

South Florida Free Beaches
Florida Naturist Association

The SunDial

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NATURIST CUBA: SO CLOSE, OR SO FAR AWAY...

Ninety miles from Florida, and officially out-of-bounds for most U.S. citizens, Cuba gives a warm welcome to naturist tourists from Canada, Europe, and South America.



story on page 4

The SunDial

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PRESIDENT'S MESSAGE – Richard Mason

Haulover's Naturist Beach: A Beacon of Hope!

Local News:

In Miami-Dade County, the 2006/2007 budget is in its final throes of development. SFFB/FNA has requested, again, that uniformed county police be budgeted into the Park Department budget for the coming year. Other amenities and needs will continue to be requested through the park department budget process.

Compliments, and Ongoing Frustrations:

We continue to get many phone calls from people that have visited Haulover's Naturist Family Beach to compliment South Florida Free Beaches and its Beach Ambassadors for their effort. They all say that they will be back. Makes us feel good. They also say they wish there was a beach like Haulover where they live.

A simple formula—a Naturist beach—but one that is made complex by officials in other areas of the state and the country. After over 20 years of being involved in Naturism and forced to be an activist to achieve simple Constitutional Rights, I'm always puzzled by responses from elected and public officials over the issue.

Here is the deal. A person applies for and accepts a job at a government agency, or runs for and is elected to public office. They say they want to serve the people, take an oath to uphold the US Constitution and the Bill of Rights, and work for the people—all the people.

Then, often they proceed to make decisions on what they personally like or don't like, or on what a local gadfly doesn't like. They will label what they don't like as offensive and unlawful, without ever knowing the law. Further, if they don't like it and they find it's not illegal, they will propose a law to make it illegal. Unbelievable! In America. In Florida. All the time. Cec Cinder's article in the Spring 2006 SunDial illustrated this in Los Angeles in the 70's, where naturists won a beach, only to have the city council cave in to pressure and reverse itself two weeks later. Closer to home is the case of Tampa Area Naturists (TAN).

Florida's West Coast:

I just got back from a meeting at Cypress Cove, organized by TAN, to discuss strategy on getting a designated naturist beach at Fort DeSoto Park in Pinellas County.

In 2002, TAN had made a comprehensive professional PowerPoint presentation at a public Park Board meeting showing: the tourism benefits of a naturist beach; how a naturist area could be added to a relatively unused area at Fort DeSoto without user conflicts; polling data (Gallup & Roper polls) showing wide public acceptance of clothing-optional beaches; lastly, the Haulover model, showing that it can really work in practice.

The (non-naturist) "Friends of Ft. DeSoto" argued the naturist beach would make the park *too* popular. A local minister raised the sin and sex issues. The board youth representative opined that his peers wouldn't be interested. These concerns had actually been addressed and answered in TAN's proposal and presentation. (The proposal is available at TAN's website www.tanfl.com.)

TAN's proposal fell on deaf ears, ears that had perhaps been closed in advance by higher powers, special interests, and fear. Only one board member voted for recommendation. (The County Commissioners would have had to vote on the beach if the Park Board recommended it—an unwelcome "hot button" issue.) SOP: rather than "offend the base", deny naturist citizens their rights: a small designated naturist beach in a peoples' park. The abuse of power? You betcha! And, as a further slap in the face, the county later enacted an anti-nudity code for county parks.

So why do these people choose a public service job? A psychologist will tell you, "to control people." With Haulover's successful naturist beach as a model since 1991, you would think that these people would exercise due diligence and listen to the facts before they deny rights to citizens? They don't. So fear trumps freedom again.

South Florida Free Beaches/Florida Naturist Association will continue to assist TAN until the goal of a designated Naturist Beach is achieved.

The Florida Legislature:

We are in the pre-legislature session period. The 2007 Legislative Session starts in March 2007 but a lot of the proposed bills are being developed at this time and passed around for sponsors and tweaking. We are alert and our Tallahassee paid lobbyist, Ray Maury, is on the job.

We will have a representative of SFFB/FNA attending South Florida County Legislative Delegation Meetings, as we do each year, to educate the representatives on our issues. I hope to visit Tallahassee, again, as I have done for several years during session, to continue our program of educating state legislators on the "Free Beach" issue.

Around the United States:

The Naturist Action Committee, the political action adjunct of The Naturist Society and all Naturists, is currently reviewing anti-nudity action in all 50 states. They are looking at past bills that never made it to a vote and new bills that are being readied for introduction.

Website: www.naturistaction.org

Blog: www.naturistaction.org/blog

Be informed. Stay involved! ☀

NATURIST CUBA: SO CLOSE, OR SO FAR AWAY

TEXT BY VITTORIO BUONO – PHOTOS BY VITTORIO BUONO & LAURETTE FRANCOEUR



Vittorio Buono was born in Italy and currently resides in Canada. He is a member of South Florida Free Beaches and a visitor to Haulover Beach whenever his travels take him to Florida.



