

Tourism Conflict at Canaveral National Seashore: Nudism, Law and Space

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On May 18, 1995, Brevard County, Florida, one of two counties containing Canaveral National Seashore, passed ordinance 95-21 prohibiting public nudity. The law was aimed specifically at the national seashore, a unit of the national park system that draws 1.4 million visitors per year. This followed a publicity campaign by the Christian Coalition of Florida and others. Within months, members of several naturist societies tested the ordinance, were arrested by county deputies, and filed a lawsuit against both Brevard County and the National Park Service. Thus ended an uneasy truce between the federal agency and naturists that attempted to use spatial segregation to minimize conflicts between parties visiting the public beach (Newkirk 1999).

Authorities at all levels of government in the United States have faced the issue of nudity in public parks and recreation areas since the 1960s. Prior to that time the fledgling naturist movement operated almost exclusively at privately owned resorts and properties. Changing cultural attitudes have converted public nudism from occasional discreet skinny-dipping in parks and on beaches into a large and noisy test of constitutional rights, morality, and the role of government in its citizens' personal behavior (Kornblum 1976).

This is an inherently geographical issue as well. Naturists, as nude bathers prefer to be called, seek isolation from the general public both to avoid offending others and to escape the lurid attention of voyeurs. Spatial segregation is sought, though it requires considerable extra effort in scheduling visits and in gaining access to such enclaves. These groups ask only that an area be designated as clothing optional (Naturist Education Foundation 1998). Opponents cite increased crime, real or imagined, and denial

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of access to such areas to families who do not want their children exposed to adult nudity.

Canaveral National Seashore is one of the most controversial sites of nudity on public lands and offers an excellent opportunity to review its geographical characteristics. World famous among nude bathers, its two auto-accessible beaches, Apollo in the north and Playalinda in the south, attract up to 2000 naturists on a warm weekend as well as many more conventional tourists. Efforts by naturists to segregate themselves have met with vacillating official response and an inability to contain their own adherents within self-designated areas. Overuse of the beaches and the threat of losing part of them to other functions have exacerbated the conflict (American Sunbathing Association 1993b; Newkirk 1999).

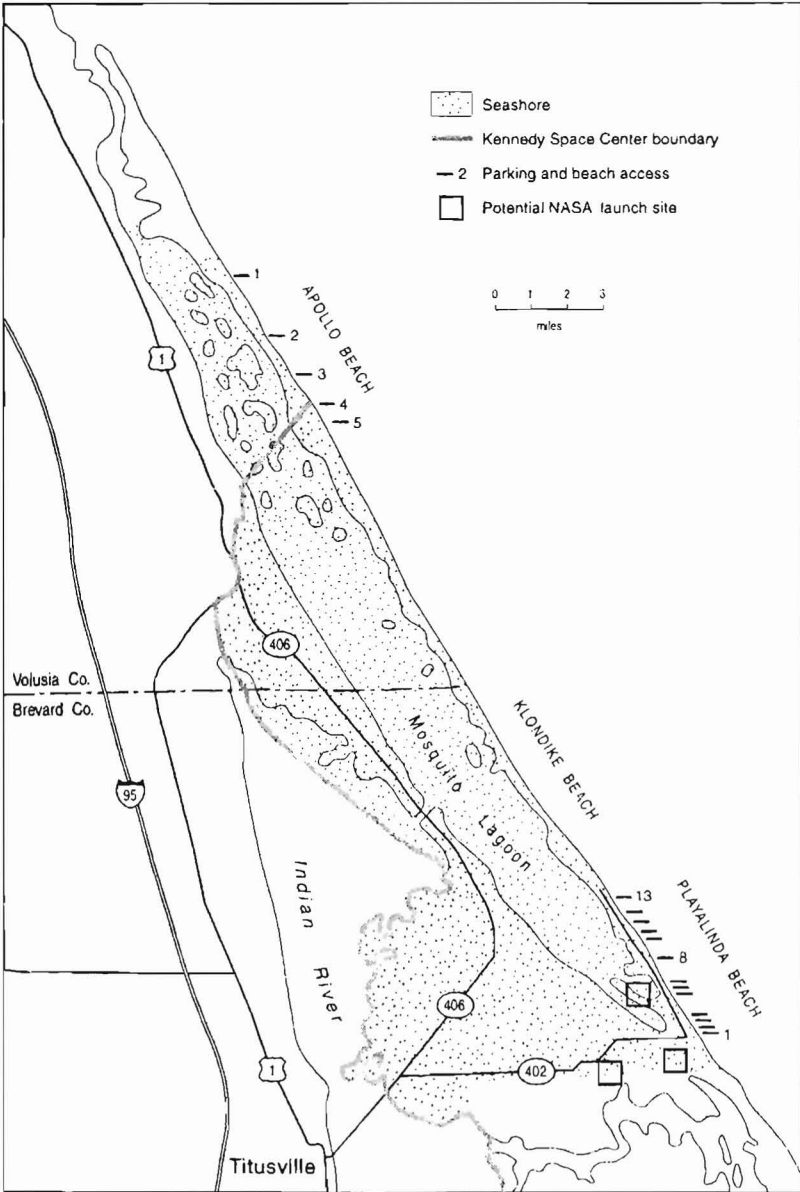
Five factors contribute to this user conflict and its resistance to geographical solution. These are: (1) the desire of the National Park Service to satisfy everyone; (2) the erratic local and federal response to nudity at Canaveral; (3) the official unwillingness to establish a clothing optional area; (4) the limited access and parking available at the seashore's beaches; and (5) the threat of beach loss and the concomitant intensification of competition for remaining areas that it would bring.

