

AANR-West Government Affairs Report – End of 2019

By Gary Mussell, AANR-West GAT Chair

One of the primary reasons to belong to AANR (besides having fun) is to support our work that protects our right to be nude through legislation and the courts and, where possible, to expand social nude recreation opportunities. Here is a compiled list of actions and news about social nudity in our region since the August convention:

1. GAT and NAC Working Together (and now CDMF)

A year ago, I reported on the verbal agreement between GAT and The Naturist Action Committee (NAC) to begin working together where possible on issues of common concern. Since then several of the NAC Directors have participated in the monthly GAT phone conference calls with positive results.

- In the Western Region, Ron Weimer from Orange County, CA, who is a member of the NAC Board of Directors, continues to participate in the monthly GAT chat, and locally he and I talk frequently about local concerns.
- I have removed attorney Greg Wilkinson from the monthly Chat list as he has taken a job that requires his full attention. I have added Larry Gould, a newly appointed member of the AANR-West Board of Directors, to replace Greg on the Chat calls and to assist Ron and I on local issues.
- David Tiktin, whom I appointed as CEO of the Callen-Davis Memorial Fund a few months ago, now has assumed control of that Board of Directors and bank account with the demise of the Beachfront USA organization that used to oversee its use for important court cases involving clothing optional beaches. CDMF is a totally independent 501(c)4 non-profit but works closely with both AANR and the Naturist Society on the West Coast.

2. Legislation

Here is a summary of legislative activity, state by state, since my last report in July:

Arizona

Bev Price reports that there has been no legislative activity in Arizona. The legislature is adjourned, and the state and federal park superintendents seem content with the status quo.

California

CA AB1762 - For the first time, **dogs** may be allowed on certain state beaches. The Parks Department has to issue a report by next spring listing the beaches it will accept. We anticipate it will only be a few at first. Nudists like to bring their dogs with them, so this affects us a little bit.

There was a **police presence at Bates** in late August, quite out of proportion to the usual occasional deputy saying hello. We were concerned our verbal agreement to allow the clothing optional section had been changed, but I spent a lot of time talking to several local officials who said nothing was different. It turns out the local Bates park security guard above the beach had retired and a new one knew nothing of our agreement. When a Park Ranger received a phone complaint, he gathered 4 county sheriff officers to come down to our beach picnic to scare us (we don't scare easily). I asked the local county supervisor to call County Parks about the incident and the next week that ranger was reassigned elsewhere. I got to meet with the new Park Ranger and the park security guard the following week and got things straightened out. Everything is back to normal there now.

On Saturday, September 9, once again, SCNA and Friends of Bates Beach coordinated the cleanup of Bates Beach as part of the annual **California Coastal Cleanup Day**. 19 volunteers cleaned up 113 pounds of trash and 14 pounds of recyclables at Bates. Other volunteers cleaned up Black's Beach in San Diego, Pirate's Cove near San Luis Obispo, and Bonny Dune Beach near Santa Cruz.

AANR-West helped underwrite the Friends of Bates Beach booth at the October 4-6 **Avocado Festival** in Carpinteria. Several thousand spiffs were given away to the crowd, estimated at 100,000 people over the three days, and many good contacts were made with civic and business officials in the town regarding nude use of Bates Beach just south of the city. An informal written survey taken at the booth showed **75% of the people in favor** of the nude beach (with proper signage) and only 12% opposed. These percentages track closely with previous years: **68% Yes** in 2017 and **71% Yes** in 2018. This year we added a question to see if people supported women having the right to be top free wherever men can. Results **48.6% said Yes**.

The **Auburn Dam Recreation Area** (near Sacramento, CA) public comment period continued through the summer on revising the park's rules and regulations. There is a traditional clothing-optional beach on a beach just south of the dam that we want to protect. Both AANR and NAC had representatives at the hearings, and they report nobody seemed to care about the nude beach at all as other park issues were of higher concern. Much thanks to Susan Conforti of the River Dippers club who submitted to the committee a written comment supporting the retention of the nude beach, so our opinion is now on the public record.

