

South Florida Free Beaches
Florida Naturist Association

The SunDial

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VIRGINIA KEY, south side, view from Rickenbacker Causeway
1980

VIRGINIA KEY, Part One: PARADISE FOUND

by David Baum

Today, most will know Virginia Key as the site of the Miami Seaquarium, and a large sewage treatment plant. During World War II, the U.S. Navy used Virginia Key to train black sailors, as the sight of black faces on the other beaches was deemed offensive to white sensibilities. In 1945 Dade County officially designated Virginia Key as the area's sole "Colored Only" beach, and it remained so into the 50's, until apartheid was legally ended. Ferry boats provided access from 1945 to 1949, when the Rickenbacker Causeway linking Miami, Virginia Key, and Key Biscayne was completed. Soon skinny-dippers discovered this now abandoned and relatively remote area. —the Editor

After being harassed by the police at Key Biscayne's Crandon Park at the beach known as Bear Cut during the late 1970's, determined nude sunbathers eventually moved up the Rickenbacker Causeway to Virginia Key.

The beach was across the waterway from Bear Cut, along the row of jetties and within sight of the causeway. There nudity was spread out, with a busy day consisting of 12 couples at one time. No one knew anyone else and it was common to see five or six rowdies surround a nude couple and comment on the woman's body or make other abusive comments. There were problems with four-wheel drive vehicles speeding along the sands.

The nude sunbathers found a safer place at a spot on the northern end of the key, nearly hidden below a bluff. Its proximity to the nearby sewage treatment plant gave it the name *Sewer Beach*, but to those who sunned there, it was affectionately known as *The Cove*.

Article continues on page 4



SFFB's first president Tom Chittenden and
The Naturist Society founder Lee Baxandall
at Virginia Key's south side on a cold day in 1980.

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Correction: In the Winter '06 SunDial we mistakenly identified the beach sign on page 11 as being from Oka Beach in Québec—it is in fact from Montelivet Beach in France. Oka naturist beach does not mandate nudity, but is clothing-optional. Still, an amusing sign.

PRESIDENT'S MESSAGE: 15 Years & Counting by Richard Mason

This July 2006, Haulover's Naturist Beach will celebrate its 15th year. While that number is a milestone, it also marks the number of years that we have been waiting for certain much-needed improvements.

Of course, the establishment of a designated naturist beach in 1991 was in itself remarkable. From the beginning, we hung on in fear that we would lose the beach before we had an opportunity to prove that a naturist beach would be a successful, safe, and popular recreational option.

In 1994, an anti-nudity bill was introduced in the Florida Legislature and the responsibility to marshal the forces to defeat that bill fell to South Florida Free Beaches. Again in 1995, 1996, 1997, 1998 & 1999, new anti-nudity bills were introduced and again we took the lead in the fight to defeat those bills. Variations of anti-nudity bills were shopped and floated from 2000 thru 2003 with no success.

During these times, South Florida Free Beaches actually acted as an apologist for the park department, blocking and punting complaints about Haulover's poor facilities.

We supported the Safe Neighborhood Park Bond Issue and attended several meetings where we were asked to submit ideas and recommendations for park improvements.

In 2001, we went before the county commission at the request of the park department to support the conceptual plans for the redesign of Haulover Park. SFFB further offered a resolution which stated that the north beach area (the naturist area) would receive priority in the allocation of bond money for improvements. After all, that was where most of the visitors were, and that was the major source of parking revenue for the park department. It passed 12 to 0, but now that resolution appears to have been ignored.

Since it's a major health issue, we believed that the bond money would be spent first on a new restroom. A sewer line was put in two years ago, by another department, with other funding. Where's the restroom? It is now 2006 and we are now told the restroom will be ready in 2007.

We learned that the bond money budgeted for the restroom in 2001 was gone, and the original \$4.5 million dollars had been spent elsewhere. Where did the money go?

During the past several years, we have had increased complaints about inappropriate behavior on the beach. We had requested police to be stationed at Haulover Beach. The management in the police department told us that police department responds to calls: Have the people call direct.

From our own experience, it takes too long for an officer to come from the mainland. This led to us using the tactics that other groups use: a direct request that money be put in the budget of the park department to pay for police to be stationed in the park on a scheduled daily basis. With Haulover Park earning in excess of \$1 million annually from parking, we believed our request was justified.

We requested that in 2003 and 2004, with no success. In 2005, we were told, in the beginning, that we did not have the support of the county commission. So I contacted the staff of each county commissioner and delivering a presentation request along with the over 800 petitions that were signed by Haulover beach visitors. What I learned was that we had the support of most county commissioners but that they deferred to the commissioner in whose district Haulover Beach Park is located. We did not have the support of that sitting county commissioner, so the tactic failed.

Since then, we have had an increase in tension between us and some park department and county officials. It is a classic example of "shoot the messenger." And, they have personalized it by criticizing me for even bringing the issue forward. And I thought the right to petition for the redress of grievances was part of the First Amendment!