At any moment there are in Cuba about twenty American salespersons promoting the products and services of their respective companies. These companies want to have priority, if and when relations are “normalized” with the U.S. Most of these people go to Cuba by private craft, since there are no official commercial communications between Cuba and the U.S.A. Even with trade restrictions, however, Cuba today buys about two million dollars of U.S. wares and services per month, through foreign intermediaries. However, corporations from elsewhere have really huge interests and investments in the Cuban economy.

Tourism is the main industry of Cuba, with visitors arriving from Europe, South America and Canada, sometimes flying for up to thirteen hours, plus connections. Toronto and Montreal are the main Canadian airports having regular and charter flights to Cuba, with a flight time of just over three hours. Other Canada cities have charters during the winter high season as well.

Roughly visitors to Cuba can be divided in three equal segments: Italians, Canadians, and the rest (Spanish, Argentineans, Germans, French, Brazilians, etc). Though in violation of U.S. law, American tourists are also welcome in Cuba, where they can sail or fly privately, or use the commercial services of a third country. No official trace of their stay in Cuba will remain, since passports are not stamped. Upon arrival, tourists are issued a visa for the duration of the stay, to be surrendered upon departure. Since all-inclusive packages are the norm, you do not need much money once there. However lots of side tours, excursions, day cruises and souvenirs are available. Since U.S.-issued credit cards are not valid, some cash would be handy (a few hundred dollars). The following foreign currencies are routinely accepted: U.S. and Canada dollars, Euros, English pounds, and Swiss francs.

Cubans are easy going, well-educated and punctual. Although they refrain from practicing naturism, they consider it a normal lifestyle. Whatever problem there has been is due to the invasion of textile visitor gawkers, but Cubans are surprised to see other nationals make such a fuss. Therefore if you travel on your own, any discrete cove can be used nude, without any harassment from locals or the Cuban authorities.

However, the only established place where naturism is practiced on a large scale, free from incident for over twenty years now, is Cayo Largo. This “long island”, some 12 square miles in area, is in the Caribbean Sea on the south-west, and is the easternmost island of the Canarreos archipelago.

Planes of any size may land directly here, with a ten-minute maximum shuttle to any hotel. Even if naturists are only about fifteen per cent of the visitors, they have ample areas adjacent to the hotel structures, sharing palapas and beach chairs with textiles and top-frees. Away from the hotels, nudity is permitted everywhere along the endless shores. One peculiar situation is Playa Sirena, where mainly textiles occupy the beach between 11 AM and 4.30 PM, because the last bus leaves at five. We reserved taxis at a very reasonable price to pick us up after sunset, thus affording us time to enjoy a spectacular sunset and some three hours of glorious nudity.

I was first on Cayo Largo in December 1994, and my travel log was published in **N Magazine** 14.2, with one of the related pictures being published full page, with additional insets, in the 1995 Naturist Society **World Guide**. In 2006, our group of Canadian naturists (plus one Italian lady on her first naturist experience) stayed at the Pelicano four-star Spanish-style villa complex. Just to the west the five-star Sol has a similar appearance. Beyond are miles of swim-suit-optional shores before you reach Playa Paraiso and Playa Sirena.



To the east are in sequence: Hotel Lindamar, with its thatched huts, then the modest Villa Soledad, preferred by many naturists. Continuing east is Villa Coral and Hotel Isla del Sur. Beyond, Villa Capricho was 100% naturist, but it was totally destroyed by hurricane Michel; Villa Iguana, partially destroyed, has been recycled as a workers' residence. Three-quarters of a mile down is the last and latest hotel, the Barceló, which had to shuttle textile clients to Playa Sirena during our stay, because the elements had washed away most of the adjacent beach. However, naturists used a specially-built pathway to gain access to the beach eastward, which then continues for miles, albeit interrupted occasionally by small bluffs and promontories.

Cayo Largo has no permanent residents, and most of the workers come from nearby Isla de la Juventud (Isle of Youth), which can since February be reached via day trip flights. Visits to La Havana used to be overnight, to allow for taking in the evening shows, but currently only day trips are available.

Day cruises, for groups of as little as six persons, leave the pier at the village harbor to visit the pristine surrounding waters, islets and reefs. Naturists may want to reserve in advance and make sure they are in an all-naturist party, as the cruise boats will also take out textile tourists. The first stop is the island of the iguanas, through a maze of mangroves and canals. This first leg is dressed and common to all cruises. Soon after leaving toward the coral reef, nudity became the norm for the rest of our excursion.

On our cruise, around noon we headed toward a line-up of deserted sandbars and sandbar islands, natural pools, and wading expanses, extending for hundred of square miles. The whole area is an ecological preserve where only guided catch and release fishing is permitted. A hot fresh-made seafood scampi and veggie lunch was served toward two PM, with arrival back at the pier at about five. ☀





Contrary to the fears of many about the “greying” of the nudist population, a new survey indicates increasing interest in nude recreation among younger Americans.

