachgoers with the intention of frightening them badly by reciting the law concerning nudity. By all accounts, her scare tactics were successful.

But Ranger Denney erred. She didn't understand the law, and she badly misrepresented it to beachgoers that day at Ocracoke.

CONCURRENT JURISDICTION

There is no general federal law addressing nudity. But like other Park Service units, Cape Hatteras National Seashore enforces the laws of the state in which it is located, under a standard operational agreement called "concurrent jurisdiction." The North Carolina legislature had recently made change to the state's nudity law, and Ranger Denney's inaccurate summary of the new law had exactly the alarming effect she intended.

See **Ocracoke** on page 6

Letters to the Editor

Objects to NEF/Roper Poll

TO THE EDITOR:

The report recently published was interesting, and useful to a point, yet not entirely satisfying.

First, Roper's "Methodology Statement" makes it clear that the poll was conducted in an unbiased manner. We have their statement, and their well-earned reputation to go on.

Second, neither their statement nor your October report tells us who crafted the questions. But as you most certainly know, even the slightest and seemingly innocuous change in wording can move the response percentages by several points in one direction or another. Regrettably, the wording, "at a beach" almost inevitably did that, leaving NEF open to the suspicion that support for beach nudism (not public lands,

private parks, national parks or BLM lands) was a pre-determined, anticipated, and desired result. "At a locationaccepted..." etc. would have yielded the same, supportive, positive result.

Third, the other reported responses worked better and are well done. The 54% figure is strong and very useful.

I don't object to surveying for beach nudism. I do object to a survey which may lead to the conclusion that beach nudism is a preference over all other possibilities for legalization.

From where I sit (at Caliente Resort, 100% AANR club), I can very happily quote that 74% number in our PR efforts. I'll even give full credit to NEC [sic] and TNS. I'll leave out the "beach" part.

Jack DePree
Land O'Lakes, Florida

Naturist Education Foundation
Chair Bob Morton Responds:

Thanks for your letter, Jack. As the *Newsletter* article pointed out, three of the questions asked in the 2006 Roper Poll commissioned by the Naturist Education Foundation (NEF) are the same questions that were asked in a 1983 nationwide poll and again in NEF's 2000 poll. The reasoning behind asking the same questions each time is fairly obvious. If a baseline has been established, then you stick with the same questions later to measure movement.

The original questions were put together by Lee Baxandall. The initial poll was commissioned by The Naturist Society in 1983 and conducted by Gallup. After careful consideration, the Naturist Education Foundation made the decision in 2000 to use the 1983 wording, and NEF commissioned Roper to conduct the 2000 poll. After thoughtfully addressing the matter yet again, NEF arrived at the same conclusion for the 2006 NEF/Roper Poll.

The Naturist Education Foundation has chosen twice to allow meaningful comparisons by sticking with the same questions. You see that as "regrettable." I don't agree. Nor do

I believe such a credible and reasonable choice can cast "suspicion" on NEF, except perhaps in the minds of those who are already predisposed to be suspicious.

Interestingly, those same three questions were used in a nationwide poll that AANR commissioned and paid for in 2000, but never published. In Kissimmee, they were referred to, internally, as "the Baxandall questions." Does AANR's poll deserve the same suspicions concerning a "predetermined, anticipated and desired result."

New questions can be added to polls from time to time, and they should be. This year, as reported by the *Newsletter*, NEF added a fourth question for the purpose of establishing a new baseline. The responses to that question were interesting, but the question will be far more useful to us in future years, when we can ask it again for the purpose of making comparative measurements. Of course, that usefulness will vanish if we change the question.

I'll stand behind the choices we've made for the 2006 NEF/Roper Poll, and I'll take your objection to the survey questions with the grain of salt I believe it so clearly deserves.

More Letters on page 8

CORRECTIONS & AMPLIFICATIONS The October and November issues of the *Newsletter* listed preliminary dates for the 2007 Western Naturist Gathering. Those dates were incorrect. The correct dates for the WNG are shown below.