The two main health and safety issues are simple:

- Haulover Beach Park visitors deserve police protection.
- Haulover Beach Park visitors deserve adequate facilities.

It is the responsibility of South Florida Free Beaches to speak up for its members, supporters and constituency. That is what citizen initiative associations do.

The fact that we have saved Miami-Dade County money by keeping the beach clean and donating thousands of hours annually of Beach Ambassador time seems to have gained no brownie points at all.

It is not reasonable for Haulover visitors to expect a perfect park, but a park that serves the needs of the many park users and of neighboring residents is not an unreasonable expectation for citizens to have.

Edward R. Morrow stated, "The future is not in the stars, it is in ourselves".

We were told by one official that we should go behind the dunes, keep quiet, and be glad we have what we have.

That is the same story they told blacks during Jim Crow days: Go to the back of the bus and be happy we let you on the bus at all.

We will continue our initiative to bring equity for the Naturist beach visitors at Haulover. As taxpayers and citizens we only want to be treated equally and fairly. Nothing more, nothing less.

Remember, Naturist beaches are lost when there is no one to support or enforce Naturist Beach Etiquette.

Good Day and Good Luck. Stay the course with us! ☀

Postscript: On Saturday April 8 & Sunday April 9, Miami-Dade County Police appeared at Haulover Beach Park on a 10 AM to 6 PM scheduled shift. It appears that our lobbying and your letter writing is working. To have police on until sundown is our goal.

VIRGINIA KEY continued from cover

Some people say the Cove could hold 100 people, although others say it was less.

The parking area was above the beach and more cars parked further back along the road. If late arrivals blocked other cars, they might get towed away. Parking on the beach around the bend meant your car being washed away at high tide if you parked too close to the water.

Facing the cove is a small waterway providing access to the ocean or Biscayne Bay. The weak current and shallow water kept the temperature warm. Randee Fried remembers them joking that the warm water was sewer run-off.

Barbara Peterson remembers how she and others would tie rafts together and anchor them a few feet offshore. Anyone could use them as platforms and Galen Johnston remembers kids walking on top of them.



Randee remembers how some beachers would hold their swimwear over their heads and swim to the other side, get dressed, then walk to the famous Jimbo's to buy sandwiches and sodas. However, there have also been stories of people walking to Jimbo's WITHOUT their clothes!

Former Cove users like Doc McClesky remember the late Ted Bishop driving his truck onto the beach and opening the back to serve as a bar. After the police caught up to his "unlicensed" liquor sales, he began selling hot dogs, hamburgers and chicken. Those without money were allowed to eat for free.

People were known by their first names or nicknames. There was tremendous camaraderie with people sharing food and drinks and welcoming new people to the beach. Doc felt the beachgoers were like family and some people socialized away from the beach. But, like anywhere, there were also cliques.

The downside involved the legendary "tree people": gawkers who peered down at the nude sunbathers while standing among the trees overlooking the beach. Barbara remembered some clever bathers flashing the sun from their hand mirrors into the gawkers' eyes. Galen Johnston remembered that if any gawkers got too close, they would be surrounded by nudists and leave. Barbara noted that the crowd thinned out as evening approached and the tree people were more drunk and apt to approach.

Although nudity was technically illegal, the police tolerated the nudists. Sometimes, they would come over the hill to check the area or go after gawkers if there was a complaint.

At its worst, the Cove was too crowded and the gawkers were too close. By 1980, weekend sunbathers were stretched to the mangrove swamp on the other end, blanket-to-blanket, with some edges touching, others overlapping.

Sometimes, to get away from the crowd, Barbara and her social group of 40 nude-beach users drove north of West Palm Beach to the former Air Force Beach on Singer Island, where nude use was still tolerated.

There were also skinny-dippers south of the Cove, using the beach along the row of jetties. One user of this part of Virginia Key was Tom Chittenden. He was an active nudist from Boston who used to run his own nude swimming club in Massachusetts and had done interviews on behalf of nude recreation. Tom had been in Florida since 1975 and held house and boat parties with friends

from area nudist camps and the MENSA organization.

For some reason, Tom hadn't heard about the Cove or the group that used it, so his experience involved the southern end of Virginia Key along the jetties. He noticed the problems with rowdies and wanted the beach nudists to get organized and have safety in numbers. He typed a one-page flyer and began handing it out on the beach, telling the nude beachers that they had to get together for their protection. With a clipboard and pencil and paper, he put the names and addresses of those who agreed onto a common mailing list. He had over 100 names before anyone refused. He recalled that when they started to gather as a group, the rowdies stopped the harassment.

Meanwhile, Ted Bishop's social group moved away from the overly-crowded Cove and returned to the area on the southern part of Virginia Key Beach, which had a wider area with trees farther back, so the gawkers were farther away. Vehicles could get there by driving along the back of

VIRGINIA KEY

the beach or parking along the paved main entrance road and walking a muddy trail through the woods. This time, the rowdies were gone. He didn't know it, but this was the same spot Tom Chittenden had been organizing.