We reprint below the
AANR PRESS RELEASE

INTEREST IN NUDE RECREATION SKEWING YOUNGER ACCORDING TO FINDINGS IN NEWLY-RELEASED NATIONAL TRAVEL STUDY

Orlando, Fla. - (May 10, 2006) – Significant differences have emerged related to the demographics of adult Americans who are interested in nude recreation experiences, according to the Yesawich, Pepperdine, Brown & Russell/Yankelovich Partners 2006 National Leisure Travel Monitor.

The results of the survey suggest that the demographics, both age and ethnicity, of nude recreation will continue to diversify and change the face of nude recreation. According to this barometer of travel preferences, younger, more active adults are expressing interest in nude recreation, more so than older generations. Another statistically significant difference that has emerged is the percentage of non-white and African Americans that consider a nude recreation experience extremely/very desirable versus that of whites.

Specifically related to nude recreation, the survey revealed:

- 15% of adults consider a resort that offers a nude recreation experience extremely desirable;
- Significant differences stand out with Echo-Boomers and Xers interest in nude recreation overtaking that of the Boomers and Matures. The percentage of adults who consider a nude recreation experience extremely/very desirable include:
 - o 23% of Echo-Boomers (*born since 1979*)
 - o 18% of Xers (*born from 1965 through 1978*)
 - o 15% of Boomers (*born from 1946 through 1964*)
 - o 12% of Matures (*born before 1946*)
- Non-whites (28%) and African Americans (30%) find nude recreation experiences more desirable than their white counterparts (13%).

The survey also named the top five states US adults say they would like to visit most during the next two years:

- California (34%)
- Florida (32%)
- Hawaii (20%)
- Arizona (15%) and
- Colorado (15%).

The American Association for Nude Recreation (AANR), which has 267 member clubs and resorts throughout the United States, sees this as good news as a number of resorts are located in each of these states.

AANR’s mission is to advocate for nudity in appropriate settings as well as educate, and inform the public about its value through ongoing membership growth. It is the oldest and largest organization of its kind, representing nearly 50,000 members and their families, who enjoy clothes-free recreation throughout North America. For further information on nude recreation and the association’s affiliated clubs, contact AANR at **1-800-TRY-NUDE** or visit the association’s Web site at **www.aanr.com**.

The Yesawich, Pepperdine, Brown & Russell/Yankelovich Partners National Travel Monitor is an annual survey of 1,650 U.S. adults. Widely-regarded as one of the most accurate barometers of the travel habits and intentions of Americans, the survey is now in its 14th year. ☼

For additional information contact:

Carolyn Hawkins, AANR public relations
 1-800-TRY-NUDE

Marie Kephart, YPB&R www.ypbr.com
 Marie_kephart@ypbr.com or 407-838-1827

It should be noted that the YPB&R survey tabulated “attributes considered extremely/very desirable” among adults who had taken at least one vacation in 2005 requiring an overnight stay.

Thus the 15% overall number for nude recreation is quite impressive.

Comparison may be made with the 2000 Roper/Starch NEF poll, which indicated that 25% of respondents had gone skinny-dipping or nude sunbathing at least once in a mixed group of men & women, without reference to vacation travel, and without attempting to quantify the desirability of the experience.

Roper poll: www.naturistsociety.com/NEF

– the SunDial

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B.E.A.C.H.E.S. Foundation Institute

On September 19, 2006, B.E.A.C.H.E.S. finally received a county building permit to install beachside showers adjacent to the entry to the beach near lifeguard tower 27. Soon—maybe even as you read this—you will be able to shower *before* dressing. What a concept!

It's been a long journey from the initial approval for the project by the Park Department in late 2003. The original plan called for an additional shower station at the south end of the naturist beach. Unfortunately, rising costs occasioned by changing conditions and requirements will not allow B.E.A.C.H.E.S. to construct the south shower at this time. Meanwhile, our thanks to donors to the Haulover Improvement Fund, whose contributions have allowed us to execute the north shower project, and thanks to the volunteers who cleared exotics from the dunes in preparation for the shower installation. Gordon Loader served as architect for the project; the contractor is Mary Foreman Construction. Thanks also to Bruce Frendahl for preliminary architectural renderings.

In 2005, B.E.A.C.H.E.S. obtained two Beach Cruzr® electric beach wheelchairs for use by handicapped visitors to Haulover Beach. Unfortunately, they have been out of service for much of the time since then. Recently, B.E.A.C.H.E.S. spent about \$1,200 from its Haulover Improvement Fund to have the wheelchairs repaired, and both are available as of this writing.

To help the park staff in facilitating the use of the chairs, B.E.A.C.H.E.S. plans to take the chairs from their storage shed at the lifeguard headquarters and bring them onto the beach whenever its Beach Mall is open. Disabled visitors, please feel free to ask B.E.A.C.H.E.S.' staff to use a chair if you see them at the beach. Otherwise, you may call the Haulover Park office at 305-947-3525 to request a chair.

