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

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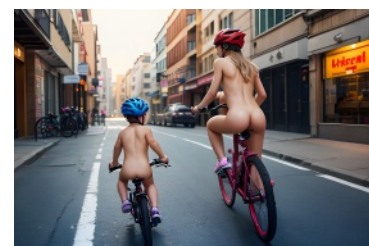
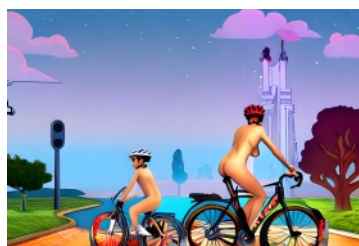
Hard Cases and Bad Laws

The World Naked Bike Ride is Under Attack in Wisconsin, and Naturists Should be Concerned

Lee Baxandall, whose work helped to create the Naturist Action Committee and the Naturist Education Foundation, entered the University of Wisconsin-Madison in the fall of 1953. WKOW, Madison's first television station, was established in the same year. Seventy years later, WKOW Madison has reported on a set of bills designed to shut down the town's World Naked Bike Ride, which attracted substantial controversy this summer.

The World Naked Bike Ride is an annual event that takes place in various cities around the world. It is a protest against oil dependency and car culture and promotes cycling as a sustainable and healthy mode of transportation. The first World Naked Bike Ride took place in Vancouver, Canada, in 2004 and has since spread to nearly 100 cities worldwide. Participants ride in the nude or as close to the nude as possible. The event has faced criticism from some who view it as a form of exhibitionism or indecent exposure. However, supporters argue that it is a peaceful and positive way to raise awareness about environmental issues while promoting body acceptance.

According to a September 29, 2023 report by WKOW reporter JT Cestkowski, a pair of bills that would target the Madison World Naked Bike Ride are under consideration. Current state law punishes indecent exposure as a Class A misdemeanor. Because it is challenging to establish nudity related to a constitutionally protected protest as "indecent," the bills' sponsors are seeking to replace the word "indecent" with "intentional" in the existing state laws that define criminal nudity. The Madison city attorney has stated that "court cases have acknowledged gray areas when deciding if exposure is indecent." If signed into law, these bills would eliminate this



gray area by removing the need to qualify nudity as indecent. A second bill would prohibit an adult from allowing a minor to attend an event with "intentional nudity." The bill further stipulates that photographers at such events could face charges.

Naturists should be concerned.

There is much debate among nudists and naturists concerning the World Naked Bike Ride and other public events that involve nudity. Some believe such activities are too provocative and work against the interests of nudists and naturists. They argue that our efforts should focus on securing acceptable spaces for nude use in designated campgrounds and resorts and perhaps on certain public lands. Others believe these events expand the nudist and naturist philosophies and promote body acceptance.

Regardless of one's thoughts on the World Naked Bike Ride, it is crucial to recognize the threat these bills pose to nudists, naturists, and others who believe that nudity can represent a form of artistic, educational, or political expression. Changing a single word in an existing law could effectively


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criminalize nearly all forms of social nudity. While the activities of a handful of skinny dippers on a secluded riverbank might not reach the legal threshold of an indecent exposure charge, such nudity would almost certainly fulfill the definition of intentional exposure. It is not difficult to imagine how those working with artistic nudity and even those attending private nudist events could be charged with “intentional exposure.”

Some nudist advocates are disinclined to confront these bills and argue that we should argue for nothing more than a carveout for nudist interests. This year alone, we have heard nudist officials suggest that the slate of bills targeting drag performances as obscene or indecent has nothing to do with nudists. We have even heard some suggest that legislators should write the bills they wish while being sure to “exclude us.” These positions ignore that nudists and naturists have long faced the threat of “collateral damage” of bills, such as those written in the 1980s and 1990s that targeted strip clubs and adult bookstores.

Nudists would be wise to consider that we may have less societal tolerance than we would care to acknowledge and that the general public may see very little difference between nude people in a protest and nude people on a beach or at a resort, particularly when all ages may be present, and the “think of the children!” argument comes into play. Moreover, as we have observed, enforcement of a law can and often will be expanded in unexpected ways once on the books.

