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New World Naked Bike Ride Documentary has Public Smiling

Can public nudity be presented as innocuous fun in the context of political comment?

A naked man runs past on a city park trail, his arms flaying wildly, his head looking back at the female police officer chasing him with baton waiving menacingly. Moments later, he's running back along the same path, this time in the opposite direction, the officer still in hot pursuit. A handful of people observe the scene, carefully staying out of the way, and whisper to each other, "Boy, that looks like fun."

Welcome to the world of Conrad Schmit, chief architect of the World Naked Bike Ride (WNBR), and the creator of an upcoming video documenting the international phenomenon: *World Naked Bike Ride—The Movie*. WNBR is going into its third year of lighthearted, colorful naked bike-riding this June. The ride is part protest against oil-dependency, and part celebration of the inherent goodness of the human body. Rides with anywhere from 2 to 300 naked or nearly-naked people have emerged in cities ranging all over the globe.

Schmit is now well known in his own Vancouver, British Columbia, and beyond as a energetic activist who can walk up to near-strangers and get them to do the wildest things to advance a good in society. His indefatigable enthusiasm has helped move the WNBR into an international event worthy of its name. He's using that same enthusiasm to craft a humorous documentary on the ride.

"The plan for the movie," Schmit told Naturist Action Committee board member Mark Storey, "is that we will travel to as many cities as possible that host a local WNBR and interview the organizers. We will also be conscripting them into acting out a number of humorous scripts that we have written for them."

In April 2006, Schmit met to do just that with Seattle's main WNBR organizer, Daniel Johnson. Schmit, his friend Chantal Morin, and Johnson met at Storey's house one Sunday on a sunny mid-afternoon. Within five minutes of

general introductions, Schmit informed the group that he had a two-minute skit he wanted to film in Seattle. Johnson and Morin would play nude roles, and Storey would help out, in part by finding an open space nearby for the filming. Of course, they would need to rent a police uniform on the way to the site.

Storey explained that given the usual cloudy muck Seattleites refer to as "weather" had that day opened up to see *WNBR Documentary* on page 2



A scene from last year's WNBR event in Seattle.

WNBR Documentary (cont'd from page 1)

sunshine for the first time in weeks, every open public space would be filled to capacity with people wandering about aimlessly, staring up into the sky, and wondering what the big, bright yellow thing was. Schmit was undaunted, and convinced the group that they could quickly find the needed uniform, and that Storey could select a place for some naked filming.



PHOTO: MARK STOREY

Daniel Johnson, Chantal Morin and Conrad Schmit pause in a Seattle public park after a strenuous chase scene.

A quick look into the phone book and one phone call later, Johnson pinned down a uniform at a theatrical costume rental shop nearby. The foursome picked up the uniform on the way to a city park Storey thought might be usable. The park, however, had scores of people on Sunday strolls. Every corner Storey knew to be usually quiet had every stripe of Seattleite slowly sauntering by.

After spending nearly an hour looking for seclusion, Schmit decided to just film the skit anyway, arguing that playful public nudity rarely bothers people, and that most would probably get a kick out of it.

Johnson was to play the role of a good-natured streaker with Morin playing a cop in hot pursuit. Johnson would eventually run past a sign announcing the WNBR, and both would stop to check it out. The officer, of course, comes to realize that the nudity thing is not such a bad idea. Storey stayed out of view of the camera holding clothes and watching for people who might inadvertently step into the scene.

The skit runs for only about 90 seconds, but took well over an hour to film. It will be part of what's shaping up to be an entertaining video argument for and documentary of the

World Naked Bike Ride. What few viewers may ever get to understand, however, is the fun behind the making of the film.

Storey was happy to go along with Schmit's plans for the Sunday afternoon, but was hesitant about filming nude before so many people. He admitted afterwards that his initial concern was unwarranted. "Everyone just stood back, watched, and saw the humor in the chase scene," he said. "A couple folks took pictures and waved at us; others figured we were just doing a slapstick indie film for school. I think Schmit's advice to Morin and Johnson to overemphasize their bodily motions in the chase made clear that this was all in good-natured satirical fun."

Schmit and his team hung around for nearly an hour after the first nude shooting to re-film the sequence, to set up the next shot, and to discuss how best to orient Morin and Johnson as they read the WNBR sign. No one complained to the group; and if anyone phoned the authorities, none came to see what was going on.