Upcoming Naturist Gatherings, Festivals and Events

2007

FOR MORE INFORMATION CALL
The Naturist Society at (800) 886-7230

- February 15-20 **Midwinter Naturist Festival**
Sunspout Gardens, Loxahatchee, FL
- May 5 **World Naked Gardening Day**
Worldwide
- June 18-24 **Eastern Naturist Gathering**
Eastover Resort, Lenox, MA
- July 9-15 **Nude Recreation Week**
Throughout North America
- July 26-29 **Western Naturist Gathering**
Lupin, Los Gatos, CA
- August 7-12 **Northeast Naturist Festival**
Empire Haven, Moravia, NY

Strange Ohio Legal Case Becomes First Test of Reworked Public Indecency Law

... and the Ohio law itself was partially the result of an equally bizarre Michigan case

HAMILTON, Ohio — No one knows for sure why Scott Blauvelt went walking naked late at night on October 5 through the hallways of the office building where he worked. Blauvelt himself says he doesn't know.

No one actually saw the nude excursion, either. But because of it, the 35-year old Blauvelt was fired from his job as an assistant municipal prosecutor, and he faces a charge of public indecency. It seems an automated surveillance camera caught the event, and that's where the matter caught the attention of the Naturist Action Committee

When officials went to the replay booth, they found two other instances in which Blauvelt had padded along naked in the corridor, but that was barely an issue. Blauvelt's defense attorney, Michael Gmoser, gave statements to the media, laying the blame on a head injury his client had suffered in an auto-mobile accident last year. Days after the media statement, when information surfaced that Blauvelt had been naked at the time of that wreck, too, Gmoser implicated a medication his client had been taking around the times of both nude events.



Scott Blauvelt.

Aside from leaving a bit of dazzlement at the footwork of the defense attorney and a burning desire to know the name of the drug that makes people want to be naked, those things were of little significance to NAC.

It was the camera. With no one at all in Blauvelt's physical proximity at the time of his late night nudity, it was only an image from a camera that would establish his guilt.

* * *

Flash back more than six years to April 7, 2000. An unemployed cook named Timothy Bruce Huffman hosts a late evening show on a public access cable TV channel in Grand Rapids, Michigan. This evening, the program, *Tim's Area of Control*, features a character named Dick Smart.

As framed in closeup camera shots, "Dick" is a flaccid human penis with a face drawn on it. The penis tells a few minutes of bad bar jokes in a gravelly, off-camera voice, a woman who was viewing the public access show on her TV at home makes a complaint, and Huffman is charged with indecent exposure under the Michigan state law, even though he never confirms his as the body to which Dick was attached, and the only complainant was miles removed from the studio.



Timothy Huffman

Years of "speedy trials" went by, and despite assistance from the ACLU, Huffman's conviction for indecent exposure was upheld by the Michigan Court of Appeals in 2005. The State Supreme Court subsequently refused to hear the case.

Huffman's case attracted the interest of the cable TV industry. From the beginning, courts had denied Huffman even the possibility of using a First Amendment defense. But the interest of the Naturist Action Committee went further. Huffman had never been charged with indecent programing, after all; he had instead been charged with and convicted of indecent exposure.

Huffman's indecent exposure conviction resulted from a remotely viewed pictorial representation of nudity alleged to be his. For naturists and for publishers of naturist publications, the implications were obvious and troubling.

In 2005, the Naturist Action Committee led a successful effort to modify dangerous wording within an Ohio legislative bill.* House Bill 50 proposed to amend the state's public indecency law, and had been introduced with language that could have criminalized individuals who were nude in their own homes, in the presence of their own children.

NAC succeeded in its effort to substitute wording for HB 50, and it kept a close watch on the bill as it moved through the legislature. Then, out of the blue, the cable TV industry proposed a last-minute amendment. The revised wording was a direct result of the outcome of the Huffman case in Michigan. It insisted that a person can commit public indecency only when there is another person in "physical proximity."

When it was given an opportunity to consider the state's public indecency law, the Ohio legislature made an intentional change that protects individuals from those who would go "prospecting" remotely for public indecency citations and convictions. NAC participated with lawmakers in the process that resulted in that revision to the law.

The reworded law is a step toward the more honest recognition of a practical limit to a previously limitless cast of characters who might have been declared "likely" to view and be affronted by the personal nudity of another.

