

# The NUDE & NEWSLETTER

NATURAL

The Naturist Society

Naturist Action Committee

Naturist Education Foundation

\$20/year

July 2007

## Success in New York

### *NAC Modifies Legislation, Protects Naturist Parks and Resorts*

ALBANY, New York — The Naturist Action Committee (NAC) has achieved a significant success in the New York legislature. Amendatory language offered by NAC has been accepted by both the State Assembly and the State Senate, accomplishing an important modification to legislation that had threatened the interests of naturists.

At specific risk from the proposed new law, as originally introduced, were family-friendly naturist and nudist parks and resorts in the state.

New York Assembly Bill 1174 and its companion, Senate Bill 224 were introduced in early January with the intent of amending the state's penal law, employment law and cultural affairs law, so that the employment of minors in sexually oriented business establishments would be prohibited.

As introduced, however, the two legislative measures were so broadly written that they would have prevented minors from working, performing or dancing at ANY location where people are nude, including all naturist parks and resorts in the state of New York.

This particular sort of New York legislation aimed at nudity and minors had its beginning seven years ago, when Assemblyman Tom Kirwan (R-Newburgh) learned that 16-year olds could legally perform nude at sexually oriented businesses that do not serve alcohol. In multiple previous sessions, Kirwan has put together legislation to establish restrictions, and he has enlisted Sen. Bill Larkin (R-Newburgh) to introduce Senate companion bills.

The Senate bills in past years (S 1188 in 2003 / 2004 and S 417 in 2005 / 2006) have been treated favorably, in

part because they have been sponsored by Republicans in the Republican-controlled New York Senate. However, as a Republican in New York's Democrat-controlled Assembly, Kirwan has been unable to move his own Assembly bills (A 11733 in 2003 / 2004 and A 1686 in 2005 / 2006).

NAC has carefully identified, analyzed, tracked and followed each of those pieces of legislation while they were active during previous years.

This year, New York Assemblywoman Aileen Gunther (D-Middletown) is the sponsor of Assembly Bill 1174. Once again, Sen. Bill Larkin has sponsored an identical companion (S 224). Both bills were introduced in the New York legislature in early January. Because Assemblywoman Gunther is a Democrat, it was clear that the legislation had a chance of passage this session. The Naturist Action Committee took action immediately.

#### NAC TAKES ACTION

Some threats are best dealt with behind the scenes, and these New York bills are good examples of that. In this instance, NAC chose not to call for the sort of grass roots action that can be so very effective in other situations.

Instead, NAC board member Morley Schloss went directly to the lawmakers who sponsored these bills.



New York Assembly Member Tom Kirwan (R-Newburgh).



New York Assembly Member Aileen Gunther (D-Middletown).



New York State Senator Bill Larkin (R-Newburgh).

See **New York** on page 2

## New York (continued from page 1)

Working intensively with legislative staff over a period of months, Schloss identified the unintended consequences of the legislative language and discussed acceptable alternatives.

As a direct result of involvement by the Naturist Action Committee and the personal persistence of Morley Schloss, both bills have been modified. On April 5, 2007, NAC formally offered new language that tightened the focus of the proposed new laws, providing protection for naturist individuals, families and groups. Also protected by the revision are naturist and nudist facilities, as well as businesses that may be used occasionally for naturist activities.

Although the language of the Senate and Assembly versions were identical, the two houses of the New York State Legislature have distinct ways of rendering bills, and they prefer different formats for amending them. To make the process painless for lawmakers, NAC carefully formatted its changes in two different ways, sending an appropriately marked-up text to each legislative house.

Both the Assembly and the Senate have accepted the revised language, exactly as NAC submitted it. Both houses have incorporated that language into their respective current versions of the bill. Senate Bill 224, as amended, has been selected as the legislation to move forward in both houses.

### MORE INFORMATION

You can access additional information on the Web site of the Naturist Action Committee.

[www.naturistaction.org](http://www.naturistaction.org)

Select "Alerts, Advisories and Updates." Under Archived Updates, you'll find the text of NAC's Advisory dated June 16, which includes links to complete texts of New York A 1174 and S 224 in their introduced and amended forms, as well as the text of NAC's proposed language and the text of New York Penal Law Section 235.20.

NAC's cover letters to legislative staff in the New York State Senate and Assembly are also included, and those offer an interesting insight into the way NAC works with lawmakers behind the scenes.

## Oregon Bill Dies ... All on Its Own

Oregon House Bill 3317 was poorly written 2007 legislation intended to redefine and punish the crime of so-called "private indecency." HB 3317 was a bill the Naturist Action Committee would surely have opposed vigorously if it had shown any signs of viability, but it was clear from the beginning that this bill was going nowhere. NAC kept a close eye on it and tracked it carefully.

Naturists didn't see anything about it earlier on the NAC Web site or in the form of a NAC Action Alert or Advisory, because NAC tries to reserve those communication tools for meaningful issues. HB 3317 was a non-starter. However, there was a flurry of questions directed to NAC concerning the status of HB 3317, so on May 27, 2007, NAC issued an Advisory concerning the bill.