In 1842, Judge Robert Rolf wrote: “Hard cases, it has frequently been observed, are apt to introduce bad law.” A broadly written law targeting an isolated concern, he argued, might result in “unlimited actions” that go far beyond the intent of its authors. It is an idea that nudists and naturists should consider, as our country faces a flurry of bills that seek to outlaw expressions and depictions of nudity. Just because a bill does not identify nudists and naturists as targets does not mean it cannot be used against them someday. 



[Calm down Chris Kapenga, these images are from Stable Diffusion AI.]

JUST THE BARE FACTS

There's been much discussion in recent weeks over the World Naked Bike Ride in Madison. Let's clear the air:

WHAT IS IT?

The World Naked Bike Ride is an annual protest celebrating cycling, the human body, and advocating for a more environmentally friendly world



The protest is international with most rides occurring during one day in the summer. Over 35 countries have held World Naked Bike Rides



DISROBING IN THE DAIRY STATE



A Lasting Legacy

Formal nude recreation has roots in Wisconsin dating back to 1934—thats almost 90 years of free expression!



...BUT(T) NAKED?

The nudity represents the vulnerability cyclists face in traffic, and helps other see cyclists come in all shapes and sizes



16

Sixteen other cities in the United States hosted their own World Naked Bike Rides in the past 1-2 years



Investigations from Law Enforcement Agencies have found no wrongdoing pertaining to the World Naked Bike Ride in Wisconsin



Individuals participating in clothes free activities take consent and legality seriously. The minor at the Madison WNBR wanted to be there and was accompanied by a parent



The number of years the World Naked Bike Ride has happened in Madison, without incident.

What's the Harm with Senate Bills 477 & 478?



You don't have to rush to the next World Naked bike ride to realize SB477 & SB478 will be an iceberg of unintended consequence: from censoring performers to potentially imprisoning streaking college students, this legislation will create legal headaches for Wisconsin.



The World Naked Bike Ride has a long history in Madison without incident, and detailed investigations showed no criminality. These bills are making an issue where none exists, for political theater.

What is NAC Doing?

NAC has been actively monitoring and gathering information on the Wisconsin situation since it originated. NAC has a board member in Madison who is in communication with both WNBR organizers (Madison and Milwaukee), with the family at the center of it, with multiple legislators, and many others. There's a lot going on behind the scenes.

NAC applauds the effort of Planet Nude with the comprehensive articles of the situation and the call to action. NAC and Planet Nude are actively collaborating on an updated Action Alert.

Just to be clear, there is a lot of support for these bills from various groups. One of the biggest stakeholders has been mostly invisible to the public. As WNBR is drawing the focus, the Department of Natural Resources (DNR) has already been in motion to make use of these new laws directly against naturists.

Mazo Beach, which drew up to 70,000 visitors annually (per a DNR study), had access drastically reduced in 2013 and was completely closed to everyone in 2016. The reasons cited were bad behavior, but there were only 13 citations in 2013 and none were deemed serious upon review. In fact, several weren't even at the nude beach but elsewhere on the hundreds of acres of that property. The real reason the area was closed is because the DNR didn't want naturists there. Since there was no Administrative Rule they could create to ban nudity, they closed the area completely to everyone, and it has remained closed since then.

If this legislation passes, a new Administrative Rule can be approved, and all nudity on Wisconsin public lands will be illegal.

Wisconsin isn't the only situation we're working on. There's also, to name a few:

- ▶ Little Beach, Hawaii
- ▶ Fire Island National Seashore
- ▶ Skinny Dip Falls
- ▶ Murfreesboro Community Decency Ordinance

We'll keep you in the loop as things progress. You may see some emails that aren't just newsletter notifications. The same list is used for NAC alerts.

If you want to directly help out, please call NAC at 920-415-2900 or email nac@naturistaction.org.

Stay Tuned! 