See **Strange** on page 8

* NAC retains a professional legislative lobbyist in Ohio. The American Association for Nude Recreation and its regional affiliate, AANR-Midwest have partnered with NAC in meeting the expense. NAC thanks AANR and AANR-MW.

Los Angeles County Sheriff Says: *Nude Forest Hiking is Legal*

The Naturist Action Committee has scored a significant local victory in the case of a naturist who was threatened with arrest for hiking nude on remote trails within a unit of the USDA Forest Service.

NAC board member Allen Baylis, who is a California attorney, made the Los Angeles County Sheriff's Department aware of state court rulings that establish limits to the state's indecent exposure law. Baylis sought and received the Sheriff's acknowledgment that simple nudity while hiking on the trails of Angeles National Forest is NOT illegal.

by **Bob Morton**
Chairman & Executive Director
Naturist Action Committee

ANGELES NATIONAL FOREST, California — Covering more than 650,000 acres roughly north of the Los Angeles metropolitan area, Angeles National Forest (ANF) is operated by the U.S. Department of Agriculture's Forest Service (FS).

“[S]imply being nude in the Angeles National Forest is not prohibited by law. Therefore your client appears to be within his legal rights to hike in the forest in the nude.”
Los Angeles County Sheriff's Department
November 8, 2006

For twelve years, naturist Brian Kraemer has hiked nude in this vast natural area. Seldom encountering anyone at all on the remote trail he has grown to know so well, Kraemer calls his daily nude hikes during the last two hours before sundown his “time of refreshment, inspiration, prayer, and quietude.”

It is, he says, “a renewal of my place in this universe.”

Kraemer's quietude was disrupted on October 23, when he encountered a Forest Service technician on the trail. Over the years, many other FS employees had known of Kraemer's daily nude hikes, but none had given him any trouble about it.

All that changed when the newly-hired technician threatened to call the sheriff if he ever again saw Kraemer without clothing. The technician reported the incident to a deputy forester at ANF, and the deputy called the sheriff's station for a clarification on the legality of nude hiking.



Naturist Action Committee board member Allen Baylis.

The sheriff's staff gave a dire and, as it turns out, misinformed interpretation of the law. Just to show they meant business, the sheriff's spokesperson offered to send a county helicopter to pluck the naked offender off the trail, if the ANF managers wished it.

Distressed by the possible loss of a meaningful part of his life, Kraemer contacted Alonzo and Debra Sue Stevens, who are the government affairs chairs, respectively, of the American Association for Nude Recreation (AANR) and AANR-West, AANR's regional affiliate. The Stevenses suggested that Kraemer contact Naturist Action Committee board member Allen Baylis. NAC acknowledges and appreciates the referral.

Baylis, who is a California attorney, wrote a letter to the Los Angeles Sheriff's Department on behalf of Brian Kraemer. Referring to section 314.1 of the Penal Code, which is

See *Sheriff* on page 5



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Please donate.