The Advisory detailed how HB 3317 had officially died altogether on May 1, when it failed to advance from the committee that sponsored it.

House Bill 3317 was introduced on March 12, 2007, by the House Judiciary Committee. The measure was proposed in response to a local situation in Rainier, Oregon. An individual in that town had become known as Rainier's so-called "Naked Neighbor," because for years, he has been nude in his own back yard.

The Naked Neighbor's nudity did not contravene Oregon's current law, since he and those who have viewed him are all on private property. There were those who wanted to see the law expanded to prohibit nudity in one's own back yard. The effort died aborning.

Bills die on their own like this all the time. Many are allowed to evaporate without comment. Perhaps the most interesting phenomenon associated with this particular bill came three days after NAC issued the Advisory announcing its spontaneous demise. That was when another organization spoke up suddenly and took credit for having killed HB 3317. Support for that claim was not offered.

## 2007

### Naturist Gatherings, Festivals and Events

FOR MORE INFORMATION ON THESE AND OTHER EVENTS,  
CALL *The Naturist Society* at (800) 886-7230

- |   |   |
|---|---|
| ■ June 18-24 <b>Eastern Naturist Gathering</b><br><i>Eastover Resort, Lenox, MA</i>             | ■ July 26-29 <b>Western Naturist Gathering</b><br><i>Lupin, Los Gatos, CA</i>               |
| ■ July 9-15 <b>Nude Recreation Week</b><br><i>Throughout North America</i>                      | ■ August 7-12 <b>Northeast Naturist Festival</b><br><i>Empire Haven, Moravia, NY</i>        |
| ■ July 14-15 <b>Nude Gardening &amp; Celebration</b><br><i>Rising Sun Farm, River Falls, WI</i> | ■ August 16-19 <b>Canadian Naturist Festival</b><br><i>La Pommerie, St-Antoine-Abbe, QC</i> |

# NAC Derails Nasty Texas Legislation

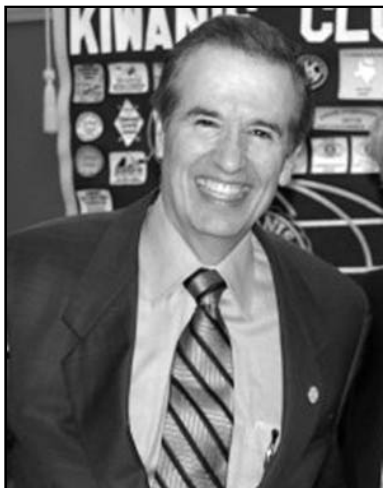
## House Bill 1466 would have added naturist/nudist resorts to the State's list of "Sexually Oriented Businesses"

AUSTIN, Texas — The Naturist Action Committee (NAC) has declared victory in the fight against a legislative bill that threatened naturists in the state of Texas.

Texas House Bill 1466 attempted statewide regulation of sexually oriented businesses. The bill's broad primary definition would have included naturist and nudist parks, camps and resorts. Any other business (like a health club or bowling alley) that might be rented or used temporarily for naturist activities could also have been defined as a sexually oriented business.

With help from NAC and NAC's professional legislative lobbyist, House Bill 1466 found itself mired in committee. The bill is dead.

Rep. Bill Zedler (R-Arlington) was the sponsor of HB 1466. Rep. Zedler has a history of sponsoring legislation that reflects his fascinated focus on regulating and criminalizing the bodies and body parts of others. As the late political commentator Molly Ivins wrote a couple of years ago, "Zedler's against pubic hair. We still have a \$10 billion deficit."



Texas State Representative Bill Zedler (R-Arlington) was the sponsor of House Bill 1466.

Despite his lawmaking eccentricities, Rep. Zedler has seen success a fair number of times with his legislation. Having been elected to the Texas legislature in 2002 with the help of money from the political action group of discredited former Congressman Tom DeLay, Rep. Zedler enjoys the faithful core support of a significant number of fellow lawmakers who came to the legislature with the same help.

The threat to naturists from House Bill 1466 was frightening and easy to understand. To the customary list of sexually oriented business definitions, HB 1466 added "any other commercial enterprise ... whose employees or customers appear in a state of nudity."

Not only would the definition have applied to every naturist and nudist park in the state, it would have included gyms, spas and pools with changing rooms.

The Naturist Action Committee took the threat of House Bill 1466 very seriously, refusing to assume that the broadness of Rep. Zedler's definition was unintentional. The legislation, had it passed intact, would have been a back breaker for naturists.

### NAC TAKES SWIFT ACTION

Immediately after House Bill 1466 was filed, the Naturist Action Committee hired a professional Texas legislative lobbyist for assistance, advice and representation. While working behind the scenes to kill the bill, NAC and its lobbyist also developed and presented revised language for HB 1466.

NAC considered it essential to assure that naturist resorts and parks in Texas would not be considered "sexually oriented businesses." At the same time, NAC saw it as equally important that other commercial venues would not be discouraged from allowing naturist usage, out of concern for being labeled as "sexually oriented businesses." The revised language that NAC developed was based on conditions of usage, and not on organizational affiliation.