Canaveral National Seashore

Congress established Canaveral National Seashore on January 3, 1975, the last of a series of national coastal parks proposed during recreation surveys of the 1950s. It straddles Brevard and Volusia counties, Florida, just north of Cape Canaveral and its famous National Aeronautics and Space Administration (NASA) base. The seashore consists of 57,652 acres of marsh, inland water, and sandy beach. The latter stretches 24 miles between the Atlantic Ocean and Mosquito Lagoon (Figure 1; Canaveral 1998c).

Establishment of the seashore was difficult due to opposition by the National Park Service. The agency resisted because NASA maintains ownership of 69 percent of the area. Superimposition of the seashore has meant coordinated administration. It also means that NASA can take back any of its property it needed for space operations. Despite this agency opposition, local and state environmentalists convinced congress to create the seashore. They also dramatically influenced the enabling legislation and policy for the new recreation unit (House Committee 1974).

Figure 1



Faced with imminent responsibility for the seashore, the Park Service began to plan for its administration. Apollo and Playalinda beaches had been popular with locals for decades. Two roads, improved in the 1970s, accessed the narrow spit. One ran southeast from New Smyrna Beach around the north end of the lagoon and two miles into NASA territory. The other led east from Titusville around the south end of the lagoon and then north for four miles. The latter faced periodic closings for launch security. Between the improved roads ran a 12-mile sand track accessible to off-road vehicles. The limited access to this central portion, Klondike Beach, encouraged a tradition of unhindered nude bathing (Canaveral 1971).

As the campaign to establish the seashore proceeded, the National Park Service sounded different development options with agency personnel and the pro-seashore public. One alternative suggested maintaining or laying gravel along the sand track to create a ring road through the seashore. Another brought the road much further south from New Smyrna Beach to cross Mosquito Lagoon by bridge just north of NASA's security zone (Canaveral 1977: 157). Environmentalists vigorously opposed these plans and ultimately convinced congress. The Canaveral National Seashore Act (Public Law 93-626) mandated that no new construction be permitted in the seashore except for a visitor center.

Another stipulation that conveyed congressional intent required the agency to conduct a study of the central area for possible designation as a wilderness area. The Wilderness Act of 1964 (Public Law 88-577) defined such an area as a place "where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain." Furthermore, it must be free from the imprint of human activity, be of at least 5000 acres, and contain "opportunities for solitude or a primitive and unconfined type of recreation." In this case environmentalists supported such a designation but the Park Service opposed it. The agency reported that NASA ownership of most of the area meant legal enforcement of wilderness law was too deeply threatened. This time the agency prevailed and congress failed to enact wilderness status (Gove 1980).

The failure of plans to create a loop road around Mosquito Lagoon or to establish a wilderness area along Klondike Beach defeated an early solution to the nudism problem. A road following the seashore's entire beachfront would seriously compromise the isolation sought by naturists. Ring roads in national park units

attract traffic anxious to experience all the auto-accessible wonders of a nationally recognized scenic place. There would be no beach inaccessible to gawking tourists. In 1975 such a development might have eliminated naturist activity before it became well established.