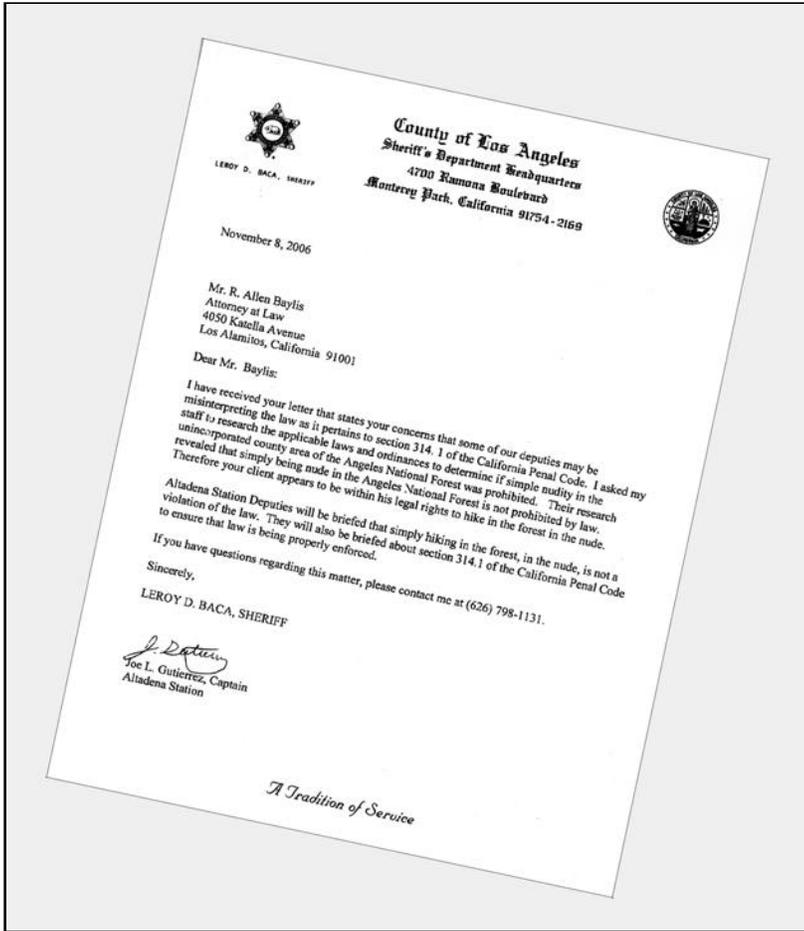
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- PHONE (TOLL FREE) (800) 886-7230
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NAC makes things happen!



The Naturist Action Committee's **Nude Beaches YES!** campaign is a proactive grass roots project designed to raise awareness.

www.NudeBeachesYES.org



Letter from the L.A. County Sheriff's office.

Sheriff (cont'd from page 4)

portion of the state's law that addresses indecent exposure, Baylis quoted the pertinent part of the law itself:

314. Every person who willfully and lewdly, either: 1. Exposes his person, or the private parts thereof, in any public place, or in any place where there are present other persons to be offended or annoyed thereby ...

Baylis went on to write: "It is settled law in the State of California, that simple nudity does not constitute indecent

exposure in violation of P.C.314.1. The California Supreme Court ruled in *In re Smith* that: 'Absent additional conduct intentionally directing attention to his genitals for sexual purposes, a person ... does not "lewdly" expose his private parts within the meaning of section 314.' (In re Smith (1972), 7 Cal3d.362, 366)."

Baylis cited other appropriate legal precedents, and he included the specific language of the California Jury Instruction for cases in which the charge is indecent exposure. He concluded by acknowledging that nudity in Los Angeles County Parks is addressed by a specific ordinance. However, that ordinance does not apply outside county parks to unincorporated areas or to Angeles National Forest. Baylis suggested that "pending valuable law enforcement resources to apprehend unclothed hikers in such areas would not be a prudent use of county assets."

Writing on L.A. County Sheriff's Department letterhead and on behalf of Los Angeles County Sheriff LeRoy D. Baca, Captain Joe L. Gutierrez responded to the letter Baylis had sent.

"I asked my staff," Gutierrez wrote, "to research the applicable laws and ordinances to determine if simple nudity in the unincorporated county area of the Angeles National Forest was prohibited. Their research revealed that simply being nude in the Angeles National Forest is not

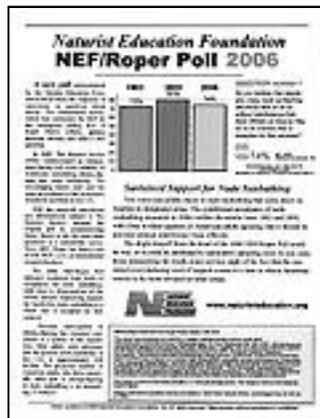
prohibited by law. Therefore your client appears to be within his legal rights to hike in the forest in the nude.

"Altadena Station Deputies will be briefed that simply hiking in the forest, in the nude, is not a violation of the law. They will also be briefed about section 314.1 of the California Penal Code to ensure that law is being properly enforced."

Brian Kraemer, who refused to be intimidated, continues his nude hikes. He has made application and has been approved as a NAC Area Representative.