Seattle is not Topeka, and the rain-soddened folks may have been too dazzled by the day's sun to notice anything else unusual, but it looks like the general run of people are more open to the sight of human bodies—at least in a comic and artistically creative context—than many think.

Schmit has posted low and high resolution versions of a trailer for the upcoming *World Naked Bike Ride—The Movie* at www.worldnakedbikeride.org/movie/movie.htm.

For information on WNBR, also see *N* magazine 25.1 and wnbr.virishi.net/index.php?title=Main_Page.

2006

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Topfree Cases Leave Unresolved Issues

Nurtists are far from being of one mind concerning topfree issues for women. Some see the selective criminalization of female breasts strictly as a matter of women's rights, and not a nurtist issue at all. Adding to the confusion, one national nudist organization has offered itself as an authority on "topless beaches," but has historically refused to become involved in topfree cases, saying repeatedly that bare breasts are "not nude enough" to be considered nudity.

Meanwhile, several state and local jurisdictions have laws that certainly do include uncovered female chests in their definitions of nudity. And even in those places that don't specifically ban breasts, police, prosecutors, and even some judges, assume too often that the public exposure of female breasts constitutes "public indecency," "exposure of a person," "disorderly conduct," or some other crime.

The Nurtist Action Committee sees topfree issues for women as having to do with what NAC has called "incremental body acceptance." Attorney and NAC board member Allen Baylis examines the unsettling ramifications of a couple of recent cases.

by **Allen Baylis**
NAC board member

Two cases involving the arrests of topfree women, one in Moravia, New York, and the other in Sacramento, California, have resulted in all charges being dismissed in both cases. While this is good news for the women involved and a boost to topfree rights, there are still unresolved issues that run deeper than the failure in the government's ability to prosecute the defendants.

The case of the "Moravia Topfree 4" was reported in the October 2005 edition of the *Newsletter*. As predicted, the charges against the four women arrested on August 11, 2005 in Moravia, New York, were dismissed.

However, the District Attorney did not believe that the women have the same right to expose their breasts as men do under New York's *Santorelli* decision. Instead, the DA stated that the dismissal was the result of the prosecution's lack of evidence to prove that the presence of topfree women interfered with commerce, i.e. the collection of sales tax.

The DA asserts that the discriminatory criminalization of female breasts is constitutional, and justified by the fact that the presence topfree

women may cause potential customers to avoid shopping in the town. The DA has said that even though the charges were dismissed in this case, it cannot be deemed safe for women to go topfree in the town of Moravia, New York. If they do, they can expect to be harassed or arrested based on their "interference with commerce."



Moravia, New York, 2005.

However, the United States Supreme Court has stated in several cases that parties who seek to defend gender-based government action must demonstrate an "exceedingly persuasive justification" for the discriminatory action; that the action was taken to support important government objectives; and that the discriminatory means employed are substantially related to the achievement of those objectives.

Is the fact that some person may chose not to shop at particular store due to the presence of a topfree woman an "exceedingly persuasive justification" so as to permit the imposition of criminal sanction against topfree women but not men? Is the prohibition of female breast exposure substantially related to the collection of sales tax? In order to constitutionally prohibit female breast exposure on his "interference with commerce" theory, the Moravia DA would have to prove to a reviewing court that the answers to these questions is in the affirmative.

Had the Cayuga County DA conceded the fact that women have the same rights as men regarding topfreedom, and dismissed the charges on that



Sacramento, California, 2005.

see **Topfree** on page 4



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Topfree (continued from page 3)

basis, it's likely that the parties would have moved on, and we would have heard the last of this case. However, given the remaining threat, the women have announced their intention to sue the municipalities involved in the case.

The purpose of this suit is to make the point that the discriminatory treatment of the topfree women was not justified in these circumstances under any theory, much less on the basis of interference with the collection of sales tax.

In California, a similar situation arose, albeit with a significant first amendment issue intertwined. On November 7, 2005 two women Sherry Glaser and Renée Love were arrested during a "Breasts Not Bombs" protest on the steps of the California Capitol building. They were charged with indecent exposure in violation of California Penal Code section 314.1, lewd conduct in violation of Penal Code section 647(a), and violation of a California Highway Patrol regulation on state property. This, is in spite of the fact that California state law does not actually prohibit exposure of the female breast.