The wheelchairs are manufactured by Hot Shot Products, whose founder and designer was disabled in a severe speedboat accident. They have been provided for several years at a number of California beaches and in Jacksonville, FL.

www.hotshotproducts.org

Contributions to B.E.A.C.H.E.S. Foundation may be made using the form on page 7, or online at:

www.beachesfoundation.org

Shirley Mason, Founder & Executive Director

Shower, wheelchair & chickee hut projects executed by B.E.A.C.H.E.S. Foundation with funding from a Miami-Dade Park Department Capital Improvement Grant and with contributions donated to B.E.A.C.H.E.S.' Haulover Improvement Fund.

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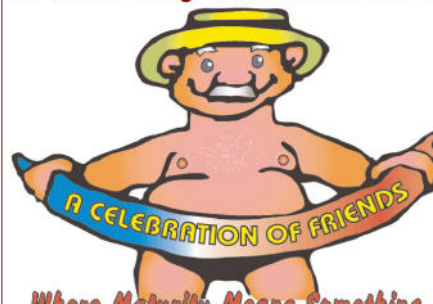


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CALIFORNIA DREAMIN' – Part Two by Cec Cinder

Introduction by Michael Kush

Cec Cinder's brand of nudism may not be for everyone, frank, libertarian and extremely activist as it is. His irreverence toward authority, and in particular toward religious authority, may be seen by some as divisive. We could accept this claim, and its implied plea for censorship, if only secular authorities kept religion out of politics, but we all know that instead they often use it to try to garner votes.

Religious injunctions against murder and theft may bolster compliance, but there are sound secular reasons for such laws as well, ample as the sole basis of civil law. Yet in another area, sodomy laws that regulate private adult consensual sex – usually used against gay couples – are prime examples of religion-based legislation. Many states still have such laws on their books, although all such laws were rendered invalid by the 2003 U.S. Supreme Court decision in *Lawrence & Garner v. Texas*. As a result, the state now can't tell adults what they can do in their own bedrooms; can we ever hope for a case that makes invalid laws that may prohibit public naturist beaches, or nude family swims in our own private backyard pools?

Granted that many deeply religious individuals may have no issue with nudity, but much organized opposition to nudity and naturism comes from those who insist that their understanding of what God wants – or often, in the absence of independent individual thought and analysis, the pronouncements of super-star televangelists – should be universally enforced on all humankind by the civil authority. This intolerant minority of believers is a small but active group that often turns out in force at political and legislative meetings.

We must, as Americans, recognize that it was organized state religion's foot on the conscience (*and actions: how to dress, what one may do on Sunday...*) of the individual that brought the Pilgrims and many others to America's shores in the first place, and that resulted in the First Amendment protections both of belief and against any state-imposed religion, and deny them this assumed authority.

"As the Government of the United States of America is not, in any sense, founded on the Christian religion..." [*U.S. Treaty of Peace with Tripoli, approved by Constitution signer and then-President John Adams and ratified by the U.S. Senate in 1796*], *Leviticus* cannot be construed as the law of the land. (Though in any case the Bible nowhere promulgates an explicit law against nudity. Among the 600-plus religious laws the rabbis find in the Torah, there is no "Thou shalt not go swimming naked" commandment.) See page 15: *Naturism – The Eden Code*.

And whether a religious catechism be officially sanctioned, or the state proscribe an action merely on the basis of religious dogma, without empirical evidence of that action's harm, it ultimately comes to the same thing.

It's not a question of the validity of one's personal beliefs *for oneself*, but personal revelations and apotheoses can have no universal claim – as American philosopher William James explained in his *Varieties of Religious Experience* a century ago. So do we impose absolute "community standards" proscriptions – often only reflecting the values of the most vocal minority? As Jefferson maintained, "It does me no injury for my neighbor to say there are twenty gods or no God. It neither picks my pocket nor breaks my leg." By this test, what is the harm in allowing freedom of attire, or nudity, on at least some of our public beaches?

If it seems a stretch linking freedom of (and from) religion and of (and from) dress, it is largely religious views that shape dress codes: the plain somber garb of the dour Amish, the Wahabi Muslim woman's submissive burkha, the Jain ascetic's world-rejecting nudity. Which should we make the law of the land (of the free)?

A New Beachfront

In the first part of this article (*Spring 2006 SunDial*), I detailed the struggle in southern California for nudist rights in the 1970's, particularly Beachfront U.S.A.'s success in getting the City of Los Angeles to designate a clothing-optional beach—only to see this decision reversed just weeks later, due to organized pressure from anti-nudity forces, and the organization's subsequent unsuccessful lawsuit against the city.

After its demoralization in the wake of results in the 1970's, and a period of dormancy, a revived Beachfront U.S.A. eventually appeared. As far as operational goals were concerned, the new BFUSA did not differ significantly from those of the original organization. BFUSA existed to initiate aggressive lawsuits directed against a social establishment dominated by corporate and sectarian religious interests, whose pathological attitudes toward the human body are not only an insult but an annoying, irritating, maddening inconvenience to healthy-minded nudists. The goal is to defend nudist rights, perceived to be embedded in the U.S. Constitution, and particularly in its Bill of Rights—and, even more narrowly, in the First Amendment's guarantee of the right to pursue happiness with a commensurate freedom from religious dogma. In particular, the enforcement of compulsory clothing laws was perceived to be nothing other than a religion-based prejudice insulting to human dignity and the inherent decency of the entire human body.