The **Naturist Education Foundation** updates an important resource. The NEF/Roper Poll 2006 is already at work, presenting to lawmakers, regulators and land managers a persuasive statistical argument on behalf of naturists.

Projects like this poll are expensive. Your generous voluntary support of NEF makes them possible.



NEF is a 501(c)(3) charitable foundation.

Support NEF.

- NEF P.O. Box 132, Oshkosh, WI 54903
- PHONE (TOLL FREE) (800) 886-7230
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Ocracoke (cont'd from page 1)

As with many groups of naturists, the beach users Denney addressed on that afternoon in May included singles, couples and families with children. The beachgoers listened in horror as the ranger declared that the newly revised state law would make them felons and force them to register as sex offenders for being merely nude in the presence of children.

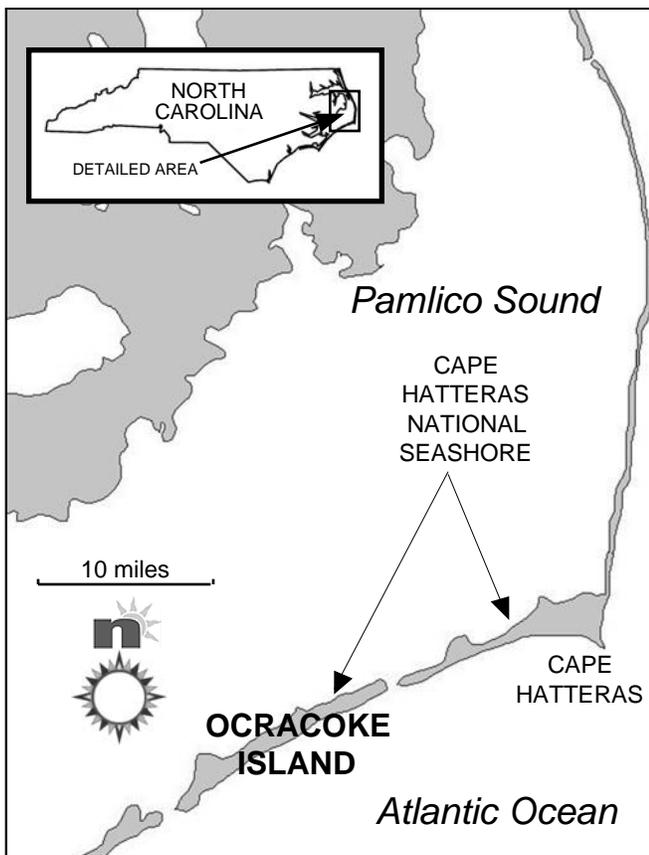
The reaction was predictable. Some in the group immediately vowed never to return to the beach. Those with children said they simply couldn't put their friends at risk, and they said they wouldn't be back, either.

It was an effective way to break up a clothing-optional beach group, but it was based on a misrepresentation of the law. North Carolina law attaches felony status to nudity in the presence of a child under the age of 16 *only* when it is done "for the purpose of arousing or gratifying sexual desire."

The nudity on Ocracoke was nonsexual, but Ranger Jamie Denney was unable or unwilling to make the distinction. Naturists on Ocracoke were certain they had lost their beach.

SEEKING HELP FROM NAC

At The Naturist Society's Eastern Naturist Gathering just three weeks after the Memorial Weekend beach incident, regulars from the traditional clothing-optional beach on Ocracoke sought help from the Naturist Action Committee.



NAC board member Morley Schloss directed the Ocracoke naturists to NAC executive director Bob Morton, who met with the beachgoers and encouraged them to organize a local "Friends Of" beach support group immediately among those who value the clothing-optional tradition on Ocracoke.

Morton promised NAC's swift action.

THE IMPORTANCE OF A LOCAL GROUP

NAC's encouragement for the formation of an on-site naturist users' group was based on years of experience. The Naturist Action Committee operates as a grass roots organization, deriving its credibility from motivated local activists and its strength from an ability to coordinate their efforts.

A cohesive local group is an extremely important factor in any fight to create, save or maintain a clothing-optional beach. Whether it's at the local, state or federal level, managers of public lands look for knowledgeable users who will assist by stepping forward to take voluntary responsibility.