Alternatively, establishment of a wilderness area within the seashore would prevent mechanized access, including law enforcement all-terrain vehicles and helicopters. Walking a mile into a wilderness zone would assure official hardship and expense in arresting nude sunbathers. It would also discourage voyeurs and incidental contact with other beach-goers. The fact that neither of these plans succeeded has left the seashore in a policy limbo.

The National Park Service as Crowd Pleaser

One of the defining characteristics of the National Park Service is its desire to please all constituencies. Dating from its establishment in 1916, the agency relishes its role as the nation's most popular government bureau. With soaring visitation at all its 378 units (286.7 million people in 1998), inevitable use conflicts arise. In the great western parks, wilderness enthusiasts and auto-bound tourists clash. In the wilderness, hikers and horseback-riders dispute trail access and camping areas. The agency walks a fine and often blurred line between what it deems appropriate for national parks and what various segments of the tourist public demand. To the best of its ability it tries to satisfy, accommodate, or ignore all uses not overtly damaging to the natural and cultural resources (Dilsaver 1995; Mackintosh 1999).

One solution frequently adopted by the Park Service is zoning of permitted uses. Park general management plans are required to identify natural resource zones, historic zones, tourist development areas, and special use zones. Trails are designated for hikers only or for both hikers and horseback riders. Most water areas are segregated for swimming and boating (Dilsaver 1995).

Public nudity is a user conflict that primarily appears in national park units of the recreation category such as seashores, reservoirs, and national rivers. Other examples are Gateway, Golden Gate, and Lake Mead National Recreation Areas and Assateague and Cape Cod National Seashores. The federal government has no specific ordinance against it. Traditionally the Park Service tries to ignore it. Rangers often suggest to nude bathers 'unofficially' that they move to areas away from 'family' beaches. Only at Cape Cod National Seashore in Massachusetts is there a federal ordinance outlawing

nudity. Massive dune destruction by naturists trying to reach secluded areas brought this one exception. Elsewhere the Park Service professes that it is not in the business of defining morals and defers to local agencies for such legislation and enforcement (Kornblum 1976; Stark 1981).

Mixed Local Response

The response of local and state agencies has been vague and erratic. It usually depends on local political and public pressures as well as the legal tools to combat nudism. Most local law enforcement agencies prefer to adopt the same position as the National Park Service. They regard nudity as a harmless misdemeanor that takes significant manpower and funds to stop. Furthermore, the vagueness of anti-nudity laws frequently leads to dismissal of cases brought to court. As long as it is unobtrusive and restricted to a small number of people, local and state officials will ignore it.

Such was the case at Canaveral until the onset of a familiar tourism cycle of low use, publicity, increased use, more publicity, etc. began (Goodrich 1980). In August 1976, the magazine *New Times* published a description of beaches where its naturist readership could swim and sunbathe unhindered. One of those was New Smyrna Beach by which the magazine's writers meant the northern portion of the national seashore. A local newspaper, immensely enjoying the story, quoted the magazine: 'Skinny dipping is almost an institution here' (New Smyrna Beach 1976a). Within weeks the number of naturists skyrocketed, complaints from fishermen, campers, and other beachgoers poured in, and the Volusia County sheriff responded with threats to arrest all nudists (Brevard Today 1976; New Smyrna Beach 1976b).

Over the next two decades many factors influenced the participation in nudism and the public, local law enforcement, and National Park Service reactions to it. A flurry of arrests immediately after the *New Times* article slowed to a trickle as the issue faded from the front pages of local newspapers. De facto permission by the agency and lack of public pressure ended, however, with complaints by non-naturist beach patrons and an article in *Gallery*, a magazine featuring pictorials of fully nude women. The October 1983 issue featured a woman from Orlando, Florida, who identified Playalinda Beach as her favorite nude bathing spot and encouraged others to visit. The appearance of this pictorial article dismayed naturist societies striving to demonstrate good citizenship, care for the seashore's

resources, and, in general, a normalcy. In their minds, the article reached the wrong audience and would attract them for the wrong reasons.

Subsequently both county sheriffs stepped up patrols and arrests. Those arrested came to trial and most ended up paying fines. However, in October 1985 an appellate jury threw out a conviction arguing that simple nudity is not covered by ordinances against disturbing the peace or lewdness. A period of some six years followed with arrests only being made for incidents of lewd behavior or for nudists who appeared outside the de facto legal areas at the ends of the two roads (New Smyrna Beach 1985; Newkirk 1999).

