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The Newsletter of the *Naturist Action Committee* and the *Naturist Education Foundation*

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Naturism..in a Challenging World

A Discussion at the Forest Hills Club Eden Celebration

By **Bill Schroer**

The Forest Hills Club is a nudist membership club situated on a beautiful 47 wooded acres in Saranac, Michigan. The club is one of the oldest nudist clubs in Michigan, dating from 1957. With over 100 members (most long time members), 40 some campsites and three rental cabins the club is a cooperative, small, neighborly and friendly. The Eden Celebration at Forest Hills is a recently developed initiative championed by member Andrea. The stated purpose is “a weekend of conscious connection with ourselves, one another & the earth”. The program included an array of workshops/classes, music and dance and an update on the outside nudist world by myself as Chair of the Naturist Action Committee.

As I delivered my discussion on the many challenges to naturism such as the “aging out” of many smaller nudist resorts, administrative closure of nudist beaches (Lighthouse Beach, Little Beach, Mazo Beach and others), administrative rulings of “no nudity” at many National Forest sites and private locations like Mohonk Preserve, the “swimsuit rule” (requiring all bathers at Florida state beaches to wear a swimsuit) and other affronts to clothes-free living or swimming, I sensed the audience growing more somber and attentive.

It occurred to me as I continued that most naturists...even long term naturists such as those in my audience were largely unaware of the increasingly threatening environment that naturism faces. While those in naturist leadership positions see/hear of these challenges on a day in and day out basis,

providing a summary of the state-of-the-state of nudism is eye-opening....for the listeners and for the speaker. For the listeners because they are unaware of these behind the scenes events, are largely satisfied with their situation and environment as long as the issues involved don't affect them. Interestingly, my speech also affected me. While those of us who watch the regulatory nudist landscape get used to the “bad news” as it comes across our computer screen or from a telephone call, we tend to get hardened to this ongoing assault on naturism. Only as I was sharing this cumulative review to my audience at Forest Hills and watched their faces and body language change did it hit me... “Yes...this is really not good!”

I'm reminded of Yossarian, the bomber pilot in the classic Joseph Heller book “Catch-22”. He refused to fly more missions because “They are trying to kill me.” His friend Clevinger says “No one is trying to kill you.” “Then why are they shooting at me?” asks Yossarian. “They're trying to kill everyone” responds Clevinger. “And, what difference does that make?”

Exactly. As it turns out the more one observes the current climate of anti-nudity and conservative attacks on multiple liberal fronts, the more one begins to feel like Yossarian. And, for nudists, the feeling is warranted. In today's political environment, cheap shots and the persecution of marginalized communities is a way to score media and conservative base points. And no community is more marginalized or vulnerable

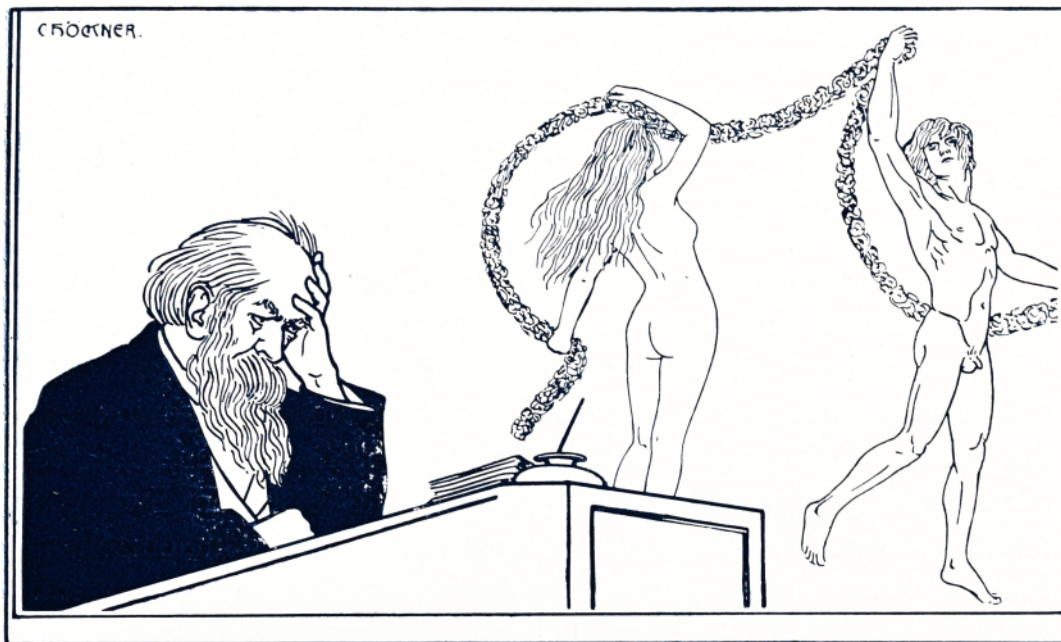
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than nudists. In the Q&A session after a number of questions surrounded the issue of what to do about all this. "You won't like my answer" I responded.