Tom was also a personal friend of Lee Baxandall, who was in the final stages of forming the Naturist Society and trying to popularize the use of the word *naturist* for nude beach users. The "Free Beach Movement" had begun and Lee asked Tom to be a contact person to provide local information for Miami and the South Florida area.

Lee was publishing a small newspaper called *The Naturist*, which contained information about nude beaches around the country. Another tabloid format newspaper which contained nude beach information was *The Beachhead*, published by a California nude beach group called *Bare In Mind*.

Both of these publications contained contact groups for information, most using a PO Box number. Tom put in his own Hialeah Lakes address and called himself *South Florida Free Beaches*, a name Lee suggested.

Tom remembers meeting Barbara Peterson in 1980 on Virginia Key and giving her one of his flyers. She remembers he handed out *The Beachhead* newspaper along with his flyer. The first time she saw the name *South Florida Free Beaches* in *The Beachhead*, she thought there was a nudist organization that she didn't know about.

She sent Tom a letter, dated July 10, 1980, asking for information about his group "on behalf of about 40 nudists from the Miami area," asking what they could do to help with the organization and where they could go without problems from the police.

Tom looked her up in the phone book and they later met over drinks with a friend of hers. Tom and Barbara were both enthusiastic about forming a club. By combining their lists, they had well over 100 names. A group would have more say in dealing with the authorities and Tom was willing to go before local leaders or get arrested to challenge the laws, but Barbara wasn't interested in politics, just the parties and fun.

Tom and Barbara began handing out flyers on the beach and contacting people on their mailing list about an upcoming get-together in a private home on September 3.

That gathering of 30 people, mostly from Barbara's social group, became the first meeting of *South Florida Free Beaches* and the new club used Virginia Key Beach as its stomping grounds.

Every weekend, cars would park in front of the trees along the back of the beach to help block the view of the voyeurs. Over 100 people would gather for sun, volleyball, barbecues, hotdogs and hamburgers. They took on the naturist ideal of cleaning up after themselves, so they brought their



Friendly police would often protect naturists from rowdies and gawkers at Virginia Key

own garbage bags and removed trash from the water. They shared food with the Metro-Dade police who still tolerated their nudity and even told the Tree People to take off their clothes or leave.

The first scheduled club activity was a Columbus Day Cookout on the beach, where people brought their own food. Two weeks later, Lee Baxandall stopped in Miami on a five-hour layover and was brought to the beach for a small, half-hour cookout in his honor.

The first ripple of trouble came with the announcement that the City of Miami wanted to purchase county-owned Virginia Key and turn it into a thousand-acre waterfront park. The County police told the free beachers that the City had a different view of nudity, so their new ownership of the beach might mean the nudists would have to get dressed!

Although there were critics of nude beaches who wrote letters to the editor or called in to radio talk shows, this was the first real threat to the skinny-dippers using Virginia Key.

For the first time, South Florida Free Beaches members would have to fight for their beach. *End of Part One* ☀

Contributing to this article were Tom Chittenden, Barbara Peterson, Doc McClesky, Randee Fried, Galen Johnston, Lee Baxandall.

1945–1954: "Separate but Equal"



Whites could not use Virginia Beach; blacks were not allowed on any other beach in Dade County. Prior to 1945, blacks had no officially designated beach.

NATURIST LEGAL BRIEFS

NEGATIVE SECONDARY EFFECTS: A NEW FEDERAL COURT PRECEDENT

The theory of “negative secondary effects” has often been used to justify laws outlawing certain activities, from “adult” entertainment to skinny-dipping. This theory maintains that while these activities may themselves be benign, allowing them causes an increase in crimes such as rape, assault and domestic violence. Judges have often accepted the evidence for these claims uncritically, or allowed without review claims presented in prior cases, without closely examining the evidence themselves *de novo*.

January 20, 2006: In *Daytona Grand (d/b/a Lollipop’s) et al. v. City of Daytona Beach*, at issue were two city ordinances: an “Alcohol and Nudity” ordinance banning the sale of alcohol at “adult cabarets” with nude dancers, and a general “Public Nudity” ordinance.

U.S. District Court Judge John Antoon examined negative secondary effects claims, and agreed with the plaintiffs that the studies offered in evidence by Daytona Beach were “shoddy”, “selective” and “incomplete”; further, that plaintiffs’ own expert witnesses effectively countered the city’s claim that “the appearance of persons in the nude or semi nude in public places such as adult cabarets... increased incidents of lewd and lascivious behavior, prostitution or sexual assaults and batteries”. (Note this is also the claim often made by opponents of clothing-optional beaches.)