Corrupt as is much of the legal system, Beachfront attempts to work within it, not because we naively believe that "the system works," but because we are small in number and therefore in funding. The organization therefore attempts to focus, collect funds, look for weak spots, and then strike—knowing full well that not only is the deck stacked against its initiatives, but that the dealer is apt to be a sly,

CALIFORNIA DREAMIN' – Part Two by Cec Cinder

venal dullard with a head full of nonsense and a practiced slight-of-hand technique.

This commitment is unique in the history of organized American nudism. Beachfront U.S.A. exists because the two major U.S. nudist organizations—Kissimmee, Florida-based American Association for Nude Recreation (AANR) and Oshkosh, Wisconsin-based The Naturist Society (TNS)—while providing first-rate coverage and tactics respecting the “brush fire” attacks on the nudist way of life, are not providing the leadership and funding needed to bring, to as many courts as possible, the basic single issue of the state’s assumed and asserted right to maintain and enforce fickle dress codes—although these organizations must necessarily in principle implicitly, and often explicitly do, maintain the inherent decency of the naked human body.

The U.S. Feral Court System

Still smarting from defeat in its 1975 lawsuit against the City of Los Angeles (in which, incidentally, the ACLU abandoned Beachfront in midstream), the revitalized BFUSA determined to attack the oppressive L. A. City anti-nudity ordinance once again, this time through the federal, instead of the state, court system. In 1990, BFUSA hired Stanley Raskin, a sympathetic although non-nudist Torrance, CA attorney, to try to secure an injunction against the notorious 1974 ordinance. Beachfront’s search for an attorney had been frustrating; lawyers supposedly devoted to the First Amendment demonstrated a singular lack of interest in representing the organization.

The federal court system operates on three levels. The first is the District Court, where cases are heard by a single jurist. Next, appeals cases are heard by a three-judge panel in the Circuit Court. The third and highest level is the U.S. Supreme Court, the final arbiter.

Beachfront expected to lose on the District level—and did. But BFUSA expected a better reception on appeal in the Ninth Circuit, the largest, and traditionally most liberal, federal appeals court in the nation. We looked forward to our complaints being heard and our arguments pondered by the three-justice appellate court.

Bring on the Dancing Girls!

How disappointed we were—why not say outraged!—when in September 1992 this famous court’s panel handed down a brief, rubber-stamp, boilerplate ruling, noting basically that the recent U.S. Supreme Court *Barnes v. Glen Theater* decision (1991) was “fatal to your case.” Now, *Barnes* was in itself odiously bad law. Simply stated, the court ruled that an Indiana state law making nude dancers wear pasties and g-strings was not a violation of First Amendment rights. To begin with, it was another one of those by now

habitual 5-4 decisions by a court split not so much into a liberal/conservative duality as a conservative/radical-reactionary one. As a further indication of the hidden malignancy of *Barnes*, there were four separate opinions handed down, that is, distinct legal justifications: the plurality opinion (Rehnquist, O’Connor, Kennedy), two separate concurrences using quite different legal logic (Scalia and Souter), and the dissent (White, Marshall, Blackmun, Stevens).

So it was to the Rehnquist court that we submitted our plea, our writ of certiorari, that said, in effect, “Lookie here, the Ninth Circuit has made egregious boo-boo, to wit, we are not dancing girls, we are something called nudists, the admittedly numerically inferior but sincere devotees of a venerable philosophy devoted to pleasure, tolerance, sensuality, common sense, psychic sanity, a conditional pacifism and all the other attitudes you dummies don’t seem to understand, much less treasure. The Ninth’s confusing us with dancing girls in booze joints was intolerably stupid.”

Our plea for a final hearing in 1993 fell on deaf ears (nor are we certain those were the Supreme ears as opposed to those of their law clerks, many of whom are right-wing religious fascists who, we suspect, are not above quietly scuttling a certiorari they would regard as legal Devil’s traffic.

Back to the Future:

Skinny-dippers and Lap Dancers: *Erie v. Pap*

We now jump ahead of the Beachfront story a little, to ask if this embarrassing and annoying decision in *Barnes* was ameliorated by the subsequent coming together of these Mighty Minds in *Erie v. Pap* nine years later? Dream on, Supremes watchers. Instead of a salubrious drainage of the legal swamp of *Barnes*, the waters were only muddied further. Chief Justice Rehnquist’s by now famous, and rather misunderstood, ejaculation in the majority decision in *Barnes* that “public nudity is the evil the state seeks to prevent”—I think charitably that he was laboring away somewhere in the far reaches of the subjunctive mood—is reflected now in Justice Sandra O’Connor’s poop-headed assertion that “the requirement that dancers wear pasties and g-string is a minimal restriction that leaves ample capacity to convey the dancer’s erotic message.”