At the same time, as Canaveral's fame spread among the nude bathing population, a small segment of that group increasingly brought attention and public rancor upon the entire movement. The offending activities took two forms. Most common was aggressive behavior toward clothed visitors who were regarded instinctively as disgusting voyeurs. Hikers, fishermen, campers and any others trying to reach the pristine interior beach had to run a gauntlet of taunts, implied threats, and exaggerated behavior in their presence. Park rangers were subjected to the same treatment, even those conducting natural resource work on the seashore's large endangered species populations (Stiner 1999).

The second category consisted of overt sexual activities. Couples, same-sex pairs, and even large groups seemed to relish the attention of their beach neighbors. In some cases nude men approached other visitors on non-nudist beaches and parking lots. Children witnessed these events and were occasionally accosted by these men. Finally, by 1993, the Park Service began to receive reports of rape and attempted rape, usually perpetrated on naturist women by naturist or non-naturist men. Ranger morale sank as the nudism issue consumed 75 percent of the law enforcement division's time and nearly half that of other seashore personnel (Stiner 1992).

Most naturists abhorred these incidents and tried to help. In many cases, they were the ones who reported such infractions to park rangers or sheriff's deputies. They continued to seek an image of good neighbors, participating in beach cleanups, blood drives, and other social and environmental campaigns (American Sunbathing Association 1993b). Nevertheless, their increasing numbers, their need to take parking and beach areas farther and farther from the ends of the roads to accommodate those numbers, and the actions of the few deviants brought outrage from the public and legal authorities.

Between 1990 and 1995 a variety of legal efforts were made to halt nudity at Canaveral National Seashore. The seashore's superintendent sought concurrent jurisdiction so park rangers could enforce a law against exposing sexual organs. However, the agency's regional solicitor advised the Canaveral staff that the law would not hold up in court unless lewd behavior was involved (Babb 1995). Nevertheless the agency received concurrent jurisdiction in 1993 and sporadically cited naturists thereafter. In 1996 a National Park Service case against 139 people was thrown out of the state Supreme Court as predicted by the solicitor (Burnett 1998). At the same time a county court ordered the agency not to erect signs notifying visitors that they may encounter nudity in the area ahead. The judge deemed this to be de-facto legalization of nudity where there was none (Knox 1996).

Brevard County passed its anti-nudity ordinance in May 1995 defining very specifically what qualified as nudity under the law. Vigorous enforcement, even involving helicopters, decreased the use of Playalinda Beach and drove naturists to the Volusia County beach. The National Park Service regional office advised Canaveral rangers that they did not have concurrent jurisdiction with the county and could not assist this law enforcement effort. This led to still more morale problems among the seashore personnel (Address & Gale 1996).

Brevard County, however, could not sustain this expensive police activity so far from the population centers of the county. In desperation, the county's representative to the U.S. Congress managed to attach a rider to the 1997 National Park Service funding bill ordering authorities at Canaveral National seashore to enforce the Brevard County ordinance (House Committee 1997).

This federal law did not make nudity illegal. It only ordered the agency to enforce a local law. However, County Statute 95-21 allowed that nudity in the national seashore would not be illegal in an area set aside by the Park Service for that purpose. An agency solicitor informed the superintendent of Canaveral that this meant it could be ignored if an area was designated for nudity. The decision on allowing nudity in a national park unit by spatially segregating it was back in the hands of the National Park Service (Babb 1998).

Why Not a Spatial Solution?

The goal of naturist organizations, like the Central Florida Naturists Society, has always been to secure a discrete area where

they may go and sunbathe in peace. To that end, at Canaveral they have parked at the roads' ends and hiked in to escape contact with other beach users. They have sought and even manufactured signs warning those approaching 'their' beach that they are nearing a 'clothing optional' area and those leaving that they should don clothing at that point (Harker 1990; Central Florida Naturists 1999).

The National Park Service dislikes this apparent solution. First, the agency maintains a policy that no area of a national park unit shall be set aside for regular use by a special interest group. It maintains that naturists are such a group. Park rangers assert that use by naturists precludes most other groups. Parking area five at road's end at Apollo Beach had a decades long tradition as a fishing beach. That ended abruptly with its conversion to a nudist area (Guiton 1982).

A second problem is the matter of precedent. With the exception of Cape Cod, the National Park Service has never taken an official stand against nudity. Neither has it taken one in favor of it. The agency administers 378 areas. Establishment of a legally designated nudist area in one might open the Park Service to a legal requirement to establish such a zone in many if not all of them. Furthermore, such an action by one federal land and water agency would open thousands of areas administered by other federal agencies to similar pressures.