"The fact is, without a constituency, no legislator will be supportive of a movement such as naturism and as long as nudists are largely "in the closet" there is no constituency. We have to come out, tell our side of the story and fight for acceptance, like any other marginalized community."

The audience at Forest Hills appreciated my thoughts....and was very gracious. Whether any of them will do anything different is a question. However, as I came away from the session I felt those of us in naturist leadership positions cannot afford to have our community unaware of the current spectrum of assaults on naturism. While not scaremongering we must begin to share the serious nature of the moment and encourage strategies to change the sense of complacency that is part of too many cloistered naturist environs. They are trying to kill us....and we all need to become Yossarians.



Could Nudist Resorts Be Categorized as Adult-Oriented Businesses? A Look at Arizona SB1698

In a November 1970 letter to civil rights activist Angela Davis, author James Baldwin writes, "if they take *you* in the morning, they will be coming for *us* that night." Naturists would be wise to consider these words.

Comstock, Disorderly Conduct, and Adult Performance Laws

In 1873, partly in response to the growing availability of pornography during the American Civil War, the parent act of the Comstock laws targeted the distribution of obscene literature. Comstock laws eventually were used against the publishers of nudist magazines, and even manufacturers of contraceptives. Likewise, disorderly conduct laws, originally designed to give police the power to confront violent street clashes like the 1849 riot at New York City's Astor Place Theatre, have been used to detain citizens when it's

unclear that a law has been broken. For example, Rosa Parks was arrested in 1955 for disorderly conduct for refusing to surrender her bus seat to a white man. In more recent years, disorderly conduct laws have been used in police crackdowns on nude beachgoers.

Today, there is a nationwide flood of bills targeting drag performances, inspired by the bills once designed to shutter strip clubs. By modifying the language of existing obscenity and exposure laws, these bills seek to categorize drag shows as "adult performances," subject to the same regulation, licensing, and zoning restrictions as strip clubs, adult bookstores and other sexually-oriented businesses. A careful examination of the text of some of these bills suggests that the purposely imprecise language used to define an "adult performance" might be applied to a performance or social

situation involving nudity of any kind. A band, a comedian, or a karaoke event at a nudist resort might constitute an "adult performance" according to the language in these bills, putting the performers and venues at legal risk, and raising the prospect of nudist parks and beaches being defined, regulated, and zoned as adults-only spaces. In this scenario, nudist spaces effectively become sexually-oriented businesses.

Arizona SB1698

One of the more troubling recent examples is Arizona SB1698. Initially introduced as an anti-drag performance bill with mandatory prison time, the bill was amended to remove all references to drag and to broaden the interpretations of what constitutes an "adult oriented performance or business." Exposing a

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minor to *anything* determined to represent an adult oriented performance or business would be classified as a class 4 felony.

Existing Arizona law defines an "adult live entertainment establishment" broadly, and includes any establishment that features "persons who appear in a state of nudity." SB1698 would have defined an adult oriented performance as "an in-person show or performance, with or without consideration" that meets at least one of the following criteria:

- ▶ a) a person who appears in a state of nudity or seminude;
- ▶ b) a person whose performance is characterized by the exposure of specific anatomical areas or specific sexual activities; or
- ▶ c) a performance that is harmful to minors.

Furthermore, SB1698 would have classified exposure of a minor under fifteen to an adult oriented performance as a class 4 felony punishable as a DCAC (dangerous crime against children, which includes the most heinous offenses against children), with a mandatory ten-year prison sentence and a lifetime registration as a sex offender. An adult allowing a minor to enter anything considered to be an adult oriented business or even a building where anything categorized as an adult oriented performance might be taking place could be charged. The bill would have also required "any person who reasonably believes that a minor is or has been the victim of unlawful exposure to an adult oriented performance or adult oriented business to immediately report or cause reports to be made to a peace officer, the Department of Child Safety or other appropriate entity" or potentially face charges themselves. Lastly, the definition of child abuse and child neglect would be expanded to include "unlawful exposure to an adult oriented performance or adult oriented business." While no reasonable person would argue that children should be exposed to sexually explicit performances, it's important to recognize that vaguely-written bills like SB1698 might be applied to a theatrical performance, a ballet, a movie, a poetry reading, a book reading, an art gallery show, or virtually any activity that takes place in a nudist resort, where even simple, wholesome nudity might be meet the legal definition of an adult performance.