And then we had that painfully slow study, Justice Souter, for whom we once had hopes because he lived up a dirt road in a ramshackle house in the woods before his elevation to State Genius...and we still do. Justice Souter, who was influenced nine years earlier in *Barnes* by the received view that girls dancing nude in bars—entertainment for the lower orders—contributed to neighborhood crime, had since admitted (give him credit for an honesty rare to the Mighty Nine) that there was no actual evidence for this notion so

FROM THE ARCHIVES:

1998 SFFB/NEF CLE LEGAL SEMINAR



Attorneys listen to testimony from one of a panel of legal and other experts.



Richard Mason, SFFB's long-standing Government Affairs Committee Chair & current President offers an on-site talk on the history of Haulover's naturist beach.



In 1998, South Florida Free Beaches and the Naturist Education Foundation jointly sponsored a for-credit Continuing Legal Education seminar for attorneys at Florida International University titled: *Non-sexual Nudity – Threat or Benign?*

Expertise on nudity law is not common among attorneys, and unfortunately clients are sometimes advised to plead guilty or *nolo contendere* when the charge is only a misdemeanor, when they may have a good chance for acquittal under statute and case law. Educating attorneys on this issue is also of value in that some lawyers will eventually become judges or legislators, and thus may influence future case and statute law.

The seminar featured not only testimony by legal authorities, but presentations by experts in sociology, psychology, medicine and culture, to present a well-rounded view of the issue within society.

An additional benefit of the seminar was a large handbook of printed materials from presenters that is available to attorneys needing background information in defending those being prosecuted for non-sexual public nudity. Interested attorneys may contact SFFB. (*Contact info on page 2.*)

While SFFB/FNA has not had the resources to hold another legal seminar since 1998, it continues to educate new state and local legislators on the issues, by meetings with legislators both by its paid professional Tallahassee legislative lobbyist Ray Maury, and by volunteer members of its Government Affairs Committee.



Naturist experts & attorneys were able to discuss issues one-on-one at lunch.

A pool was made available for skinny-dipping during the seminar.



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CALIFORNIA DREAMIN' – Part Two from page 11

beloved by prosecutors. A little too late, for though in *Erie* Souter essentially reversed his opinion in *Barnes*, by then he had been joined on the court by such legal and moral luminaries as Justice Thomas, whose own confirmation to the court once hung by a hair—we won't say whose. Souter joined Stevens and Ginsburg in the *Erie* dissent, writing a separate opinion.

So, in *Erie* we had a 6-3 decision, with two separate majority opinions. Justice Scalia, a really weird dude who can sometimes surprise you, joined by his homunculus Uncle Thomas, opined that the *Erie* law had nothing to do with the First Amendment because *Erie* banned public nudity, not expression; that it simply reflected the fact that “*Erie* has recently been having a public nudity problem, *not with streakers, sunbathers or hot dog vendors*, but with lap dancers.” (*Emphasis added.*)

Have you ever gotten the feeling that your life is being run by lawyers, however aggrandized they may be by priestly black robes, high catbird seats of polished wood, and cries of “Oyez, oyez”?

Chad Merrill Smith: Precedent Ignored

Back to 1994 and Beachfront U.S.A. Our Federal case had cost us all told about 25 grand in legal fees. Having come a cropper in the Federal court system, we retrenched and began eyeing the California state system, where Beachfront's failure in 1975 was approaching the quarter-century mark. An opening seemed to present itself in 1994, when the city council of Rancho Palos Verdes passed an anti-nudity ordinance (admittedly copy-catted from the Los Angeles Mother of All Anti-nudity Ordinances we had attacked in the Federal courts), despite eloquent pleas to exercise reason by an assortment of nudist speakers at the mandatory public hearing. Amazingly, no spokespersons appeared to commend the city fathers and mothers for their zeal in fighting sin, but as the vote proceeded, it was obvious that council person minds were already made up, and that the hearing was a mere formality.

It took BFUSA five year to raise enough money to sue the city. Goals were twofold: 1) to recover Smugglers Cove, one of only three freebeaches south of Los Angeles (the other two being San Onofre and Black's), and 2) to see that the *Chad Merrill Smith* ruling of the California Supreme Court (1972) was implemented—because, theoretically, this decision could free up all freebeaches in the state, with important implications for the entire nation. *Chad Merrill Smith* was a unanimous decision written by the late, great jurist Stanley Mosk, which said, in effect, that public nudity sans lewd intent was not a criminal act. “This being true,” we reasoned, “how can this clique of dwarfish politicians declare it *non gratis*?” (Neither swimming nor sunbathing was outlawed at Smugglers Cove, only nudity *per se*.) The “time and place” alibis for restricting citizens' freedoms

didn't seem to apply here, inasmuch as one must really want to go to Smugglers Cove, since it is approached by a goat trail down from the highway after a bit of a walk from the parking lot (which, incidentally, lost a good bit of revenue from the effects of the ordinance, a reduction of taxpayers' money that didn't seem to bother the RPV city council). Furthermore, Smugglers was a traditional nudist beach of many decades standing.

