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“Keeping Our Beaches Bare”

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## Introduction to the Canaveral National Seashore

By Marvin Frandsen

One of the most beautiful and pristine beaches in the world is located just north of Cape Canaveral in central east Florida. This makes it easy to find, just look above the bump on the right hand side of the map!

Canaveral National Seashore (CNS) is a gift to the people of Florida and the nation by way of the National Aeronautics and Space Administration (NASA). In 1975 in cooperation of the State of Florida NASA dedicated some of the most beautiful and pristine lands in the Kennedy Space Center back to the people and the ecology by creating both CNS and the Merritt Island National Wildlife Refuge. Since 1975 CNS has been administrated by the National Park Service (NPS).

CNS boasts three contiguous beaches, each of which serves a slightly different recreational and ecological purpose. Apollo Beach takes up about the northern third of CNS and is accessible only through New Smyrna Beach. Apollo Beach provides a limited pristine respite from the comparatively commercialized beaches of Daytona Beach and New Smyrna Beach. Because the NPS wishes to keep the numbers of people down, there are only five parking lots in the 6 miles of Apollo Beach, and parking is very limited.

At the south end, Playalinda Beach serves as the only beachfront directly accessible from the city of Titusville, Florida, and nearby communities through Titusville, which otherwise would be blocked by the great expanses of the Kennedy Space Center itself. Although Titusville is not a large city, Titusville is important as the bedroom community serving the many government and contractor workers who must commute to the Kennedy Space Center every day.

Playalinda Beach provides 13 parking lots and considerably more parking than Apollo Beach. A distinctive feature of Playalinda Beach is that along the way in or out beachgoers are treated to close-up views of the space shuttle launch pads (including a space shuttle if it is sitting on a pad). However, during actual launch periods Playalinda Beach is closed for at least a day in order to assure public safety.

In the middle of the Seashore is about 12 miles of Klondike Beach, which is accessible only from the ocean or by walking from Apollo or Playalinda

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Beaches. Klondike Beach is kept intentionally pristine and looks much as it would have when the Spanish explorers first reached this region in the 1590's, more than 400 years ago!

All three of the beaches of CNS are important shelters for rare turtle species, who nest in this location every year along side the human species who enjoy the seashore for the day. In addition pristine dune plants, rare bird species and other animals (including alligators) call CNS their home (though thankfully the latter don't crawl down the beach!) The waters of CNS also shelter rays, dolphins and yes, sharks, which will be present wherever fish and other sea creatures (a.k.a. food to sharks) exist. (Fortunately shark bites are rare because sharks have evolved to eat fatty fish, not primates, which are too lean and don't taste very

good to them. Generally they don't want to eat monkeys, avoid us, and spit us out and go on their way if their tiny brains get confused and they take a nibble.)

In spite of the limits on visitation, about one million people a year visit Apollo, Playalinda and Klondike Beaches. About half of these visitors specifically come to CNS to enjoy nude beachgoing recreation.

The history of nude recreation at CNS goes back a long ways . . . a really long ways! The first Spanish explorers wrote about (and complained of) the nudity of the Timucuan Indians 406 years ago, near what is now Apollo Beach. Since then many descendants of Europeans have decided the Indians were right after all and have enjoyed nude recreation on what are now CNS lands since at least World War II, according to old timers here.

Nude recreation was a going concern in 1975 when the National Park Service (NPS) was invited to take over administration of CNS. Since then the relationship between naturist beach visitors and the NPS has definitely had its ups and downs.

Unfortunately after a quiet period through the 1970's, in the early 1980's the NPS incited the Sheriff's of both Volusia County (in which the northern half of CNS sits) and Brevard County (in which the southern half of CNS sits) to attempt to make all of the naturists cover up by arresting them for indecent exposure (F.S. 800.03) and disorderly conduct (F.S. 877.03). However a Playalinda naturist challenged his disorderly conduct citation in court and won before a jury in the mid 1980's. After this legal win times were quiet at CNS before the arrival of the infamous Superintendent Wendell Simpson in 1990.

Unfortunately Mr. Simpson arrived with a deep and abiding personal anti-naturist agenda. Simpson was able to

accomplish what his predecessors could not by persuading NASA to allow the NPS to gain concurrent jurisdiction with the state of Florida (meaning that the NPS could now directly enforce state laws). Although court precedents were clearly against him, Simpson was personally convinced that he could enforce the state statute against lewd and lascivious nudity (F.S. 800.03) against naturists and thereby once and for all after four centuries end nude recreation at CNS.

In early 1993 concurrent jurisdiction was granted and Simpson's rangers swung into full force to cite naturists for the



supposed crime of enjoying a natural seashore in a natural state. Over the summer about 130 naturists were cited for being supposedly lewd in public. This turned out to be a very expensive use of federal tax dollars, as extra rangers were hired to hunt for bathing suit-less visitors. One example from the Freedom of Information Act is that the NPS spent over \$40,000 to patrol for naturists on the July 4th weekend alone (they found one or two and cited them).

