

The NUDE & NATURAL Newsletter

Go barefoot all over!

Naturists Petition California Parks Department to Designate Clothing-Optional Areas

Bob Morton, Chair of the Naturist Action Committee

The Naturist Action Committee has formally asked the California Department of Parks and Recreation to designate areas for clothing-optional recreation in specified units of the State Park system.

Under existing regulations (California Code of Regulations, Title 14, Section 4322), the California Department of Parks and Recreation (DPR) already has the authority to designate clothing-optional areas in units of the State Parks system. Through a petition that has been delivered to the Parks Department, the Naturist Action Committee (NAC) has formally and specifically requested the Parks Department to make the designations it is presently allowed, by law, to make.

NAC invited California naturist and nudist clubs, groups and organizations to sign a formal petition requesting designation at State Park units throughout the state. The following sixteen signatories appear on the petition:

Naturist Action Committee, Friends of San Onofre Beach, BeachFront U.S.A., Black's Beach Bares, Friends of Gaviota, San Diego Camping



Baker Beach.

Bares, Bay Area Naturists, Clothes Free International, Southern California Naturist Association, Whales Cave Conservancy, Naturists in the OC, Laguna del Sol, Nude Beach Alliance, Living Waters Spa, Naked Volleyball, Central Coast Naturists

Among those whom NAC asked to sign the petition were the American Association for Nude Recreation and its regional affiliate, AANR-West. AANR has said publicly that it supports clothing-optional recreation in

places that are officially set aside for that purpose. The petition asks specifically for the official setting aside of appropriate areas for clothing-optional recreation in California State Parks. Regardless, AANR and AANR-West both refused to sign. Neither has offered an explanation.

THE PETITION

The petition reminds the California Department of Parks and Recreation of its existing authority to set

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aside areas in State Park units for nude recreation. Using the Department's own documents and publications to justify the request, NAC and its partners call attention to the fact that the published mission of the California Department of Parks and Recreation includes "creating opportunities for high-quality outdoor recreation."

NAC augmented the submitted petition with exhibits, including a California-specific public opinion poll published just last year. The Naturist Education Foundation commissioned Zogby International, a reputable independent polling organization, to conduct the 2009 NEF California Poll. In that statistically significant survey:

79 percent of Californians AGREED that "people should be able to enjoy nude sunbathing on a beach or other location that is designated for that purpose."

70 percent AGREED that "areas should be set aside for people who enjoy clothing-optional recreation such as nude sunbathing and swimming."

62 percent AGREED that "the California Department of Parks and Recreation should exercise the legal authority it has to designate clothing-optional areas in state parks."

For the complete text of the petition and details of the publications, documents, and public opinion polls that make up the impressive list of exhibits, go to: <http://www.naturistaction.org/ca.petition>.

A BRIEF REVIEW

For thirty years, the Department's Cahill Policy allowed DPR a means to manage for clothing-optional recreation in units of the State Park system. The policy had been the centerpiece of judicial ruling, and affirmation of

Cahill had been included in public correspondence from DPR officialdom. Nevertheless, in May, 2008, DPR suddenly announced that *Cahill* would no longer apply to San Onofre State Beach, a portion of which has been used clothing-optionally for decades.

The Naturist Action Committee and Friends of San Onofre Beach filed a lawsuit against DPR, seeking to have the Department follow state law for the removal of existing regulations. The challenge was necessary. If Cahill could be abrogated at *any* California State Park, it could be taken away from *all* of them. The Superior Court agreed with NAC and ruled in favor of the naturists.

DPR appealed, and the Court of Appeal overturned the Superior Court's ruling. The tightly focused case had concerned itself only with San Onofre State Beach and had led to an unpublished opinion that affected no other park units. However, immediately after DPR's success at the appellate level, the Department showed its true intent by asking for the ruling to be published, which meant it would apply statewide. DPR justified the request by explaining that it did not wish to be put in a position of litigating the matter each time the Department terminated the Cahill Policy at another park.

Although DPR has insisted that *Cahill* can still be allowed to apply in places other than San Onofre, its action in seeking publication of the appellate ruling suggests that the Department's ultimate plans may be otherwise.

The nullification of the Cahill Policy has left the Department with no unified statewide policy to address a form of recreation that's obviously popular with the public. The submitted petition proposes a specific way to address the management of clothing-optional recreation.

CCR 14, §4322

Rangers and lifeguards at San Onofre State Beach have begun issuing citations for nudity there. The tickets have been written under the authority of *California Code of Regulations, Title 14, Section 4322*, which allows citations to be issued for public nudity in units of the State Park system. Only a handful of tickets have been issued so far, but they are having the desired chilling effect. Attendance at the Trail 6 (historically clothing-optional) section of San Onofre State Beach has diminished, though there are those who continue to use the beach in the traditional manner.

But the same section of the Code of Regulations that allows ticketing for nudity in state park units *also* authorizes the California Department of Parks and Recreation to take official action that sets aside areas for clothing-optional recreation. DPR has had that authority for years, and it retains that authority today. NAC's petition asks only that the Department use its existing power to meet the clearly expressed recreational preferences of a large portion of the public.

NUDE IS NOT LEWD

Rangers and park managers must NOT confuse simple nudity with lewd behavior. Rangers presently have the authority to stop lewd activity, and that authority is separate and different from the authority the Parks Department has to establish areas for clothing-optional recreation.

NAC HAS ISSUED AN ACTION ALERT

The Naturist Action Committee thanks the clubs and groups that signed the petition. The next step is for naturists and concerned individuals and groups across North America

to contact the California Department of Parks and Recreation and other state officials and agencies in support of the petition for designation.

