New York City, New York – On July 7, 1992, the Court of Appeals of the State of New York issued an opinion that has been applauded for two decades now by those who care about issues of gender equality, women’s rights and body acceptance.

The state law that was modified by the twenty year old ruling is New York State Penal Law section 245.01, which defines and prohibits exposure of a person. Specifically, it says females are forbidden to bare what the statute describes as “that portion of the breast which is below the top of the areola.” The law does not similarly restrict males.

The statute still exists on the books, but its interpretation and legal effect have been significantly modified since 1992, as the result of a carefully crafted legal challenge that originated in Rochester, NY. That challenge became “The People of the State of New York v. Ramona Santorelli and Mary Lou Schloss,” and it was decided by the Court of Appeals of New York, the state’s highest court. The court determined that section 245.01 does not apply to non-lewd, non-commercial public exposure of the female breast.

In his concurrence on Santorelli, the late Court of Appeals Judge Vito Titone wrote the State had “offered nothing to justify a law that discriminates against women by prohibiting them from removing their tops and exposing their bare chests in public as men are routinely permitted to do.”

Judge Titone continued: “The mere fact that the statute’s aim is the protection of ‘public sensibilities’ is not sufficient to satisfy the state’s burden of showing an ‘exceedingly persuasive justification’ for a classification that expressly discriminates on the basis of sex.”

Law enforcement agents have not always honored the ruling of the court in the Santorelli case.

In 2005, 25-year old Jill Coccaro (aka Phoenix Feeley) was topfree on Delancey Street in New York City. She was arrested and held for twelve hours. Coccaro subsequently sued the NYPD and received a $29,000 settlement in 2007.

PHOTO: BH

In a scene that’s uncomfortably reminiscent of illustrations from “True Crime” magazines of the mid 20th Century, Moira Johnston is handcuffed on a sidewalk of New York City, while a policeman attempts to force a tee shirt down over her bare torso.
Topfree
continued from page 1

Also in 2005, four topfree women who were part of a small group that ventured into the Village of Moravia for ice cream have found themselves retesting the state's law that forbids "exposure of a person." Moravia is a village of about 1,600 people in the Finger Lakes region of New York, located 25 miles southeast of the Women’s Rights National Historical Park in Seneca Falls.

The four women, Barb Crumb, Carol Clarke, Madeleine McPherson and Claudia Kellersch, were among several in the mixed-gender group who were bare-chested for the afternoon outing on August 11. At the time, both Crumb and Kellersch were Area Representatives of the Naturist Action Committee.

Units of the Town Police, the Village Police and the Cayuga County Sheriff's Department were summoned to the scene, where police officers and sheriff’s deputies alike ignored the topfree men in the group. The enforcement authorities focused on the women, but they were split on how to deal with them. While the Village police were telling the women they were free to go, the County deputies were preventing them from leaving.

In the end, the County deputies arrested the four women under the state’s statute, handcuffing them at the scene and placing them in patrol cars for the trip to the Cayuga County jail, where they were fingerprinted, forced to sit for mug shots, and were held in a conference room for arraignment.

Exposure of a person is a violation that carries a maximum penalty of a $250 fine and 15 days in jail. The four women were eventually released almost six hours later on bail of $250 each. All charges against each of the women were ultimately dismissed. An effort to sue the authorities for damages was unsuccessful.

On May 16, 2012, 29-year old Moira Johnston was topfree in New York City. She was handcuffed by police, detained and taken to a police station, where she was released an hour later.

Familiar New York City topfree figure Holly Van Voast (aka Harvey Van Toast) was celebrating this year’s twentieth anniversary of the Santorelli ruling on July 7 outside a Hooter’s restaurant in NYC. Police were summoned and the topfree Ms. Van Voast was summarily whisked away by ambulance for a mental evaluation because, after all, women who bare their chests are emotionally disturbed. What a way to cap a celebration of legal topfreedom.

So, after twenty years, topfreedom for New York women is an established right. Right?

More information: Topfree Equal Rights Association
www.tera.ca

Three declare candidacy for boards of NAC and NEF

OSHKOSH, Wisconsin – Three veteran naturist activists have declared their candidacy for the three available positions on the board of directors of the Naturist Action Committee. Dick Springer of Maine, Don Zirbel of Oregon and Mark Storey of Washington, are presently serving on the volunteer board. Each will serve another 3-year term. Since the number of vacancies matches the number of qualified applicants and write-ins are not allowed, no election is necessary. By bylaw, directors of NAC are also directors of the Naturist Education Foundation.
The Goddess of Ceremonies Says: “Please Give to NAC!”

POYNTELLE, Pennsylvania – Veteran Eastern Naturist Gathering Star Search emcee Bob Smith was either a) in Europe, or b) lost somewhere near Utica, New York. The situation called for bravery. Rising to meet the challenge, while setting aside her chronic and painful personal shyness, Kath Rooney declared herself to be Goddess of Ceremonies, and the show went on! To the delight of the Gathering audience in the field house at Camp Westmont (and to the tune of “Them There Eyes”), she belted out a plea for support of the Naturist Action Committee.