The naturists at Ocracoke Beach responded quickly and magnificently to NAC's call for formation of a local group. The ranger's threats had chased some from the beach, but it had not disrupted their communication with one another. Soon, more than 50 individuals had banded together to form "Friends of Ocracoke Beach."

NAC TAKES ACTION

After careful homework and preparation, and armed with the important existence of a local naturist users group at Ocracoke, NAC's Morton contacted the Superintendent of Cape Hatteras National Seashore. Morton already knew both the Superintendent and Chief Ranger at Hatteras, because NAC had worked with each of them on naturist issues when they were assigned to posts at other Park Service units.

Prior experience together and shared respect between the Park Service professionals and the naturist activist leader allowed discussions of the Ocracoke Beach situation to be cordial, effective and expedited.

Morton explained to Hatteras Superintendent Michael Murray that Ranger Denney had seriously misrepresented the North Carolina law during her encounter with beachgoers in late May.

Through the exchange of phone calls and e-mails that followed, Morton made sure that the Superintendent not only had the pertinent sections of the law, but also had copies of key court cases that establish interpretations, definitions and precedents in North Carolina.

For example, the North Carolina Court of Appeals has determined [State v. Jones, 1970] that female breasts are not "private parts" for the purpose of the state's indecent exposure law. The State Supreme Court ruled [State v. Fly, 1998] that buttocks are not private parts, either.

Ocracoke (cont'd from page 6)

The dialog between the Naturist Action Committee and Seashore management extended beyond a review of the law. Morton and Murray discussed solutions to the situation at Ocracoke Beach. Together, they considered ways in which naturists could become an asset for the Seashore, and not simply an enforcement issue.

SUCCESS!

The result was a spectacular success for naturists. Following NAC's intervention, there were no more citations issued for nudity at Ocracoke Beach during the 2006 season. Regulars began returning to the beach. Ranger Jamie Denney was transferred from patrolling the beach to a different responsibility.

On August 19, the organizer of Friends of Ocracoke Beach wrote to members of the group:

“We have come a long way since the first incidence of harassment by the NPS Ranger, Jamie Denney over this past Memorial Day weekend. We organized our group at the suggestion of Bob Morton, Executive Director of the Naturist Action Committee, and together we attacked the problem.

Meanwhile, Bob contacted National Park Service management at Cape Hatteras National Seashore, and had a series of discussions with the Superintendent. There have been no citations issued to our folks since that time, and confrontations with NPS Rangers on the beach have stopped.

The Naturist Action Committee is the non-profit political adjunct to The Naturist Society (TNS). NAC's nine volunteer board members are elected democratically from and by the membership of TNS. NAC is a grass roots organization that relies on the involvement and participation of individual naturists and groups at local levels.

What was accomplished by and for Friends of Ocracoke beach is a classic example of how they fight for our rights to enjoy our chosen lifestyle of nude recreation. I am a member of The Naturist Society and I will be making a donation on behalf of FOOB to their Naturist Action Committee and I would encourage you to do the same. You do not have to be a member to make a donation.

Looking forward to seeing you all on the beach over Labor Day. ”

Labor Day weekend at Ocracoke Beach closed out the season there for most beachgoers. It was marvelous. Hassle free. And nude.

WORTH NOTING

It's worth noting that NAC did not seek special exemptions. Nor did it choose to bypass Park Service authori-



Ocracoke Beach. October 2006.

PHOTO: SQUISHYRAY

ties and take the matter to the state legislature. Instead, the Naturist Action Committee addressed the matter directly with Park Service managers.

Different issues can require different solutions. NAC understands that a beach issue calls for a working dialog with beach managers.

WHAT'S NEXT?

The Naturist Action Committee and Friends of Ocracoke Beach did not simply rest after Labor Day. Continuing the productive relationship that had been established between naturists and Seashore managers, NAC's Morton followed up on his earlier offer for naturists to participate with rangers and Seashore staff in a bidirectional exchange of information and concerns. An exact date for that is pending, as is the date for a proposed beach cleanup at Ocracoke.