In a NAC Action Alert released in July, NAC has asked naturists and others to write to DPR and other specific California officials. In this instance, NAC has requested written contacts (paper letters, faxes, e-mails). Phone calls are of minimal value in this campaign.

Residents of California and those who live outside California are encouraged to write in support of the petition. California officials understand the importance of out-of-state visitors who come to enjoy the state's beaches, lakes, and streams. The opportunity to provide diverse recreational opportunities applies to those visitors, as well as to California residents. While all are encouraged to make their voices heard, the participation of Californians is particularly important.

WHY ASK FOR DESIGNATION?

The better question may be, "Why NOT ask for designation?" Even the most reluctant elements of the nudist/naturist community seem to agree that clothing-optional recreation on public land set aside for that purpose is a good and proper thing. That's exactly what the petition requests.

As reflected by last year's independently administered NEF-California Poll, the people of California favor having areas of state parks set aside for clothing-optional use. The California Parks Department has an obligation to be responsive to the people it serves, and it is presently authorized by law to do exactly what the petition requests.

So, why NOT?

THIS IS NO LONGER ABOUT SAN ONOFRE, BY ITSELF

The initial abrogation of the Ca-

hill Policy focused on San Onofre State Beach. NAC's lawsuit focused on San Onofre, but the issue quickly became one of statewide importance. DPR's insistence on publishing its appellate win signals the broad application that is at hand. The petition proposes a statewide solution to a statewide problem through the designation of clothing-optional areas at parks throughout California.

EARLY RESPONSES FROM DPR AND OTHERS

The response to NAC's Action Alert has been gratifying. Naturists and others have been writing by the score in support of the petition for designation. Much of the response from California officials has been predictable.

1) DPR Director Ruth Coleman continues to allow herself to be shielded from the reality of the situation by Department underlings who screen her mail and intercept other contacts. That's not speculation; NAC has documented evidence obtained through California Public Records requests, confirming that Deputy Director of Park Operations Tony Perez and others have worked together to prevent Director Coleman from becoming aware of naturist contacts.

The extent to which Ms. Coleman has been kept uninformed was showcased recently when she claimed publicly that she could not comment on the petition for designation, because the issue of DPR's violation of the law in its selective termination of the Cahill Policy was still matter being litigated. In fact, litigation in that case had ended almost ten months before her comment.

2) DPR Spokesman and Orange Coast regional Superintendent Ken Kramer has responded to naturist support for the designation petition by trotting out faulty San Onofre crime

statistics that have already been thoroughly discredited. Kramer uses them anyway. More than two years ago, the Naturist Action Committee obtained the raw reports from which the statistics were created, once again by demanding them through the California Public Records Act. The actual reports show that DPR has cooked the books for its summary. For example, DPR assigned "crimes" to the Trail 6 traditional clothing-optional area of San Onofre State Beach, when those events took place literally miles away.

DPR has attempted to excuse some of its statistical hyperbole by pointing out that the Department's official crime statistics exist only as entries in an ancient Lotus spreadsheet program, running on an old computer that uses Microsoft's *Windows 3.0* operating system. Nevertheless, that doesn't explain why DPR has presented TEN YEARS of crime data, calling it data from a single year. It doesn't excuse those who have accepted and republished DPR's bogus statistics without checking them for factual accuracy.

3) Louis Nastro of the California State Park and Recreation Commission has sent sent form-letter responses to those who have written to the Commission at NAC's request in support of the designation petition. At the time he wrote those cloned responses, Nastro had not even read the copy of the petition that had been delivered specifically to the Commission. Despite Nastro's obligation to pass along the petition to members of the Commission, none saw it initially.

NAC has addressed that situation. The Commission is now quite aware of the petition. This fact is significant, because the California State Park and Recreation Commission exists to set policy for the Department of Parks and Recreation. That, even though Mr. Nastro has mislabeled the concern of naturists as an "operational" issue. Not

having bothered to read the petition, Nastro had previously assumed that the matter dealt with San Onofre only. He had been referring naturist supporters to San Onofre State Beach Superintendent Rich Haydon, who wrote the Cahill Policy termination order for Ruth Coleman's signature. Nastro has also been sending petition supporters to Ken Kramer (see above).

The Naturist Action Committee has disabused Louis Nastro and the entire California State Park and Recreation Commission of the notion that this is a localized operational issue. The petition for designation of clothing-optional areas in units of the State Park system is statewide in its scope.

MORE INFORMATION AND RESOURCES

Additional information and links are available online on the Web site of the Naturist Action Committee.

www.naturistaction.org

Here's a direct link to the California petition information:

<http://www.naturistaction.org/ca.petition>

PLEASE HELP NAC TO CONTINUE HELPING NATURISTS!

The Naturist Action Committee is the volunteer nonprofit political adjunct to The Naturist Society. NAC exists to advance and protect the rights and interests of naturists throughout North America. Fighting for the clothing-optional recreational use of public land is expensive. To do its job, NAC relies

entirely on the voluntary generosity of supporters like you. Please send your generous donation to:

NAC
PO Box 132
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Or call toll free (800) 886-7230 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/.

NAC thanks you for choosing to make a difference!



2010 Gathering Schedule

Mid-Atlantic Naturist Gathering September 16-19
Avalon Resort & Community, Paw Paw, WV

Western Naturist Gathering September 30-October 3
DeAnza Springs Resort, Jacumba, CA

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