With the financial support of the American Association for Nude Recreation (AANR) a prominent criminal defense attorney, Donnie Murrell, was hired to defend the naturists. He won the case in federal court in the fall of 1993 and thus all citations were dismissed!

After being humiliated in court Mr. Simpson executed a second, more devious plan to shut down naturist recreation at CNS. Simpson posted signs at all parking lots in CNS advising that one may encounter nude sunbathers, in such a way as to constitute an invitation to someone who wished to enjoy CNS au naturel. Many of the visitors now coming to CNS were new and did not realize how important it was to stay in the traditionally naturist areas at the south end of Apollo and north end of Playalinda (actually in Klondike) beaches. A few misinformed or careless park visitors

naively took Mr. Simpson's invitation at face value and thereby incited some clothed beachgoers to complain to their county commission. (In addition the boundaries of the traditional naturist areas swelled due to the large public demand for nude recreation which had nowhere to go. This disconcerted the people who, no longer having world dominion by Communists to worry about, now worried that the world was about to be overrun by naked people.)

Mr. Simpson had already approached the Brevard County Commission months before his loss in court to inquire about passing a county anti-nudity ordinance. In early 1995 Simpson was able to find local citizens who approached a newly elected, newly-conservative Commission and persuaded three of the five Commissioners to pass an anti-nudity ordinance.

In truth, the Commission did not want to pass an ordinance and ban naturists so much as it simply wanted the NPS to manage its own Seashore, part the naked from the clothed, stop making so many local voters angry, and thereby let them off the hook. (Politicians really hate angry voters. They want happy people who praise them and for life to be good.) However in spite of a large county contingent flying all the way to Washington, D.C. to plead with the NPS to manage the naked people, and in spite of intensive naturist lobbying of the NPS to also if more liberally manage the naked people, the NPS steadily held to its dumbfoundingly unproductive strategy of doing absolutely nothing to manage nude recreation in spite of the fact that all sectors of the public wanted the NPS to start earning their federal paycheck by managing their entrusted property.

This left both the County Commission and the naturists agreeing on at least one thing if nothing else, being how much they hated the National Park Service for shirking its management role.

Since the buck wouldn't stop in any NPS office the Brevard County Commission embarked on a war against inadequate swimsuits (including thong suits, the wearing of dental floss, and oddly including outlawing clothed male tumescence) by passing a local ordinance against such wicked practices.

Ironically a few weeks after the county

ordinance passed the NPS belatedly sent out a command from its Atlanta regional headquarters to put up signs indicating an area for nude sunbathing.

The County Sheriff at the time somewhat honored the NPS action by effectively leaving a "safe" area for naturists in their traditional homeland north of parking lot 13. Unfortunately this honor did not correspond to the entire NPS-outlined area, which extended further south. In the confusion four naturists were arrested and one member of Central Florida Naturists, Bryan Morris, represented himself in county court and beat the citation by successfully arguing that the NPS signage effectively constituted a designation. The idea that NPS signs provided a measure of legal protection for naturists was too much for Superintendent Simpson to handle. Even before the judge's decision was rendered Mr. Simpson was on the phone to subordinates ordering them to take down the famous nude signs.

Unfortunately NPS leadership in Atlanta had changed and the signs which had provided 16 months of relative peace at the Seashore did not go back up. Oddly

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***All three of the beaches  
of CNS are important  
shelters for  
rare turtle species***

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enough, in spite of the controversial existence of nude recreation that according to its enemies was hurting tourism, Freedom of Information Act requests and car-counting surveys during the summers of 1995 and 1996 show that attendance of both clothed and unclothed visitors reached a statistical all time high. Long time visitors observed that for the first time ever the Playalinda side often closed down and refused further visitors because the park was full.

In November 1996 a new Brevard Count Sheriff was elected. The new Sheriff was formerly the local head of the state prosecutors and openly stated that he couldn't understand why any and all lawbreakers shouldn't get what was coming to them. As a result in addition to the county becoming one giant 70-plus

mile long speed trap, troops of deputies were dispatched to do swimsuit examination duty at Playalinda Beach. This time however there was no safe zone. Naturists were to be vigorously cleansed from the Seashore by being cited out of existence. Well over a hundred citations were handed out in a fine "welcome" to the Seashore's visitors, who ironically tended to be tourists. A citation of a Brazilian woman for wearing a thong bathing suit even caused a minor international incident. (Suffice it to say that the Brazilians were not amused.)