Again, our search for an attorney was frustrating. Although we would have preferred an attorney who was himself a nudist, we settled in the end on our previous paladin, Stan Raskin, who promptly drew up a complaint and filed suit. Again, we expected to lose the first round. We even expected to lose in the appellate round. But we felt obligated to bring the issue of public nudity before the highest court in California, a court that had declared in *Chad Merrill Smith* that public nudity sans lewd intent was no crime. In short, we wanted our day in court, which had thus far, over a quarter of a century, been denied us. We wanted to have the State's Supreme Court debate our notion that if public nudity wasn't a crime, how could petty politicians, with dubious motives, make it one? We wanted to know if the Court had meant what it said in 1972...or were those weasel words in *Chad Merrill Smith*?

What's in Your Wallet?

What we did not count on was being blind-sided in a novel way. Superior Court Judge Reginald Dunn ruled in favor of Rancho Palos Verdes. Fine, but then we learned that we would be held liable for the attorneys' fees and other court costs is we lost on appeal. The amount involved, an estimated \$20,000, would not only have depleted BFUSA's funds, but would have reached into our seven directors' personal pockets. On the advice of our attorney, we dropped the right of appeal, and the city dropped its demand for recompense.

Beachfront U.S.A., of course, is not about to let this setback knock us out of the struggle. We are here to stay. We don't like being pushed around by intolerant ignoramuses. We don't like having our moral life dictated by others, particularly loonies whose own tight-assed, righteous so-called morality is anything but.

Beachfront is taking steps to incorporate to protect the private fortunes of its directors. Once this is done, we'll be able to say, in the immortal words of Fast Eddy, “We're back!” ☼

Additional information about Beachfront U.S.A. may be found at: www.bfusa.org

Cec Cinder, a director of Beachfront U.S.A., is the author of **The Nudist Idea**, available at the Beach Mall at www.beachesfoundation.org

Editorial: NATURISM – THE EDEN CODE

According to *Genesis*, God created Adam and Eve naked, and allowed them to live in Eden nude. So we can presume that if the first parents had not eaten the fruit of the Tree of Knowledge, we would not be discussing the question of nudity today, but living nude in paradise.

When Yahweh cast Adam and Eve out of paradise, he cursed them. Now man would have to labor to produce food, and woman would suffer the pangs of childbirth. God also gives Adam and Eve animal skins to wear. Is this a prohibition against nudity? Or is it just part of the curse that man would now at times need clothing to protect his flesh from the elements outside of the safe environment of Eden?

Later, God condemns Ham for laughing at his father Noah sleeping off a bout of heavy drinking, lying nude in his tent. Is this a condemnation of nakedness? Yahweh doesn't chastise Noah for being naked; instead, he chastises Ham for shaming his father by ridiculing him to his brothers. (Doesn't Ham seem rather like a voyeur at a naturist beach?)

While one can debate the precise meaning of incidents like these, it's difficult to read any absolute condemnation of nudity into the Torah. The Old Testament, a document that otherwise minutely specifies rules of conduct—most of them ignored by Christians today—contains no general law against nudity. If nudity is sinful, why did God command Isaiah to prophesy in the nude for three years? (*Isaiah 20:2-4*) We are told of King Saul that “the Spirit of God was upon him also...and he stripped off his clothes also, and prophesied before Samuel in like manner, and lay down naked all that day and all that night. Wherefore they say, ‘Is Saul also among the prophets?’” (*1 Samuel 19:23-24*) Could anything be more plain than this? I don't see how the “people of the Book”—Jews, Christians and Muslims—can reconcile this fundamental acceptance of nudity in the Bible with some fanciful general Biblical ban on public nudity.

For Christians (and Muslims, who revere Jesus as a great prophet, though not as God's son), it's noteworthy that nudity is nowhere condemned as a sin in the New Testament. (References to clothing the naked cannot automatically be seen as proposing nakedness is a sin; it is equally plausible to see this as an acknowledgement that clothing offered protection from the elements. One provides the poor with clothing, just as one provides them with food or with shelter. Are hunger and homelessness sins?)

Some have argued, based on references to casting off and putting on of garments in the Gospels, that Peter and his fishermen brethren fished in the nude. This is somewhat problematical, as the Greek historians Herodotus and Thucydides had noted several centuries earlier that non-Greeks had a peculiar shame in publicly revealing their bodies. However, by Christ's time Palestine had been heavily influenced by Hellenic culture, so the contention is plausible. The Gospels, after all, are written in Greek.

What is fairly certain, both by a reading of the Gospel text and from Roman custom, is that Jesus was crucified naked. (The soldiers divided his tunic, and cast lots for his robe.) If we also accept the argument for casual nudity among the Jews of Christ's time, it's plausible that the risen Jesus was naked when first seen by Mary Magdalene. His burial shroud was lying in the tomb, and she mistook him for a gardener. Why a gardener, unless he was stripped (as for work)? (*John 20: 15*) This reading may, however, militate against a currently popular conjecture on the intimacy of Jesus and Magdalene.

Outside the Bible, it's noteworthy that adult nude baptism before the congregation was a widespread form of the sacrament in the early church, which indicates that early Christians did not consider public nudity always sinful.