Interestingly, Breasts Not Bombs had gone to federal court on November 4, 2005, seeking a restraining order against the CHP to prevent them from arresting topfree women during the protest. That was in response to threats made by CHP commissioner Mike Brown and other CHP officers insinuating that topfree women would be charged under the referenced Penal Codes, and if convicted, would have to register as sex offenders. Federal Judge Garland E. Burnell Jr. found that if the protesters exposed their breasts, it would not be protected free speech under the First Amendment.

As the event progressed, Glaser, Love and some other protesters of both genders removed their shirts. However only Glaser and Love were arrested. The other shirtless protesters were either male, or had tape or political buttons covering strategic portions of their breasts. Newspapers and national

broadcast TV news programs covered the entire scene extensively. During the protest, California State Senator Gloria Romero (D-Los Angeles) was present and expressed her outrage that women could be arrested and made to register as sex offenders for simply exposing their breasts.

Later, Sen. Romero suggested that she would introduce legislation intended to eliminate the discriminatory application of state law. This statement sparked letters to Senator Romero supporting such legislation. Knowing that such an effort could be counterproductive, NAC issued an Advisory requesting that naturists NOT to contact Sen. Romero until more detail is known about the legislation she's considering.

A mere one week later, on November 15, the Sacramento District Attorney's office sent a letter to the CHP stating that they would not proceed with prosecution of the Glaser and Love on any of the charges. The reason cited for not prosecuting the women was simple; they had broken no laws!

Again, while the DA's refusal to prosecute is good news for the women arrested in Sacramento, the fact that the charges were dropped, and why, received practically no media attention. What we are left with is millions of people who read the newspaper reports and saw the TV news laboring under the mistaken belief that if a woman publicly exposes her breasts in California, she can be charged, convicted and made to register as a sex offender. However, it should also be noted that many cities and counties in California have enacted anti-nudity ordinances that do prohibit exposure of the female breast. Violation of these ordinances are not violations of state law, and do not trigger sex offender registration.

These two cases illustrate the sad fact that those whom we trust to enforce the law often don't understand the laws themselves. As a result, especially in the case of topfree rights, women are illegally harassed and charged with crimes that they did not commit. In many areas of the country, women have the legal right to be topfree, just as men do; but it's clear that those rights cannot be exercised without the threat of discriminatory law enforcement.

NAC Area Rep Testifies as Nude Beach Expert

Rooster Rock testimony improves officials' understanding of nurtists

by **Bob Morton**
Executive Director
Nurtist Action Committee

PORTLAND, Oregon — Nurtist Action Committee Area Representative Don Zirbel was called in April to give background testimony in a case involving Rooster Rock State Park. The park, located east of Portland, is home to a traditional and officially recognized clothing optional beach on the Columbia River.

Don is founder of the Oregon Clothing-Optional Beach Alliance (ORCOBA), a local nonprofit advocacy organization whose members have established themselves as the nurtist stewards for Rooster Rock and for Collins Beach, a clothing-optional site on Sauvie Island, west of Portland.

The case was the trial of Chad Blazejewski, who had been charged with public indecency for an incident that took place on August 21, 2005, some 200 yards beyond the recognized boundary of the clothing-optional area at Rooster Rock. Blazejewski's girlfriend, Laci Barnes, had been tried last fall in the court of Multnomah County Circuit Judge Henry Kantor, who had found her to be guilty.

Don had no independent knowledge of the incident and was not asked specific questions about it. Instead, he was asked to paint a picture for the court about the concept of nurtism, including acceptable and appropriate conduct as it applies to social nude recreation. Don was also asked about his duties as a NAC Area Rep, and as the founder of ORCOBA. He was questioned about the local nurtist community's general perception and opinion of Rooster Rock as a nude beach.

Don provided the court with general definitions of nudism and nurtism, identifying The Nurtist Society as having established the standard model for North American beach conduct, including the ideals of body acceptance and self-esteem.

Multnomah County Circuit Judge Nelly Johnson presided over the trial. She expressed interest in learning about organized nurtism, and she asked Zirbel to describe standard nude beach etiquette, as well as to outline various activities that nurtists consider appropriate and inappropriate.