To give but one example, the city’s claim that Lollipop’s presence increased prostitution was judged “essentially meaningless”. (The city had targeted the area around Lollipop’s for enforcement in a “sting” operation; there was therefore no control showing there was really any more prostitution near the club than in other areas of the city, where there was a lower police presence. Unfortunately this is typical of the methodology of such “studies”, which are often un-empirical or anecdotal.)

Judge Antoon thus found “the City of Daytona Beach lacks sufficient evidence that the ordinances further a substantial interest in preventing secondary effects associated with adult entertainment” and struck down both ordinances based on rights protected by the 1st and 14th Amendments to the U.S. Constitution, commenting further, “Gone are the days when a municipality may enact an ordinance ostensibly regulating secondary effects on the basis of evidence consisting of little more than the self-serving assertions of municipality officials.”

While this case involved a nude dance club, the precedent this ruling establishes invites challenges to all instances where negative secondary effects have been used to justify restrictive laws. If negative secondary effects could not be proved for “adult” entertainment, how likely is it they can be for skinny-dipping or nude sunbathing? ☼

TEXT OF DAYTONA NUDITY ORDINANCE #02-496

(Struck down by Judge Antoon)

a) It shall be unlawful for any person ten years of age or older to recklessly, knowingly, or intentionally appear in a public place, or to recklessly, knowingly, or intentionally cause or permit another person ten years of age or older to appear in a public place in a state of dress or undress such that any of the following body parts or portions thereof are exposed to view or are covered with anything other than a full and opaque covering which completely covers all of the described area:

(1) The male or female genitals, pubic area, or anal cleavage.

(2) The nipple and areola of the female breast; and in addition at least one-half of that outside surface area of the breast located below the top of the areola, which area shall be reasonably compact and contiguous to the areola.

(3) One-third of the male or female buttocks centered over the cleavage of the buttocks for the length of the cleavage. This area is more particularly described as that portion of the buttocks which lies between the top and bottom of the buttocks, and between two imaginary straight lines, one on each side of the anus and each line being located one-third of the distance from the anus to the outside perpendicular line defining the buttocks, and each line being perpendicular to the ground and to the horizontal lines defining the buttocks.

(b) It shall be unlawful for any person to recklessly, knowingly, or intentionally appear in a public place, or to recklessly, knowingly, or intentionally cause or permit another person to appear in a public place in a manner as to show or display the covered male genitals in a discernibly turgid state.

(c) Attire which is insufficient to comply with these requirements includes but is not limited to those items commonly known as G-strings, Tbacks, dental floss, and thongs.

Editor’s commentary:

a) 2) Also known as the “okay to tease ‘em, but don’t reveal ‘em” clause.

a) 3) Will the police be supplied with the necessary tape measures, calipers, and plumb lines? Obese tradesmen with loose pants are hereby put on notice!

(b) Given wide variations in male genital sizes, it is anticipated that this determination will require close study and analysis in each case, including an individual flaccid/turgid penis size comparison of each suspect. Guys in Speedos beware!

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SUNSPORT GARDENS – A SunDial nudist resort review by Michael Kush

Past the kamikaze drivers on I-95...past miles of clone strip malls and fortress-like luxury housing developments...a dream awaits. It's a dream first dreamed by German immigrant Hugo Forester, but one in which all nudists can share. That dream is Sunsport Gardens Family Naturist Resort.

The Founder

Hugo Forester was born in 1924 in a nudist resort in Germany. At age four he promised his mother that he would one day own his own resort, where she could work as chef. Unfortunately, his mother died young, in an auto accident. After forced enrollment in the Hitler Youth, and service in a Panzer division in World War II, Hugo later worked as an emcee in a cabaret and as a circus clown. He emigrated to the U.S. in 1957, and went to work as a machinist. By 1965, he had saved enough money to buy a 40-acre tomato farm in rural Palm Beach County for \$19,000. Hugo finally had his own personal piece of the American dream—his own nudist resort.

Hugo dug ponds, planted trees, and built facilities at his resort by day, continuing to work as a machinist by night. Gradually, amenities appeared: volleyball courts, tennis courts, a pool, a sauna. In later years, Hugo worked as a school bus driver, entertaining the children with his old clown routines. Developers offered Hugo \$3.5 million for his resort before his death in 2001, but he refused to sell.

After his death, his heir, a German resident, continued Hugo's vision by selling the resort for a lesser, undisclosed sum to a group of investors, including Morley Schloss, his loving partner Anne Fischer, and several others nudists, who vowed to honor Hugo's memory by maintaining Sunsport as a nudist facility. "We have no interest in ever selling," says Morley, a retired teacher and school administrator from Rochester, New York—also the founder of the Rochester Naturist Society, and a board member of the Naturist Action Committee. "Even if someone offered us \$3 million, we'd have no interest."