Give to NAC

If you’re a naturist,
Or just a plain nudist - Give to NAC
We’ve given them our trust,
funding their work’s a must – Give to NAC.
We need them
They need us,
We are a team.
At sea shore, in city,
We want clothing optionality.
Bob Morton has the knack
to keep our laws on track – Give to NAC
We need them working round the clock
Bad laws to block.
Bare breasted, law muddled,
NAC can get you out of whole lots of trouble
Courts are congested,
for help when arrested, please Give to NAC.

How to give to NAC
By mail: NAC, P.O. Box 132, Oshkosh, WI 54903
Toll free phone: (800) 886-7230 M-F 9A-5P central
Online: www.naturistaction.org/donate

What’s the tune?

Them There Eyes by Maceo Pinkard, Doris Tauber, and William Tracey. As the Goddess herself says, it was “written in 1930 and sung by just about everybody since then.” Use the QR and your smart-phone to link to a rendition by Billie Holiday.
California Governmental Scandal Impacts Naturists

by Bob Morton
Executive Director
Naturist Action Committee

SACRAMENTO, California – A developing scandal involving the top management of the California State Department of Parks and Recreation (DPR) has created fallout that is significant for naturists.

SCANDAL, RESIGNATION, FIRING

In a time of severe budget austerity and plans for the closure of as many as seventy state parks because of a shortage of operating funds, the California Department of Parks and Recreation was found this past week to be sitting on a hidden fund that amounted to nearly $54 million in two accounts. To establish perspective, we note that the amount needed to keep all state parks open had been estimated to be $22 million, less than half the hidden stash.

The news comes at a time in which state lawmakers are considering increasing taxes on citizens for a DPR bailout and local groups are having bake sales to keep their nearby parks from having to close.

In the immediate wake of the scandal, DPR Director Ruth Coleman resigned her position. Acting chief deputy director Michael Harris, Coleman’s second in command, was fired.

In her letter of resignation Friday to California Governor Jerry Brown, Coleman claims that she was unaware of the unreported surplus, which she characterized as “an excessive balance.”

ANALYSIS

During her 12 year tenure as the Director of the Department of Parks and Recreation, Ruth Coleman did not make herself easily available to naturist and nudist groups or leaders. However, in a focused effort to negotiate in good faith with the Department in the context of the San Onofre State Beach situation and other matters, NAC has met in recent years with Director Coleman formally in her Sacramento office and informally on other occasions. Coleman has participated in a number of one-on-one phone conversations with NAC Executive Director Bob Morton, and she has initiated several of those calls, herself. NAC has enjoyed an access to the Director that was not accomplished by others.

From this perspective, conclusions regarding former Director Coleman’s management style have become apparent. Coleman was not a “hands-on” director. She relied on others to establish policy for her. For example, Ruth Coleman did not originate the directive she signed in 2008 that abrogated the long-standing Cahill Policy at San Onofre State Beach. That memo was written by local park superintendent Rich Haydon, who had been in his position for all of two weeks. Haydon was unfamiliar with the policy or its history. Indeed, in referring to former DPR Director Russell Cahill, the author of the eponymous policy, Haydon’s memo identified him as “William Cahill.”

Ruth Coleman too frequently accepted what her underlings told her, even when it was obviously wrong. A Department lawyer advised Coleman, for example, that park employees at a state-operated clothing-optional beach could sue her department for sexual harassment because of the nude beachgoers. That legal opinion was baseless, but it was a view Coleman came to hold strongly.

Throughout DPR’s relentless crusade against clothing-optional areas in state parks since 2008, Anthony I. “Tony” Perez, Deputy Director of Park Operations, has been a powerful and vigorous adversary of nude recreation. Documents uncovered by NAC through California’s Public Records processes have shown that Perez has regularly and surreptitiously intercepted naturist and nudist communication intended for Director Coleman. Representatives from the American Association for Nude Recreation have dealt with Perez, but they have never been allowed to meet with Ruth Coleman.

NAC’s observation of Coleman’s unquestioning reliance on the poor advice and faulty reporting of those who worked for her tends to offer awkward support for her contention that she was unaware of the funds that had gone unreported through her entire tenure. Regardless, her defective management style does not excuse the blunder.

A RETIREMENT UNREPORTED IN THE MEDIA, BUT OF IMPORTANCE TO NATURISTS

The existence of irregularities began coming to light when auditors found evidence of unauthorized vacation buyouts among DPR headquarters personnel as far back as 2004. The conversion of unused vacation hours into a cash...
payment is not typically permitted for state employees during times of budget shortfalls. Probing the vacation scheme through its own Public Records Act requests, the *Sacramento Bee* forced the issue in recent weeks and uncovered the hidden funds.