The judge also asked about ORCOBA's activities at Collins Beach and Rooster Rock, and how the group responds to various degrees of inappropriate behavior at both places. Specifically concerning displays of affection, Don testified that anything considered socially acceptable in a clothed public setting was customarily equally appropriate for a nurtist setting.



Don Zirbel and his wife, Peggy. Both have devoted a great deal of time and energy to Oregon's clothing-optional beaches.

The court asked about changing conditions over the years at Rooster Rock, including the ebb and flow of inappropriate activity. Don attributed a portion of the problem to misinformation concerning proper behavior at clothing-optional beaches. Zirbel, who is knowledgeable and active online, singled out the Internet, noting that its users are too often misled by titillating sexual descriptions that are improperly attached to nudism.

Don used his time on the witness stand to touch on the important matter of informational signage as a way to avoid user conflict at a clothing-optional site. He noted that through no fault of the park staff, signage at Rooster Rock is less than adequate. Placing and maintaining proper signage at the park is made more difficult by the presence of numerous serpentine trails and by the ever-changing water level of the Columbia.

Though Zirbel had been called as a witness by the defense, his role was to describe nurtists and the relationship they have with clothing-optional sites in general and the clothing-optional portion of Rooster Rock specifically.

On cross examination, the prosecution didn't grill Zirbel much at all. In fact, during a recess the prosecutor asked if he would be willing to talk to her about nurtism at a later date, just to help her office understand more about it.

On April 24, Judge Johnson declared Chad Blazejewski to be not guilty of the charges. Judge Kantor had been monitoring Blazejewski's trial, and in a startling development, he reversed his decision on Laci Barnes, clearing her of the charge on which he had previously found her to be guilty.

Don Zirbel called it "an appropriate win for this young couple." But on a larger scale, because of Don's thoughtful testimony, all nurtists emerged as winners.

Watson Wash Hot Well Closed

After Years of Problems, BLM Destroys Tub, Caps Leaky Well

SAFFORD, Arizona — By destroying a resource it could not properly manage, the U.S. Bureau of Land Management (BLM) believes it has finally resolved its problem at Watson Wash on the Gila River in southeastern Arizona.

Assistant Field Manager Tom Schnell of BLM's Safford Field Office announced on May 25 the completion of an Emergency Closure that included destruction of a concrete and rock soaking tub and the capping of the leaky well that fed it. The public was given no advance notice of the action.

Enjoyed for years by naturists, the main attraction of the site was man-made. Hot water began leaking from an abandoned natural gas well drilled years ago on land that later came to be owned by BLM. The salty water flowed down the wash, and someone built an unauthorized stone tub to catch some of the runoff.

As reported by the *Newsletter* in October, 2000, one of the early reasons given for remedial action at the site was that the casing of the 70-year old well had lost its integrity. Brackish water from somewhere in its 2,165 foot depth was not only spilling into the already salty Gila, it was contaminating the water in nearby wells. The simple capping done by BLM in May solved



The soaking tub at Watson Wash, as it appeared circa 1999.

PHOTO: BLM

the surface runoff problem for a while, but it did nothing whatsoever to address the downhole communication.

Although the site was well known to naturists, the number of naturists actually using it in recent years had dwindled to a trickle. Filling the void were users of a much different sort, and their unruly, violent and destructive, behavior had drawn the wrath of the community. More than one murder had been recorded there in recent years, and locals blamed the site.

In the late 1990s, BLM officials had created a "community-based partnership" committee that was tasked with endorsing one of four predigested alternatives for the Watson Wash site.

The four choices were:

1) **Recreation Development** — develop the site for recreation, but with a ban on nudity.

2) **Commercial Use** — Remove the tub to remove nudity. Lease or sell the site for commercial use.

3) **Water Quality Improvement** — Plug the well, remove the tub.

4) **No Action.** Leave the tub and the well, but assign additional enforcement officers to patrol the site

After years of meetings, the partnership committee could not settle on a recommendation. That may sound closest to alternative number 4, but BLM took it to mean they were free to choose. They chose number 3, which had been their preference all along.

In the end, an outraged community demanded that the site be closed. It had everything to do with violence and BLM's inability to manage the resource. It had little to do with nudity, but the people who once soaked nude at Watson Wash will surely miss it most.

THE NEWSLETTER editor: Bob Morton

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