California Parks and Recreation trade show - every March, we have a booth promoting nude recreation in the state park system. About 10,000 park employees, superintendents, and an occasional state park official will walk through the exhibit area and we always receive a positive response from those who stop by. Our annual **AANR pin** is a coveted show souvenir. The event hosts perhaps 100 workshops on various topics of interest to the park employees.

Last year, CPRS send us an email suggesting we do a workshop for them about nudity in the state park system. I put together a **90-minute interactive workshop** and submitted it for approval. In November we were notified the workshop was declined. We will discuss this with the CPRS staff at the next trade show in March to discover ways to make the course overcome their objections.

We have heard of no issues at either Black's Beach in San Diego, Pirates Cove near San Luis Obispo, or Bonny Doon Beach north of Santa Cruz.

I posted an article on the AANR-West website <https://www.aanrwest.org/nude-hiking-camping-in-socal.html> listing places to hike nude in California. It has become the third most viewed page on the web site. I have asked the Arizona and New Mexico clubs to submit similar articles about hiking trails and hot spring destinations in their local areas, but I have not received any text back as of this writing.

As I was writing this report, I received word that **Gypsy Taub**, the nudist gadfly of San Francisco, had been arrested for attempted child abduction, stalking and child abuse — all felonies — in connection with allegations of stalking a 14-year-old boy. Gypsy and her "Body Freedom" Movement in the Bay area has effectively kept AANR and anyone else out who didn't agree with her exhibitionistic tactics against the nudity law passed in The City a few years ago. Tim and others had worked to defeat the measure, but Gypsy stripped in front of the County Supervisors and they changed their minds against us. She did the same thing two years later in front of the Berkeley City Council). Unfortunately, her strident followers made it impossible for AANR or any other naturist group to get established in San Francisco. This arrest, although probably inevitable, hurts all of us as she is seen there as the "voice of nudism" there.

Colorado

In mid-September, the federal 10th Circuit Court of Appeals sent back to the local courts a case filed by supporters of the Free the Nipple movement in Ft. Collins, Colorado. The justices, in their decision indicated they are prepared to rule in favor of the women and to make that decision enforceable in all the states within the court's jurisdiction: Colorado, Wyoming, Utah, New Mexico, Kansas and Oklahoma.

However, despite news reports to the contrary, the court did NOT decide this yet. The city council of Fort Collins decided not to continue with their lawsuit, so there is no case for the Appeals Court to decide. As

a result, women in Ft. Collins are free to be top free laws banning women from being top free wherever men are, but not yet anywhere else unless local cities and counties decide to allow it.

The incorrect news that the court had actually decided caused a ripple effect throughout the ten states within the court's jurisdiction:

Colorado town awards \$50K to Top Free Woman

Efrosini "Effie" Krokos, 20, has been paid \$50,000 and had all charges dropped in the city of Loveland, Colorado after she was cited for playing Frisbee topless in her front yard on Sept. 26, reports KDVR Denver.

City officials were quoted saying they thought they could not win after the recent 10th Circuit Court of Appeals ruling.

Krokos says her actions weren't calculated. "I didn't do this for the money," she explains. "I did it just because I thought I was equal to a guy."

Loveland has an ordinance prohibiting the exposure of breasts in public, but police will suspend enforcement until city council can review it, KDVR reports.

The \$50,000 settlement is the first damage claim paid to a woman wrongfully charged for being topless in the U.S.

Towns in Oklahoma Overreact to Appeals Court Ruling

10/1/19 - After the feeling of the 10th Circuit court were known to favor the women of Ft. Collins under the Equal Protection clause of the US Constitution, the city fathers in Sand Springs, Oklahoma passed an emergency ordinance that changed the law so men can't be topless either. (We are waiting for the first lawsuit you just know is coming.)

In Tulsa Oklahoma, the District Attorney said the city would continue to enforce its law against women being top free in public. His reasoning, which is judiciously correct, is that the Tenth Circuit decision only addressed the preliminary injunction in Ft Collins. Because it was a very narrow case that never was decided at the lower court, therefore, he reasoned, he will keep enforcing the ban in his city.