Sunsport Garden's new owners, 2001



Hugo Forester at Sunsport tennis courts, late 1990's

The Legacy

Sunsport's investors know they have invested in a living dream, not merely in a business. They've been putting profits back into the resort, including a new sewage treatment plant, new rental cabins, ongoing landscaping, and a new outdoor deck for the restaurant. Their Principles and Objectives Statement shows obvious roots in the "clean living" and "back to nature" principals that originated with German naturism:

Article continues on page 10

CONGRATULATIONS
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SUNSPORT GARDENS – continued from page 9

“Sunsport will not obtain a license for distribution of alcoholic beverages as the distribution of them tends to affect the atmosphere.”

“An Ecology Committee made up of experts in South Florida vegetation will design and oversee an ecologically sound program to increase desirable wildlife and to replace illegal plant species with native trees and bushes. The committee must approve the removal of any legal [native] tree or large bush.” (The resort today features a nature trail, and has been “built back” from a working farm to a showplace of native Florida flora.)

“Facilities should be operated in an attractive, safe, and functional manner. Particular attention should be devoted to common recreational areas such as the pool, hot tub, tennis and volleyball courts, and children’s play equipment. The restaurant should provide appetizing and healthful meals, including low fat/low calorie and vegetarian options, in a clean and comfortable environment.”

“Parents will not be asked to choose between being with their children and participating in Sunsport activities. All activities in common areas at Sunsport should be appropriate for families.” (Kids do have their own play area, but there are no “adult only” common areas in the resort. Morley remarks to the visitors complaining about the yelling of children at play, that there are several retirement communities in Palm Beach for those who prefer quiet.)

Not that Sunsport’s current owners are dogmatic: they don’t sell alcohol, but you’re free to bring in your own wine or beer. Smoking is not allowed in the buildings, but you can smoke outside. Nudity is mandatory in the pool, hot tub and sauna, but otherwise you can wear what you want, although nudity is certainly the norm in good weather. (Ponchos, sarongs, and tee shirts are common attire on cool nights; one will seldom see a cocktail dress or high heels.)

Sunsport proudly displays its anti-discrimination policy at the gate—a policy that is also part of Hugo’s legacy: “Naturists are welcome regardless of race, religion, gender, marital status, sexual orientation or disabling condition.”

The Experience

The neighborhood is largely as Hugo found it in 1965. The resort is located in Loxahatchee Groves, which includes mostly plant nurseries, equestrian facilities, and a few farms. Most of the area does not even have paved roads, and the landowners’ association is intent on preserving the rural character of the community, even though it’s only a twenty minute drive from Palm Beach airport.

At Sunsport, the emphasis is less on glitz and glamour than on relaxation, fun, and community. It’s not a place to show off, to project an image for others...rather, it’s a place to be yourself, or to find yourself. Is this a relic of the past, or

vision of the future? Perhaps it’s best to forego such vain speculation, and just say that Sunsport is rooted in the present...and the present is what you choose to make of it.

So, when hurricanes in recent years left neighbors without power for their wells, Sunsport invited the community to come into the resort for free to fill their water bottles and to take showers. That’s just what good neighbors do, although local television and radio outlets, and the South Florida *Sun-Sentinel* newspaper, ran features on this community service. And at the 2006 February Festival, a mobile blood donation van was brought in, and attendees were encouraged to give blood.

Sunsport’s signature event, the Mid-Winter Naturist Festival each February, is emblematic of its outreach beyond established, formal nudism. Lots of card-carrying nudists attend, but so do others of liberal and free spirit from South Florida and beyond. Naturists and nudists mix with others who would not place these labels on themselves, at the daytime workshops on health, fitness, and spirituality—it’s a very “New Age” agenda—and at the nightly dances and drum circles. Is that nude drummer at the campfire an AANR member down from another nudist resort, or someone who just decided nudity was more comfortable that evening than clothes? Is that dancer in the sarong a “textile” from the outside world, or is she a nudist who just felt like dressing up a little tonight? Does it matter?

Events like volleyball tournaments, drum circles and dances with live music help to bring in those new to naturism throughout the year, including college students. Perhaps not all new visitors will become life-long nudists, but at least they will go away with a better understanding of what naturism is about.

And so, the dream continues, as long as there are those left to dream it. ☼

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CALIFORNIA DREAMIN' – A Pacific Coast Free Beach History by Cec Cinder

Part One: 1967–1979

The history of freebeaches in America properly begins with their advent at San Gregorio, California in 1967. I should add at this point that the term “freebeach” is a direct/literal translation of the German *Frestrand*, and that the “free” has nothing to do with money but means the absence of mandatory swimsuit requirements. In other words, “freebeach” equates with that inexact term “nude beach”. (The beach, of course, isn’t nude).

There had been freebeaches in Europe since the establishment of the one at Sylt, a long German North Sea island, in 1925. And there had been attempts to establish one in America at Jones Beach, New York, around 1930. But it had failed, and there were no other successful attempts until San Gregorio, nearly four decades later.