A “nor'easter” roared through the Outer Banks on November 22, and the powerful storm left a considerable amount of damage to Ocracoke Island and other property within Cape Hatteras National Seashore. Sadly, maintenance budgets for all Park Service units, including Cape Hatteras, have been slashed to a dangerously low level.

Recognizing its opportunity to demonstrate its value to the community, Friends of Ocracoke Beach passed the hat. The Naturist Action Committee matched the donations, and together, the local naturist group and NAC will present the Seashore with a donation totaling one thousand dollars.

Bob Morton contacted Superintendent Murray within days of the storm to make the commitment. Murray has said that a portion of the donation will be used to repair access to the beach at the ramp nearest the clothing-optional portion of Ocracoke.

This is a Beach Success Story worth celebrating!

Letters (cont'd from page 2)

Trouble for Florida?

TO THE EDITOR:

Things to watch in Florida. The new President of the Senate has appointed as majority leader, Senator Daniel Webster.

Back in the roaring 90s, Webster was Speaker of the House and during his reign we had the introduction of anti-nudity legislation. He is a strong supporter of the religious right agenda.

During that time, I was to meet with the Speaker to discuss the anti-nudity bill. The meeting was set up by the Speaker Pro Tem Morse, who was from Miami. When I got to the Speaker's office, he stated that he had to leave and I was to discuss the issue with his chief staff. The lady, her name escapes me, claimed to not be familiar with the details of the bill and asked me to remind her of the parts of the bill, that I objected to.

I took out the bill and started reading the language in the bill. The women screamed for me to stop, she was offended by my language, that she was a Southern *genteel* lady and had never heard such filth before. She ordered me from her office and threatened to call the Capitol Police if I came back.

Speaker Webster also had invited to the opening of the legislative session, a minister, who had a reputation for using the word Jesus when invited to secular events to speak, even when he was asked not to.

In his prayer, he called upon Jesus, even though there is a house rule to use only a certain type of non denominational prayer. Webster and the minister were nonapologetic.

Of course they had the 30 plus Christian Motorcycle Police Group to escort them around town and they were pretty heady at the time.

Also, for Florida Attorney General we have former US Representative McCollum. He was the US representative from Orlando during the reign of Wendell Simpson as Supt. of Canaveral National Seashore. After Simpson had over 112 people who were sunbathing at Playalinda, illegally cited for lewd and lascivious behavior, I contacted Rep. McCollum's office. His staff member told me that the Representative would support the arrest of the naturists.

Richard Mason
Miami Shores, Florida

Strange (cont'd from page 3)

Authorities in Hamilton initially charged Scott Blauvelt under the 1996 version of Ohio's public indecency, which of course doesn't mention "physical proximity." Attorney Gmoser challenged that charge, because it did not reflect the current law. The charge was dropped and then refiled, using the proper 2005 version of the law.

The case of Scott Blauvelt is a bizarre and unanticipated first test of the revised statute. The Naturist Action Committee does not specifically recommend strolling naked through the halls of one's workplace after hours. Nevertheless, the refiled charges and resulting criminal trial are of direct significance to NAC and naturists.

NAC executive director Bob Morton has been in contact with Blauvelt's defense attorney Mike Gmoser.

Hamilton authorities have announced that they will be recruiting "witnesses" from among those who may have been in the building late at night, but who never saw Blauvelt during the time he was naked. The prosecution will attempt to establish that "physical proximity" extends through walls and doors and can be applied retroactively to those who were so removed and insulated that they were completely unaware of events as they took place.

Prosecutors are hoping to circumvent the reasonable restriction of "proximity" that was approved by state lawmakers. The likely application of such thinking to the benign clothing-optional use of public land is disturbing to NAC's Morton.

"Those who simply aren't present shouldn't be allowed to claim personal affront." Morton said. "And that includes those whose 'presence' is only by remote proxy, in the form of a picture, or an image from a surveillance camera."

Blauvelt's attorney has filed for dismissal on the grounds that his client was not properly charged within 45 days, as required by Ohio law. The next hearing on the matter is set for January 29, 2007.

visit NAC's blog
www.naturistaction.org/blog

THE NEWSLETTER editor: Bob Morton

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