On February 21, 2007, the Naturist Action Committee issued a NAC Advisory concerning House Bill 1466. The text of that Advisory is archived on the Web site of the Naturist Action Committee.

Texas House Bill 1466 is an example of legislation that can be dispatched most effectively by keeping a low profile. NAC chose not to call for the sort of grass roots action that can be so very effective in other situations.

### MORE INFORMATION

You can access additional information about Texas House Bill 1466 on the Web site of the Naturist Action Committee.

[www.naturistaction.org](http://www.naturistaction.org)

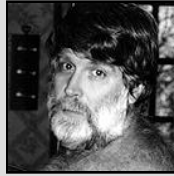
You'll find the NAC Advisories of February 21 and May 25, 2007 archived there, and each includes links to the complete text of Texas House Bill 1466.

**Visit NAC's blog**

[www.naturistaction.org/blog](http://www.naturistaction.org/blog)

## So, what you want to protect is ...

**Bob Morton**  
Chair & Executive Director  
Naturist Action Committee



A few years ago, a state lawmaker contacted me to confirm what naturists and nudists *really* wanted. A contro-versial proposed law in his state would have crippled and stigmatized nudist parks and resorts, while simul-taneously broadening the definition of "public place" and further criminalizing the nude use of public land.

The lawmaker had listened to justifiably fervent protests from resort owners, and he was trying to be responsive. "So, what you want to protect," he concluded, "is the private resorts, and let the public lands issue go."

"NO," I responded with the most most forceful tone the situation would allow. I explained the importance naturists place on fair and legal access to public lands for responsible clothing-optional recreational use.

A week later, the same lawmaker contacted me to review his revised understanding of the situation. "So, you want to protect your opportunity to use public land," he said, "and you don't care if nudist resorts are labeled as sexually oriented businesses."

I surely hope you've guessed that my response was an equally vigorous "NO." NAC does not sacrifice private resorts for public lands - *or vice versa*. By the way, the proposed law was stopped. All of it.

The Naturist Society, and by extension its political adjunct, the Naturist Action Committee, cut their teeth on issues involving nudity on public lands. We are the acknowledged experts. With that in mind, I'd like to point out articles about New York and Texas that appear in this very issue of the *Newsletter*. In both of those instances, the threat was to private nudist resorts, and not at all to nudity on public land.

And yet, among national naturist and nudist organizations, it was NAC alone that took on the challenges in New York and Texas. And NAC won in both places.

So, what do we want to protect?

## Ohio Passes Strip Club Bill Motion Picture group opposes exemption

COLUMBUS, Ohio — The Ohio legislature has passed Senate Bill 16, a measure that applies major restrictions to strip clubs, including reduced operating hours and access to entertainers. Although the measure has no direct application to naturists, the Naturist Action Committee has monitored it carefully throughout its time in the legislature.

The bill was the product of an initiative sponsored by Phil Burress of Citizens for Community Values (CCV), a religious-based Cincinnati organization that has been responsible in past years for anti-nudity legislation that would have had enormous negative impacts on naturists.

Also watching SB 16 closely has been the Motion Picture Association of America. In the language of the Ohio bill, the definition of "sexually oriented business," specifically "*does not include a business solely by reason of its showing, selling, or renting materials rated NC-17 or R by the Motion Picture Association of America.*"

MPAA, which has a history of protecting its voluntary movie rating system, vigorously objects to the exemption. According to MPAA lobbyist Vans Stevenson, the association never wishes to see its rating system appear in the law.

"You can't incorporate a private trade association's voluntary rating system into law and make it a legal standard," said Stevenson, who was quoted by the Columbus *Dispatch* in a copyrighted article by reporter Jim Seigel. "It would be comparable to letting the NRA have their standards for gun laws."

MPAA has sent a memo to Ohio Governor Ted Strickland, protesting the exemption and citing numerous court cases in support of its position. Unsurprisingly, lawyers for CCV have said they favor the inclusion in state laws of such exemptions for private associations.

Standing firm in his stance that the unwanted exclusion must be pinned on the movie association, CCV President Phil Burress made it clear that he does not wish the exemption to be seen as favorable treatment for the association or its members.

"The association between the pornography industry and the MPAA is well known," said Burress, a self-described "recovering pornography addict."

### THE NEWSLETTER editor: Bob Morton

The NEWSLETTER (ISBN No. 1075-735X) is published monthly by the Naturist Action Committee, The Naturist Education Foundation and The Naturist Society, P.O. Box 132, Oshkosh, WI 54903. Entire contents copyright ©2007. Published items may be reprinted only with prior written permission. We welcome submissions for publication and will print such items based on their acceptability, timeliness and space availability. We reserve the right to edit items sent to us and we usually cannot return materials we receive. Obtain an annual subscription by donating at least \$20 to NAC or NEF today. Your financial assistance is vital! Visa / Mastercard donations accepted at (800) 886-7230, or you may donate online through the NAC web page: [www.naturistaction.org](http://www.naturistaction.org)