A freebeach advocate and activist since the late 1950’s, in 1965 I finally had an opportunity to visit Sylt as well as the famous Ile du Levant, a nudist island off the French Mediterranean coast, and Montalivet, a long, beautiful beach on the French Atlantic coast. It was thus with a great deal of anticipation and excitement that, on my way back home to Southern California I made a point of detouring when the news of San Gregorio reached me. I was not disposed to go down onto the beach itself, but was able to verify its authenticity from the top of the cliffs above, where I joined a not inconsiderable throng of observers.

It was a singular moment for me. Freebeaches—or at least *a* freebeach—had come to America at last! I had verified this advent with my own eyes. I was confident that the spread would be rapid and substantial, if not overwhelming. I was half right.

Today there are fourscore nudist beaches in North California, the bluest part of a blue state. But in Southern California the picture is startlingly different. Many free beaches established south of (let’s say) Hearst Castle have since been hounded out of existence by sheriff’s deputies, the morals police, the American Taliban.

As late as 1995, there were only three freebeaches in Southern California south of Los Angeles. One of these, at Smugglers Cove, Rancho Palos Verdes (a nudist venue of long standing somewhat protected by its difficult accessibility), has already been shut down by a city ordinance (in direct violation a California Supreme Court ruling). One of the two remaining is at the southern end of San Onofre State Park, just south of the nuclear power plant at the seaside there. This beach, a bit of a walk over rough ground from the parking lot, exists, or is tolerated, courtesy of the State Park system and a 1988 executive decision affording it some protection (the so-called “Cahill Policy” of 1977).

The other is the long-standing and world famous Black’s Beach at San Diego, which has gradually been whittled down but still gets thousands of visitors on a good day. What led to this mixed and sorry state of affairs?

San Gregorio revealed, and proved possible, that human beings of both sexes, and all ages, could enjoy sea, sun and sand completely—or “stark”—naked without being harassed by gangs of Hell Angels, outraged religious nuts or zealous coppers. Yes, it had come to pass. San Gregorio was a peaceable, harmonious panorama.

After 1967, other freebeaches began springing up along the CA coast. Unfortunately, law officers began sporadic arrests of nude sunbathers, charging them with “indecent exposure,” a criminal sexual offense under the state’s penal code, Section 314. At Pirates Cove (Malibu), in the summer of 1972, sheriff’s deputies conducted daily raids in August and September.

But in June, 1972 the CA Supreme Court had unanimously decided that mere nudity unaccompanied by lewd intent was not a sexual offense. Two years previously, a young man named Chad Merrill Smith had lain down nude on a beach in San Diego County and fallen asleep. He was observed, reported and arrested under Section 314. When the case eventually worked its way up to the State Supreme Court, the ruling favored Smith, who obviously was not behaving in a lewd fashion while asleep. Smith’s exoneration was a landmark decision for California nudists. When the impact of the decision sunk in, the police found themselves disarmed.

Beachfront U.S.A. was born in 1972 in the mind of Eugene Callen, a German-American resident of Santa Monica, California. A frequenter of Los Angeles nudist beaches, Callen one day on the way to the beach noticed a sign: BEACHFRONT. Tacking “U.S.A.” onto the word, he

Article continues on page 14



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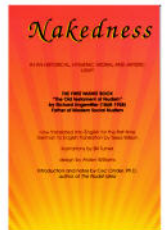


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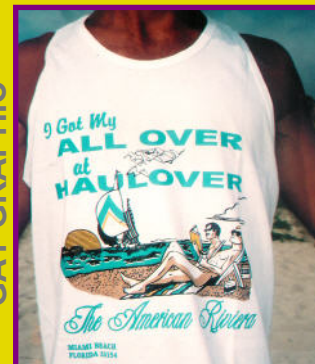
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ENDANGERED SPECIES: NATURISTS IN FLORIDA STATE PARKS by Michael Kush



Honeymoon Island, 1981:
*The sunset days of family naturism
in Florida State Parks*

THE 2000 ROPER POLL (Question Two)

"Local and state governments now set aside public land for special types of recreation such as snow- mobiling, surfing and hunting. Do you think special and secluded areas should be set aside for people who enjoy nude sunbathing?" **YES: 48% NO: 48%**

Full poll data at: www.naturistsociety.com/NEF

THE FLORIDA STATE PARK DRESS CODE

"In every area of a park including bathing areas no individual shall expose the human male or female genitals, pubic area, the entire buttocks or female breast below the top of the nipple, with less than a fully opaque covering."
—FAC 62D-2.014 (7)



Anti-war protest, 2003,
MacArthur Beach State Park:
A palimpsest of former naturist use

According to the Florida State Parks website, "Florida State Park beaches are open to the public and accessed through public beach accesses and Florida Law does not permit nude sunbathing in public areas." The public, apparently, doesn't include naturists. And, as visitors to Haulover's naturist beach know, the latter part of this statement is not quite true, if meant to refer to Florida statute and case law. However, park administrators have enacted, and now actively enforce, an administrative dress code for all State Parks.