During all of this time, a local naturist association called Central Florida Naturists was frantically lobbying city, county, state and federal officials while simultaneously mounting several legal challenges to the county ordinance in both state and federal court. The issue of sunbathing sans suit at Playalinda even found itself on the floor of Congress as local Representative David Weldon told his colleagues some fibs and convinced them to pass a federal law stating that the NPS could not expend even one red cent to put up signs to designate an area for nude sunbathing if the county ordinance was against it. (This legislative landmark in Congress was a rather peculiar achievement since the county ordinance specifically grants the NPS the right to designate an area.)

The summer of 1998 brought a new perspective to the situation in the form of extremely dangerous wildfires that ravaged much of Central Florida, including endangering the Canaveral National Seashore. All available deputies suddenly had much more important things to do than separating suits from skins. The year of fire and Sheriff overtime budget exhaustion was followed in 1999 by the year of hurricanes Floyd and Irene and more overtime budget exhaustion. Although Floyd and Irene only grazed the coast the damage to the Canaveral National Seashore was severe, particularly in the northern area of Playalinda Beach. Several crossovers were completely destroyed along with extensive areas of dunes and dune vegetation. Had Hurricane Floyd turned left rather than right it is possible that no part of the Seashore would have survived the fury of the storm.

During the year 1999 the Sheriff also

discovered an interesting phenomenon. Although he had done the will of the County Commission and made war on nudity at the federal beach, the County nonetheless refused to reward him by raising his budget, and even threatened to cut it to a level where he would have to fire deputies. During the 1997-1999 time frame it also finally sank in for many elected officials that the great majority of Brevard's generally conservative voters, even those who were intolerant of all nudity in principle, were far too cheap to want to pay for a war against nude sunbathers. (God bless them, each and every one!) Brevard's voters made it clear they wanted the Sheriff to patrol their neighborhood rather than a remote beach.

Although we don't really know why, no deputies have issued citations at Playalinda Beach since May of 1998. Perhaps the two years of natural disasters brought a new perspective to the new Sheriff. Perhaps the lack of voter interest in paying for county antics became clear. Perhaps the Sheriff no longer saw fit to do the Commission's bidding since it wasn't going to pay off for him and they weren't going to be his friends anyway. Perhaps naturist self-restraint and self-regulation defused the situation originally incited by Mr. Simpson. Perhaps the stream of Central Florida Naturists-inspired and conducted legal cases wore everyone down (including a win which overturned the NPS permit law for free speech in May 2000). Perhaps a new NPS Superintendent was able to calm troubled waters. Perhaps after the NPS was able to institute an entrance fee the NPS noticed that half of its income now came from visitors who came to enjoy nude sunbathing and swimming. Or perhaps after several years everybody just got weary of the whole thing.

Regardless, for the past three summers a thriving and peaceful nude beach has existed at the north end of Playalinda Beach (actually on Klondike Beach, but who's counting), just north of the last parking lot. A similar if smaller nude beach has also continued at Apollo Beach (just south of the last parking lot), where no anti-nudity ordinance was ever passed. A million people a year still visit the Seashore – less than the peak but a good healthy number – and life peacefully goes on. Aside from noting the regenerating

vegetation and small but growing dunes, casual visitors of all clothing persuasions would never guess at the turmoil that has gone before.

A belated but interesting development early in the year 2000 was a National Park Service offer to enter into an informal agreement with naturist groups to manage nude recreation at Apollo Beach, where no county nudity ordinance stood in the way. Although negotiated by the national level Naturist Action Committee, Central Florida Naturists refused to sign on due to concerns over ultimate workability and the effective exclusion of the elderly and families with children due to the remoteness of the area. Nonetheless various national and regional groups signed on and the agreement became a reality. As a result very modest NPS signs have reappeared at Apollo Beach which indicate an area for nude sunbathing, albeit a remote one. Meanwhile informal de facto nude recreation continues as it has for many years at Playalinda Beach.

As I write this, although war continues silently in the background in the courts, life is peaceful at Apollo and Playalinda Beaches. New and green vegetation is slowly covering the stunted but slowly growing dunes. Turtles make their nests which are quickly covered with wire cages to protect them from raccoon attacks. Dolphins swim the waters in their play and feeding. And on warm sunny days in the far reaches of the Seashore the children of all the continents of Earth, even the Europeans, play together gracefully, naturally and nude on the warm sands and in the warm waters of the Atlantic Ocean and on beaches that are nearly as pristine as when the Spanish first laid eyes on this corner of the New World over 400 years ago.

Heaven must be at least a little bit like this. It's been worth fighting for. ✨

*Note: More information on weather, parking status, directions, court cases and other issues of interest can be found at the Central Florida Naturists web site, at:*

**<http://www.central-fla-naturists.org>**

*or simply click on the above link from Adobe Acrobat Reader to be connected to the internet site.*