On June 16th, 2023, SB1698 was vetoed by Arizona Governor Katie Hobbs. In a statement, Governor Hobbs described the bill as "an attempt to criminalize free expression and ostracize the LGBTQIA+ community both implicitly and explicitly, *creating statutory language that could be weaponized.*" Had this bill landed on another governor's desk, it is very likely that Arizona nudist resort owners would be waking up this morning wondering if a harsh new law redefining adult businesses and adult performances might be applied to them, their staffers, and their guests. This year's Western Naturist Gathering would have taken place in a very challenging environment. Would a nude musical performance or an educational presentation at a nudist gathering constitute an adult performance? Would the mere presence of nude people cause these spaces to be defined as adult oriented businesses? Would anyone be willing to risk a ten-year prison sentence and a lifetime sex offender registration to find out?

What Naturists Can Do

Naturists should remain aware of bills targeting drag shows and Pride events in their states, and *read beyond the headlines*. Read the *full text* of the bill at the state's website. Similar to the bills that targeted strip clubs and other adult businesses in the 1980s and 1990s, these new bills tend to include vague language and broad definitions that often designate "adult businesses" and "adult performances" as anything involving simple nudity. Don't assume that a bill targeting a drag show or a library book can't be used to charge nudists with crimes. A vaguely-written law, once on the books, can be expanded in unexpected ways, and once established, it becomes very difficult to challenge.

Many nudists and even some resort representatives have been quick to dismiss anti-drag bills as irrelevant to the interests of nudists. Arizona SB1698, had it been signed into law, could have immediately impacted nudists and their venues. It was stopped by a governor's veto. A similar bill could land on a more sympathetic governor's desk in the future, in Arizona or elsewhere.

In 1981, Lee Baxandall observed, "A naturism which separates from other vital liberation movements in society, and fixes only upon the external forms of its differentness from majoritarian values, is already a sect, a curiosity, and on its way to extinction." There's no question that Baxandall considered naturism to be part of a larger human liberation movement which included environmental and social justice concerns. But even if some nudists and naturists bristle at the suggestion that naturism inherently necessitates an involvement with seemingly unrelated civil liberties challenges and a resistance to government overreach that has yet to reach the gates of our parks or the shores of our beaches, it's imperative that we recognize the threat, read beyond the headlines, examine the texts of bills, and remain prepared to advocate for our ideals.

If you see a bill that seems to represent a threat to legitimate naturists, reach out to NAC and other organizations to raise awareness.



Community Decency Policies

An Emerging Threat to Naturists?

On April 11, 2023, the Franklin Tennessee Board of Mayor and Aldermen considered the establishment of a “community decency policy” that would penalize anything considered “indecent” in a public space, in an effort to “promote public decency and maintain a family-friendly environment.” The proposal would have defined “indecent” as anything involving “nudity, lewd or sexually suggestive behavior, indecent exposure, sexual acts, excessive and offensive intimate displays of affection.” Concerns regarding the purpose and enforcement of the initiative caused the proposal to be withdrawn on May 23, 2023, though it is expected to be considered again in the fall.

David King, Program Officer of the Foundation for Individual Rights and Expression, released a statement that read:

FIRE explained the numerous problems with the proposed policy, including its overly vague language. We highlighted the danger to expressive rights of allowing the same city government officials who imposed the policy to determine when and how to enforce it. FIRE got the message out about the issue, making it easy for friends of free expression to contact the Board of Mayor and Aldermen. Hundreds of advocates in Franklin and across the nation took action by writing to the board, urging its members to vote against the policy. Advocates reminded the board that the policy could give the city free reign to stifle any kind of expression it wanted and that, in doing so, it would promote a culture of censorship.

On June 15, 2023, the nearby city of Murfreesboro, Tennessee, home to Tennessee’s last nudist park, amended

Chapter 21 of the Murfreesboro City Code to create a new section committed to Community Decency Standards.

The city code now defines “indecent behavior” as “indecent exposure, public indecency, lewd behavior, nudity or sexual conduct.” The only noted exceptions for nudity include “the exposure of the breast by a nursing mother or to the nudity of individuals in locker rooms or other designated spaces while they are changing clothes or showering.” The code also expands the definition of “indecent materials or events” to include “printed materials, broadcasts, shows, parades, or other such displays that suggest, advertise, or display indecent behavior or that is harmful to minors.” Notably, the code stipulates that “any Murfreesboro Police Officer shall have the authority to investigate suspected violations of this section.”

These community decency initiatives emerged during debates about Pride events in both cities, and, for the time being, are confined to activities that occur in public spaces, like parks and libraries. But it’s a trend worth monitoring, as a few tweaks to the language might result in the codes being used to target naturists and nudist parks. If printed materials or broadcasts that even “suggest” indecent behavior – which is defined as something as simple as mere nudity – are in violation of the code, is it possible that the nudist park’s advertising or promotional efforts might run afoul of the code? If the community decency code is somehow expanded to include private, sexually-oriented businesses like strip clubs and stores that sell pornography, or to provide oversight to drag or Pride events that occur on private property rather than in public spaces, will nudist parks be exempted? If these codes are replicated in other cities, will events like the World Naked Bike Ride, which take place in public spaces, be shut down?