The mythological symbolism that is common in our naked first parents, nude prophets, Christ naked on the cross, and nude baptism is one of submission (interestingly, an exact translation of the Arabic word “Islam”), innocence, and an acceptance of God's work (which he judged “very good”).

The Christian may argue that the sacrifice of Christ, the new Adam, erased the sin incurred by the old Adam in Eden—therefore, if there ever were a prohibition against nudity, it is no longer in force. (But again, as we have shown, this absolute nudity prohibition does not seem to exist in scripture.) In any case, aren't there more important issues, such as mercy, peace and compassion, for us (and God) to be concerned about? Surely God will find more favor with a nude Samaritan, than with a Pharisee decked out in a thousand dollar suit and a hundred dollar haircut.

Did Christ's death restore Eden? Certainly, we weren't all instantly transported back to an earthly paradise. But perhaps one may argue that what was restored was a new Eden of the spirit. I'm sure that many of our fellow naturists with a strong Christian faith see their practice of nudity in this light.

καὶ τὸ φῶς ἐν τῇ σκοτίᾳ φαίνει,

καὶ ἡ σκοτία αὐτὸ οὐ κατέλαβεν.

“And in the darkness shines the light—
and the darkness has not grasped it still.”

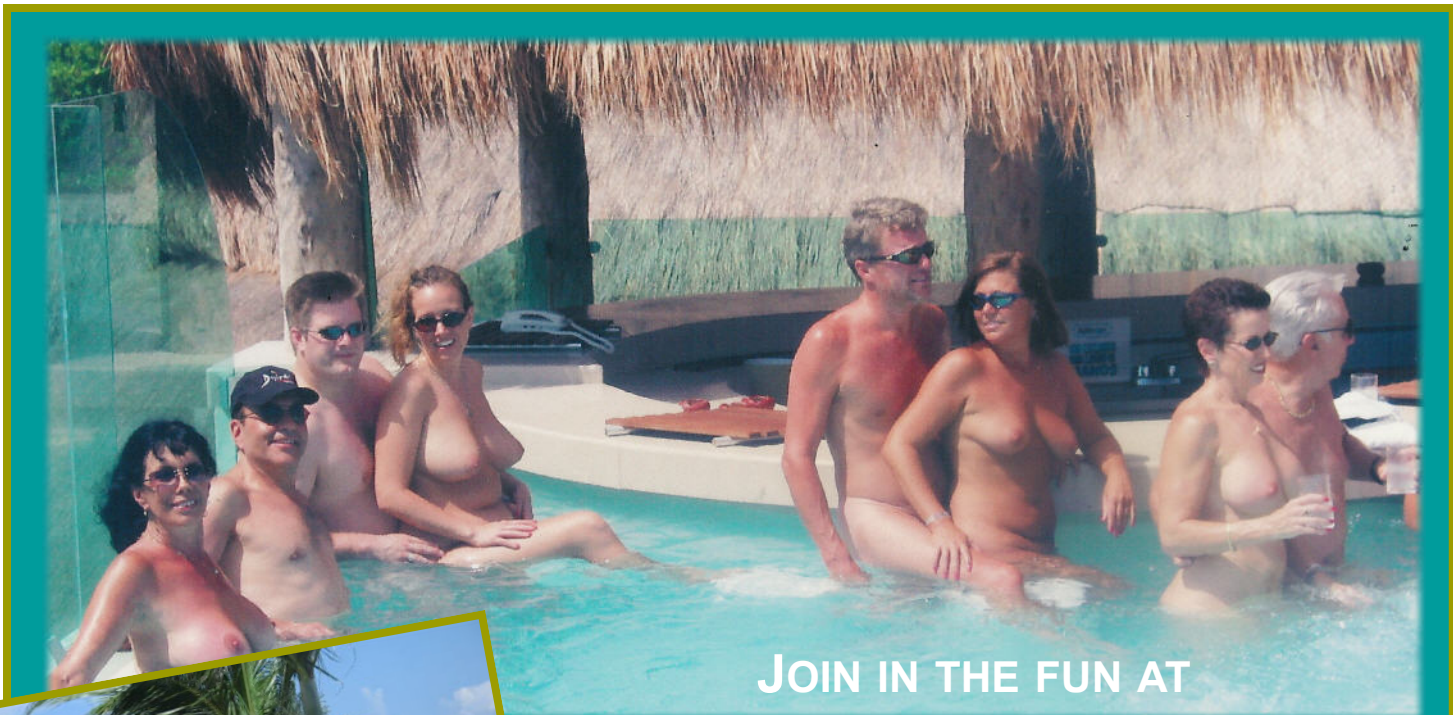
(*The Gospel of John 1:4-5* – translation by the editor)

Suggested further reading:

What the Holy Bible Really Says About Nakedness by Paul Bowman – book available for purchase online at the **Beach Mall** at www.beachesfoundation.org

Naturist Christians: www.naturist-christians.org

Naturist Life International: www.naturistlife.com



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