In the 1970's, skinny-dippers generally weren't bothered at many places that are now State Parks: two were Honeymoon Island north of Clearwater, and Airforce Beach on Singer Island in Palm Beach County. Today, we're banned from all State Parks. How did it happen?

Airforce Beach got its unofficial name during WW II when John D. MacArthur opened his private beachfront property to servicemen stationed nearby, who were not always welcomed at the public beaches in Palm Beach. MacArthur liked to skinny-dip, and welcomed others of like mind, including by rumor Walt Disney and various high military brass. (Men of this era probably had fond memories of skinny-dipping as children.) MacArthur gave part of his land to the state for a park shortly before his death in 1978.

Unfortunately MacArthur made no written stipulation on retaining naturist usage at what would become MacArthur Beach State Park. The State Park Service began hassling skinny-dippers there, over the protests of MacArthur's son and of locals who had been using the beach for many years. With increasing enforcement, by the early 80's Airforce Beach was no longer a safe place for skinny-dippers.

The ban on skinny-dipping was unsuccessfully challenged up to the U.S. District Court by naturist activists including T.A. ("Toni") Wyner. Since then, the only nudity that has been allowed—often grudgingly—has been in conjunction with First Amendment protests staged by Wyner. The last that got broad public notice was a 2003 nude anti-war protest (in which the author was a participant), though even then the Park Service attempted to prevent the protest, and it was only through the intervention of the ACLU and the federal courts that it was restrained from violating well-established First Amendment free speech rights.

The Park Service just doesn't get it: naturists are part of the public, too. You can't please everyone: set aside some land for hunting, and PETA is going to complain; allow trails for motorized vehicles, and back-packers won't be pleased.

It should be a matter of balance rather than exclusion, and skinny-dipping has a particularly easy (and tested) solution: designated areas, with signs warning away those who don't like nudity, as at Haulover. Naturists are low-impact; we're not noisy, don't pollute, are generally easy on flora and fauna, and have a fairly good public acceptance to boot!

We're a native endangered species, not an exotic! ☀

CALIFORNIA DREAMIN' from page 11

achieved a euphonious name for an organization he felt was becoming increasingly necessary. The name "Beachfront U.S.A." was first made public in an article, "Summer '72: Nude Impact at Beaches," published in "The West Side" supplement of the *Los Angeles Times* on 1 Oct 72. The article was based in part on an interview with Callen. In the following month, he registered the name with the Los Angeles County clerk.

Despite the Chad Merrill Smith ruling, those relentless *police des mœurs*, the L. A. County sheriff's deputies, had continued to harass the nudists, now for "disturbing the peace," covered under section 415 of the penal code. But on 31 July 1973 the Appellate Department of the Superior Court, Los Angeles—no doubt influenced by the Smith decision—ruled that nude sunbathing could not be prosecuted as a violation of 415. As a result, deputies from the Malibu Sheriff's Station reluctantly discontinued arresting nude bathers on any beach within their area. The D. A. and City Attorney of L.A. said that arrests for nude sunbathing would no longer be prosecuted unless there were additional charges (drug abuse, offensive or lewd conduct, etc.).

Some law enforcement officers still itched to arrest nude bathers, especially if they could obtain a complaint from a private citizen, but most of them realized that in so doing they opened themselves up to a lawsuit for false arrest.

Unfortunately, this enlightened ruling only had validity for L.A. County.

On 7 Sept 73 the *L.A. Times* published an article by columnist Art Seidenbaum (1930-1990) called "Bare to the Beach." Strongly sympathetic to skinny dipping, it welcomed "a new coastal initiative that says suit yourself or unsuit yourself. Establishing some secluded legal sanctuaries for skinny-dippers by the summer of 1974 is a logical response to a healthy trend."

On 15 Oct 73, Eugene Callen called a meeting of friends and nude beach activists to translate his "Beachfront U.S.A." into a formal organization. About fifty people gathered at a private home in West Hollywood. I was among them.

There were introductory remarks by Callen, a less than riveting speaker. Then an amateur but skillful motion picture documentary of police misbehavior at area nude beaches was shown by Bill Ehrhart (still today a member of BFUSA, and the only one left of the original membership except myself). Finally, as the evening's last item, a pro temp organizational committee was appointed, more or less off the top of his head, by Callen, acclaimed the group's first President. The head of that committee disappeared after a couple of weeks, but the organization muddled on.

The subsequent nudist beach at Venice, CA, was the first success for the embryonic BFUSA. A thousand Venice maps were passed out at other area freebeaches, such as Pirate's Cove, and the number of nude bathers increased steadily at Brooks Beach, Venice. The police were informed that in the absence of specific anti-nude bathing legislation, BFUSA would challenge any arrests in the courts.

Politicians are practical people. Seeing the popularity of the nudist beach, L.A. City Council members were ready to cooperate in setting off an area for the nudists. They were even working together with BFUSA to bring it about.