It’s too soon to know how and where community decency ordinances will be written, expanded, and enforced, but it’s yet another development that naturists should closely monitor.



Like this newsletter? Sign up today and be notified each month!

Newsletters provide you with original content about:

- ▶ the activist efforts of the Naturist Action Committee,
- ▶ the educational & public outreach efforts of the Naturist Education Foundation, &
- ▶ the preservation of naturist history by the NEF Research Library.

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Please support NAC with its mission of naturist activism set forth by Lee Baxandall. NAC relies entirely on donations from generous naturists like you, now more than ever. Donations are accepted online or by mail.

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NAC
 P.O. Box 132
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NAC and NEF Boards Call for Candidates

The Naturist Action Committee and the Naturist Education Foundation are independent organizations with different missions:

The Naturist Action Committee is a non-profit 501(c)4 political advocacy social welfare organization. NAC's mission is to promote naturists and naturism, to increase opportunities for naturist activities, and protect the naturist opportunities that exist. Its efforts include lobbying, working with other naturist organizations, monitoring and affecting legislation and case law that affects naturists, and promoting naturism as a legitimate recreational activity and lifestyle. It advocates for positive legislation to allow for increased nude use of public lands and beaches and the decriminalization of non-sexual nudity. In addition to legislative advocacy, NAC provides guidance and support for court cases regarding issues involving first amendment rights, improper law enforcement, naturist business and family rights, and top-free rights of women.

The Naturist Education Foundation is a non-profit 501(c)3 public charity organization. NEF is dedicated to informing and educating naturists and non-naturists about the many benefits of naturism, improving the awareness of naturism and body acceptance, and achieving an understanding and acceptance of naturists and their activities throughout North America. These goals are achieved by many methods including initiating and participating in projects to further the understanding and acceptance of naturism, awarding grants to projects demonstrating a need and an ability to benefit the causes of naturism and body acceptance, providing knowledgeable speakers for informative presentations, funding professional opinion polls establishing evidence of widespread support, providing awards and scholarships to high-school and college students, providing a growing online compilation of legal materials pertinent to naturists and nudity-related issues, providing local naturist groups with needed informational and financial assistance, producing and funding various educational naturist videos and materials, and supporting lawsuits regarding issues involving first amendment rights, improper law enforcement, naturist family rights, and top-free rights for women. A very important project of NEF is preserving naturist history through the Naturist Education Foundation Research Library (NEFRL), and making that history available to its library members and the general public.

While the missions of NAC and NEF are different, many of the activities overlap and the organizations often work together. Board members serve on both NAC and NEF boards as a dual role. They are elected for three-year terms, which are staggered so that 1/3 of the board positions are open each year.

Anyone wishing to be considered to run for a seat on the NAC and NEF boards in the upcoming 2023 elections may submit their request and documentation at this time.

Candidacy Requirements:

- ▶ 1. Be a legal resident of the U.S. or Canada.
- ▶ 2. Not be an officer or board member of another national or large regional nudist organization.
- ▶ 3. Be willing to attend the annual meetings of the NAC and NEF boards each year of his/her term, beginning in 2023.
- ▶ 4. Submit a signed statement requesting consideration as a candidate for the position of board membership on the NAC and NEF boards and stating that you certify that you meet all board requirements. The statement should include your full legal name, address, phone number, and email address. It should also include an explanation of your background, qualifications, credentials, how much time you can dedicate, and why you should be on the boards. Outline your specific reasons for applying and what you feel you are "bringing to the table" in the form of relevant experience, expertise, education or background. Board members are needed who have time to dedicate, who are willing to write and promote the organizations at gatherings, who can fundraise and contribute, and take leadership on projects. Include three references with names and contact info who can corroborate your qualifications and character.
- ▶ 5. Submit a clear and current full-length nude photograph.
- ▶ 6. Submit a statement of no more than 500 words for possible publication.
- ▶ 7. Submit all information to: NAC and NEF Board Candidacy, PO Box 132, Oshkosh, WI 54903, or candidates@naturistaction.org by the deadline date of September 1, 2023.

Successful candidates' names, photos, approximate addresses, phone numbers, and email addresses will be published on the NAC website, www.naturistaction.org and NEF website, www.naturisteducation.org, under the Board pages.

Background checks will be performed and potential candidates' qualifications will be evaluated by the elections committee as part of the vetting process prior to the elections by the Board.

If you're not able to serve on the board, but are interested in helping out NAC and/or NEF in other ways, consider signing up as an Area Representative or Volunteer. If you have any questions, please let us know at the email address provided above.