Wisconsin SB 477 and SB 478 Analysis

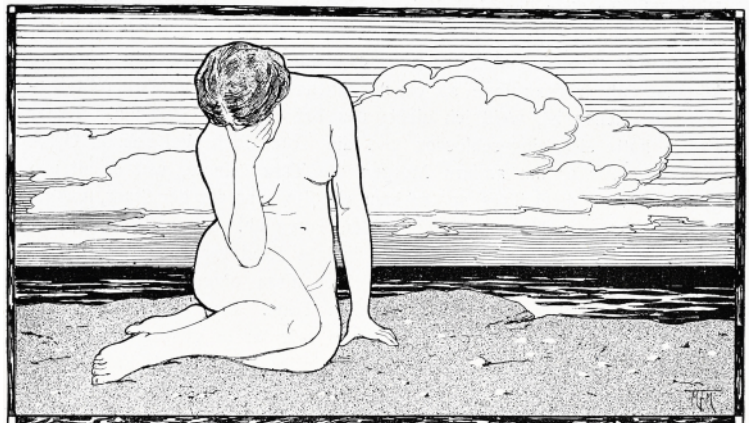
SB 477, analysis by the Legislative Reference Bureau:
This bill prohibits a person from causing a person who is under the age of 18 to attend an event at which a group of adult participants intentionally expose their genitals, buttocks, or other intimate parts in a public area. The bill also prohibits taking a picture or other representation of a child at such an event if the representation depicts the child's intentionally exposed genitals, buttocks, or other intimate parts. The bill provides an exception to the second prohibition for a person who takes the picture or other representation with the intention to report to law enforcement a violation that is created under the bill as long as the person reports the violation within 24 hours of taking the picture or representation.

SB 478, analysis by the Legislative Reference Bureau:
Current law prohibits a person from publicly and indecently exposing genitals or pubic area. A person who violates the prohibition is guilty of a Class A misdemeanor. This bill eliminates the element that the exposure be indecent and instead requires that the exposure be intentional.

Hearings will be live streamed at <https://wiseye.org/schedule/>

Important dates:

- ▶ Public hearing 1: October 5 archived at wiseye.org
- ▶ Committee paper ballot: October 11th (TBD)
- ▶ Public hearing 2: October 18th
- ▶ Public hearing 3: November 1st



[Is the future of naturism going to be alone in the middle of nowhere? NAC is fighting to make naturism an accepted part of society, but we need your support to help make that happen.]

Lee Baxandall's 1985 Promotion of National Nude Weekend

By Sigmund Snider

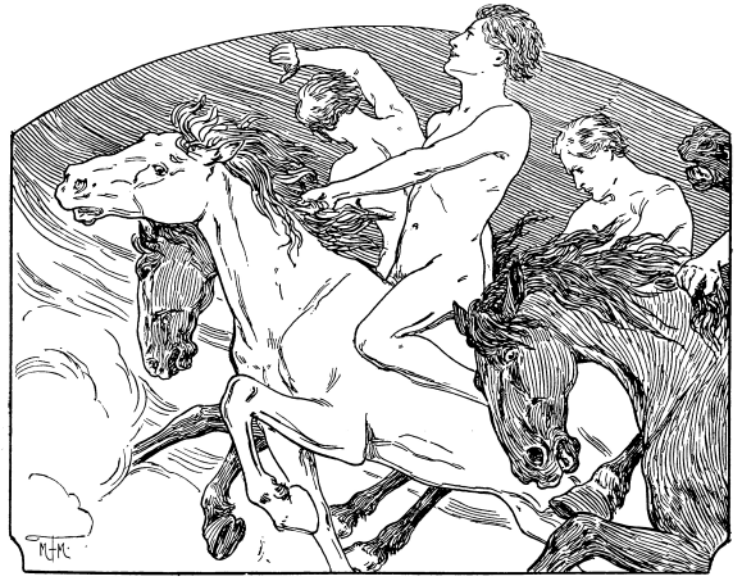
Ask someone to distinguish between the terms nudist and naturist, and most will likely respond that they acknowledge no difference and that the words are entirely interchangeable, or else they do not embrace any “-ism” and disregard both. But during the 1980s and 1990s, nudist park members and nude beachgoers often sparred over the meaning of the words, particularly as American naturist pioneer Lee Baxandall brought his Naturist Society to the forefront of the nude rights movement. For him, naturism had a philosophical purpose and an intrinsic connection to a broader set of social justice and civil liberty movements, while nudism might involve nothing more than removing one's pants and sunbathing in a private, secured campground or club. He sometimes distinguished naturism as “nudism... with more.”

An example of Baxandall's philosophical approach to naturism can be found in his 1985 flyer for National Nude Weekend, celebrated on July 13 and 14 of that year. Conceived in 1976 by Lee Baxandall and Beachfront USA founder Eugene Callen, National Nude Weekend has since evolved into Nude Recreation Week. Baxandall's 1985 promotional flyer for the event contains a thought-provoking essay about society's problematic relationship with nudity and how the event and naturism might confront this.