At first the Council's legislation passed by a 10-3 vote! Unfortunately, since the vote was not unanimous, the Council was forced to vote a second time two weeks later. The interval gave L.A.'s police and religious forces time to direct a wave of letters and calls at Council members. When the vote came up again, the meeting was well attended by nudists but also by scowling, Bible-toting matrons. "From the beginning of the 90-minute discussion," said the *L. A. Times*, "the change in the lawmakers' attitude became increasingly apparent. Several councilmen who reversed their positions conceded that they were under heavy pressure from constituents, especially church groups, to outlaw nudity without exception." The Council finally voted 12 to 1 to ban nudism on Venice Beach completely, re-arming the police, this time with a City ordinance specifying a remarkably conservative dress code for beachwear.



CALIFORNIA DREAMIN'

Employing noted First Amendment attorney Stan Fleishman, Beachfront, in concert with the ACLU, filed for a permanent injunction against the ordinance. The injunction was denied, and in September 1974 Beachfront filed an appeal, raising six Constitutional issues—the ordinance discriminated against females; was in conflict with state and federal constitutional provisions guaranteeing the right to enjoy life and pursue happiness and privacy; had no legitimate urgency; attempted to regulate an area preempted by the state; violated religious liberty; and was unconstitutionally vague and broad.

But again Beachfront's suit was denied. Meanwhile the ACLU dropped out of the fight. By now Beachfront, worn out and demoralized, had neither the funds nor the energy to carry the case higher in the state court system—an egregious error!

The following summer L. A. County passed a similar ordinance, and before long clone ordinances of almost identical language were appearing in many municipalities and other counties in Southern California.

Everyone remembers that 1976 was the great Bicentennial Year, and there was a good deal of talk in the air about freedom and all that. Beachfront planned a mass rally, to take place on Zuma Beach on "Nude Beach Day" (later dubbed National Nude Beach Day as we began to coordinate with Lee Baxandall and other nudist activists in the East). The rally was widely advertised in the underground press and on liberal radio stations like KPFK. An attendance in the thousands was anticipated.

As it was, 1,200 nudists showed up. And that day saw all of them controlled by 70 sheriff's deputies from 8 a.m. until late afternoon. There were cops in patrol cars, cops on motorcycles, cops on foot with walkie-talkies, cops in helicopters, cops on boats and even cops on horseback outlined against the sky. The cops controlled the beach, the water, the air and even the surrounding hills. Towards midday, the 1,200 nudists present gathered together in a large circle in the middle of the otherwise empty beach. Games were played and speeches were made, but there was no nude-in.

No one will ever know how many hundreds were turned away by a police barricade of the only road into the parking lot. No one will ever know how many thousands turned away with a shrug as their car radios informed them that the roads were clogged into the beach, that the rally was unreachable. At 3:30 p.m. the police said they had turned away 8,000 and that traffic was extended nine miles south and twelve miles north of the single road leading into the beach parking lot.

BFUSA tried to put the best face it could on the Zuma Beach '76 bicentennial rally, but it had to be judged a failure even though the event generated enormous local and

even national publicity. It was sabotaged, first of all, by timidity on the part of the Beachfront Board of Directors, who voted to tell the police beforehand no attempt would be made to encourage a nude-in—apparently hoping that one might take place spontaneously. But, surrounded by a small army of armed, uniformed men disciplined in riot control, 1,200 nudists were not enough to achieve critical mass without a bold leadership. And the other thousands never made it; they were shut off; the choice of the site was, militarily speaking, a disaster. Nevertheless, we learned some lessons in that defeat. In fact, one of the great positive values of the early Beachfront battles was that in suffering defeat we learned a great deal about what *not* to do next time.

After 1976 BFUSA proceeded on a mostly downhill course. By 1979, the battle-scarred, weary, demoralized organization went belly-up. The last "President" was the late Tom Caldwell, never even properly elected but serving as leader because nobody else would. Even Tom finally gave up, but he can't be blamed for the demise of Beachfront U.S.A. as the 'Seventies played out.

Well, let us not say "demise." Beachfront lay dormant for seven years. But in 1986 a new Beachfront U.S.A. organized itself at the Olive Dell Nudist Ranch in Colton, CA, where it is presently headquartered and holds its monthly meetings.

End of Part One ☀

*Cec Cinder is author of **The Nudist Idea** and wrote the introduction to the first English translation of Richard Ungewitter's **Nakedness**. Both books are available online at www.beachesfoundation.org, at the Hauover Beach Mall, or directly from **Ultraviolet Press** (see p. 12).*

Beachfront USA website: www.bfusa.org





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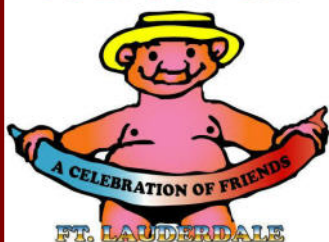
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