Deputy Director Manuel Lopez received more than $20,000 in unauthorized and improperly reported vacation buyout cash. The total involved in the dollars-for-vacation-hours scheme has been estimated to be more than $270,000. Lopez was demoted in October, 2011, and he resigned in May of this year.

As the scandal continued to unfold, DPR Deputy Director Tony Perez quietly retired late last month. No presently existing allegation connects Perez to any of the departmental improprieties. Regardless, the departure of Perez may be seen as more directly significant for naturists than the resignation of Coleman.

**THIS DOES NOT SIGNAL A RETURN TO THE CAHILL POLICY**

Governor Brown has appointed Natural Resources Agency Undersecretary Janelle Beland to be the acting director of the Department of Parks and Recreation. Beyond the obvious tasks of caretaking and cooperating with the inevitable investigations, it is unlikely that Beland will propose any new initiatives in the near future.

A great deal of dust will have to settle before the affected state agencies are able to move forward effectively. Naturists, who are understandably eager to read instant change into recent events, are encouraged to temper enthusiasm with wisdom.

Ultimately, resurrection of the familiar Cahill Policy as a management tool for clothing-optional beaches is unlikely. An appellate court has ruled that Cahill was never properly installed, even though it worked reasonably well for close to 30 years. Other long term solutions are more attractive and viable.

**WHAT WILL NATURISTS DO?**

Two years ago, the Naturist Action Committee developed a formal petition requesting the setting aside of portions of State Park units for clothing-optional recreation. The petition was submitted not only to the State Department of Parks and Recreation, but also to the California Park and Recreation Commission and to the State Natural Resources Agency. Many naturist and nudist clubs, resorts and organizations with California interests joined NAC in signing the document. Others were offered the chance to sign, but elected not to do so.

When the time is right, NAC will be submitting the petition again with the sincere hope that this time, AANR and AANR-West will choose to sign it, too.

What else will be different this time? Well, we won’t have the DPR Director telling the Park and Rec Commission that there’s just no money to allow the Department to be responsive to the 62% of California adults who believe “the California Department of Parks and Recreation should exercise the legal authority it has to designate clothing-optional areas in state parks.” [Source: 2009 NEF California Poll.]

**WATCH FOR INFORMATION FROM NAC**

Watch for NAC Action Alerts, Advisories and Updates on this and other important issues affecting naturists.

**PLEASE HELP NAC TO CONTINUE HELPING NATURISTS!**

The Naturist Action Committee remains committed to issues of body freedom. Activism on behalf of naturists is expensive, and NAC relies entirely on the voluntary financial support of people like YOU.

Won’t you please send a generous donation to:

**NAC**
**PO Box 132**
**Oshkosh, WI 54903**

Or call toll free (800) 886-7230 (8AM-4PM, Central Time, weekdays) to donate by phone using your MasterCard, Visa or Discover Card. Or use your credit card to make a convenient online donation: www.naturistaction.org/donate/

Thank you once again for choosing to make a difference.

**UPDATE**

This article is based largely on a NAC Advisory that was issued July 22, 2012. Since that time, the following important events have taken place:

DPR’s head lawyer, Ann Malcolm, has suddenly resigned. No replacement has been designated.

Ronilee Clark has been named to be Acting Deputy Director of Operations to replace the retired Tony Perez. As chief of DPR’s southern division, Clark is quite familiar with Torrey Pines State Park. A portion of Torrey Pines is popularly known as Black’s Beach and has been the site of clothing-optional recreation for decades.
Lloyd H. Olson

ROLLING HILLS, California – Lloyd Olson, an avid supporter of naturist causes, died of congestive heart failure at the age of 94 at his home in Rolling Hills, California, on January 8, 2012. He is survived by Elizabeth, his wife of 65 years, and also by his children, Nancy (Mark) Aston, Larry (Adrienne), Lindsay (Anita) and Judy (Tom) Calvy, and by eight grandchildren.

Following his service in the U.S. Navy during World War II, Lloyd made his fortune in the lumber business, starting Crenshaw Lumber Company in 1949. He retired in the mid 1980s, but he remained as Chairman the Board, while his two sons operated the business.

Lloyd was an unabashed naturist and a generous benefactor for The Naturist Society, the Naturist Action Committee and the Naturist Education Foundation. Notably, he underwrote the bulk of the expense for the NEF video, Chasing the Sun, for which he is credited as executive producer. One of the major goals of the video was that it could be something Lloyd could show the members of his Kiwanis Club, so they would have a glimpse into the naturist activities he enjoyed. Lloyd’s on-camera role in the video was a proud statement to his non-naturist friends.

Lloyd Olson’s interests were as varied as his skills. He was a snow skier and SCUBA diver. He was formidable on a tennis court and he enjoyed playing the piano. Perhaps most impressive to his naturist friends is the fact that well into his ninth decade of life, Lloyd took the hard way up and down the cliff to Black’s Beach!