“While our inventions challenge many limits, our natural biological systems are denied by irrational taboos,” Baxandall proclaims. “Even though it's so fundamental, nudity remains a problem for this culture. Denied, it is then exploited.”

Baxandall's observations here were keen in 1985 and astonishingly prophetic when considered in the present. News stories systematically manufacture outrage over simple nudity. Social media platforms regularly censor or ban accounts with nonsexual nudity and even implied nudity while boosting accounts that promote sexual exploitation, disinformation, or violence. Controversy drives engagement, the lifeblood of both news and social media. There are economic benefits to keeping nudity sexy and controversial. Though Baxandall didn't live to see the advent of Twitter, Facebook, and Instagram, his views here are remarkably relevant today, where an artistic representation of a breast, a humorous image of a buttock, or even a cartoon representation of nudity on social media might be tagged as “sensitive content” or result in an account being suspended. There's a powerful capitalistic incentive to keep nudity hidden and taboo, which maintains its peculiar power to inspire lust and outrage.

In his flyer, Baxandall says, “Advertising, and after it pornography, have learned to exploit a socially restricted nudity. Hidden, but never ignorable, nudity is inflated into the promise of sexual contact and gratification; and so it becomes the trigger of a systematic economic harnessing of the sexual instincts. This can only happen so long as the nudity is not available, and thus it remains mystified, scarce and apart from the culture of everyday life.”



Baxandall suggests that because society strives to contain nudity so that it may be exploited and controlled, the rejection of this too often embraces the “opposite extreme of puritanical taboo.” In his view, philosophical naturism is well-equipped to confront this problem. “A naturist rejects equally, of course, the exploitation of nudity and sexuality,” he writes. “These extremes reinforce one another: puritanism gains thoughtful converts among those appalled by exploitation, but pornography, and advertising, thrive upon the abstract lust that taboos generate.” In Baxandall's eyes, naturism is the answer, the “moderate, reasonable response to the unacceptable Illusions and conventions of both puritanism and lust.”

“Pioneering involves adventurous people who put their values and lives on the line because they can't hold still for illusions.... pioneering naturists refuse to be dominated by crowd anxiety or a fear of controversy that public testimony may arouse.”

To help promote National Nude Weekend, Lee Baxandall sent a box of these flyers to American Sunbathing Association Executive Director Arne Erickson, to be included in mailings to the organization's members. Erickson replied in a July 1, 1985 letter.

“Lee, I may be missing something here, but my reaction is that this flyer completely misses the mark and will not serve well as a positive, educational and informational device. I feel that the flyer is too intellectual in its form and does in fact say very little. I believe that information distributed for the National Nude Weekend must be simple, colorful, eye-catching, and above all, positive in all its aspects. I am extremely sorry that we must take the stand in regard to your flyer; I wish it wouldn't be so but our final and considerate decision is not to include your flyer in our general distribution.”

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Erickson's rejection letter is familiar to those of us who have had works turned away by a publisher. But the conflicting approaches to promoting National Nude Weekend exemplify the era's starkly different marketing tactics between the private nudist parks and the free beach activists, between the nudists and the naturists. Baxandall is pushing for an intellectual consideration of the activist possibilities of National Nude Weekend and its potential to change the prevailing attitudes in our society. At the same time, Erickson's rebuttal suggests a desire to keep the event simple, light, and fun, something the clubs might use to attract visitors and prospective members. Erickson is focused on nudism, Baxandall on "something more."

These kinds of debates would rage on in the coming years, highlighting the growing diversity of the nudist and naturist movements and the many interpretations and expressions that might be found among their adherents.

Commercial nudism is at a crossroads, with many parts of the country experiencing a rapid loss of their nudist campgrounds and parks. We remain fixated on getting prospective nudists and naturists to a club or a beach, even as those pursuits increasingly become a luxury for those living in a handful of coastal states or those with the resources to travel to areas with a club or a beach. With nudism as a form of weekend leisure that fewer and fewer people can enjoy, we

might be wise to consider Lee Baxandall's "too intellectual" observations in his 1985 promotion for National Nude Weekend, his view that naturism represents more than a day in the sun, it represents a philosophy with the potential to encourage both personal and societal growth and evolution, his vision of a naturism that is nudism... with more.



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

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