On the Other Hand, A Town in Kansas Votes to Allow Women to Go Top Free

10/19/19 - The **Manhattan, Kansas** City Council has unanimously decided to amend the city code to allow females to go topless. However, property owners and businesses may still require their patrons to wear shirts.

The Manhattan Mercury newspaper reports City Attorney Katie Jackson recommended the change to avoid potential lawsuits. Jackson incorrectly cited a federal ruling that blocked Fort Collins, Colorado, from enforcing a law against women going topless. Kansas is within the jurisdiction of 10th Circuit Court of Appeals, as is Colorado.

She said the government could still prosecute a topless woman who is acting in a lewd manner, which is against state law.

Utah

The legislature is adjourned with no bills passed of any interest to us. However, ...

Utah Woman Is Charged for Being Topless in Her Own Home

Late in 2018, Tilli Buchanan and her husband had been installing insulation in their garage and had stripped off their clothes just inside their home to get the itchy materials off their skin. That's when the step kids — a 13-year-old boy, a 10-year-old girl and a 9-year-old boy — saw her without her top on.

The children were a little embarrassed at the sight — but Buchanan told them they shouldn't treat her differently because she was a woman. They aren't uncomfortable seeing their dad's chest, she told them, so it shouldn't be different for her. "This isn't a sexual thing," she recalled telling the children. "I should be able to wear exactly what my husband wears. You shouldn't be embarrassed about this."

But Utah state officials didn't have the same view. After the kids told their mother (the ex-wife), she told the police. Social Services got involved and in February the local District Attorney filed criminal charges against the 27-year-old woman for being shirtless in her own home, while her husband, who was also in the same state of undress, was not charged.

If convicted, Buchanan faces three counts of lewdness involving a child — a class A misdemeanor. If convicted, Buchanan could land in jail and stay on the sex offender registry for the next 10 years.

The case was heard on Nov. 19, and the Salt Lake Tribune reported her attorney asked the judge to find that Utah's lewdness statute is unconstitutional because it discriminates against women. Judge Kara Pettit was quoted as saying it was "too important of an issue" to decide immediately but that she "plans to rule in the coming months."

Much of his argument leans on a recent 10th Circuit Court ruling, where the appeals court sided with two Colorado women who sued Fort Collins over the city's ban on top free women, citing the equal protection clause of the 14th Amendment.

The opinions made by justices of the U.S. Circuit Court of Appeals in the Ft Collins case are not legally binding, and there is no case precedent available to Buchanan, but her attorney went ahead and argued for equal justice anyway.

While the Buchanan case is proceeding, the Utah Attorney General issued a similar opinion as the Tulsa D.A. stating that top freedom in Utah remains illegal. It seems a new case (perhaps Buchanan's?) will have to come before the Appeals Court before the written sentiments of the Tenth Circuit judges will have any judicial weight.

7th Circuit Rules Against Top Freedom.

However, in 2017 the 7th Circuit Court of Appeals ruled to uphold Chicago's topless ban. That means there's two districts in the country with opposing views on the matter. If more lawsuits pop up around the country, the Supreme Court may have to rule on the issue after all.

Meanwhile a Free the Nipple group in **New Hampshire** has asked the US Supreme Court to rule on their local topless ban. So, our victory could be either short-lived, or else suddenly apply nationwide. The Court has not yet agreed to hear the case.

Hawaii

The 2019 legislature is adjourned with no bills passed of any interest to us. The new session begins in a few months and no doubt the bill to ban all nudity in the state will be introduced once again. The bill has never received a hearing in any legislative committee, but we will be monitoring closely if the bill is indeed introduced.

New Mexico

We saw no legislation of consequence this year and there were no issues at the hot springs or hiking trails worth noting.

Nevada

The annual **Burning Man Festival** at the end of August saw no arrests for nudity on the playa although there were several drug busts over that long week of fun and revelry. Once again, law enforcement has decided to ignore the stricter anti-nudity law passed by the legislature (AB49) in 2015, at least when a half a million semi-naked people are involved!

Wyoming

The legislature is adjourned with no bills passed of any interest to us.