Another problem comes from the geography of isolation at Canaveral. The Park Service states that, by controlling beaches at the ends of the two roads, naturists force any other visitors who wish to see the primitive central area, Klondike Beach, to cross their zone. Ranger interpretive programs, families with small children, and others are discouraged from exploring the natural resources of one of the last pristine beaches on Florida's eastern coast (Stiner 1999).

Finally, there is the matter of space for parked cars and for people at the two accessible beaches. Naturists, on average, come from a greater distance than other users, most of who live in adjacent towns. They arrive early to secure parking and usually stay all day. As naturist numbers have increased, they have been forced to park illegally or take spaces at parking areas further from road's end. If the former, they are often cited and even towed but resource damage has occurred. Their answer to parking and towing fines is that it was worth it to enjoy the beach their way. The latter has led to fewer parking places for other visitors and, predictably as the distance to walk to road's end increased, the expansion of the nudist beaches backward along both roads. At present, parking areas 10 through 13

at Playalinda and 3 through 5 at Apollo are predominantly nude beaches (Simpson 1990; Newkirk 1999).

The crisis character of this dispute is heightened by the NASA threat to expand its launch operations into the Seashore's southern zone. The space agency has always maintained a planning option to install two new launch facilities on or immediately adjacent to the Playalinda approach road. A recent congressional mandate to increase its commercial launches and the advance of technology for horizontal launch vehicles has dramatically increased this threat. If these are built, NASA's security zone will eliminate all approaches to the popular strand except from the north along the spit. This in turn would focus all the attention of both naturists and other visitors on Apollo Beach and its parking spaces. Canaveral's superintendent believes the National Park Service would have to extend the north road into the primitive area to develop more beach access and parking areas. However, this could compromise natural resources and would be opposed by both local and national environmental groups (Newkirk 1999).

Discussion

The nudism issue at Canaveral is a social and a geographical one. There is limited space available to groups of tourists with different ideas of appropriate use. In this case, although the activities of swimming, sunbathing, and shell collecting are the same, one group of users seeks spatial segregation for its activities and enforces it with occasional taunting and exaggerated behavior. The other seeks to eliminate its foe entirely. The geography of the seashore would seem well suited to segregation. Naturists travel to the ends of two dead-end roads to carry out their purposes. However, by doing so they indirectly block access to the most important environmental resources of the seashore. Furthermore as the publicity spreads, they have begun to take over parking areas and beaches one by one, stretching back from the roads' ends.

This competition for space has dramatically exacerbated an issue that already divides society along moral grounds. Local law enforcement in two largely rural counties has been strained financially to respond. Any action by one sheriff's department has an immediate impact on the other county's portion of the seashore and, therefore, its law enforcement. Currently, enforcement of Brevard County's ordinance has caused naturists to appear at all five parking areas at Apollo Beach in Volusia County. Should NASA decide to expand

into Brevard County's beach area the ordinance will be moot. All beachgoers will have to go to Apollo Beach (Newkirk 1999).

Through it all the National Park Service maintains itself in legal limbo. Apparently there is no serious discussion of congressional authorization of a specific ban on nudity at Canaveral as they enacted nearly twenty-five years ago at Cape Cod National Seashore. The pressure from naturist groups, with extensive legal and financial resources, is constant. Spatial segregation of a "clothing optional" beach is their demand.

In 1998, the National Park Service at Canaveral began to quietly consider designating a 1.6-mile stretch of beach around parking area 4 on Apollo Beach as such. In their desperate search for a legal position with which to react to nude bathing, the Canaveral administration is willing to at least consider spatial segregation. This would mean nudists outside that area could be arrested under existing federal, state, and county laws.

Two problems, of course, will persist if such an action is taken. First, the precedent of federal approval for and designation of space for nudism is established. Response by naturist organizations nationwide will be swift. Second, the sheer numbers of nudists on many warm days will spill out of the designated zone while their cars will eliminate parking for others in at least two more of the remaining four areas.

Geographers can draw several conclusions from this case study. First, conflict for space and resources between tourist use groups is difficult to settle and often depends on market forces or legal zoning. In this case, market forces are inoperative and zoning is apparently anathema. Second, not only can a tourist destination experience a cycle of low visitation, publicity, growth, more publicity, and so on, but particular segments of a tourism population can experience this cycle within a relatively slow overall visitation increase. Third, the political scene demonstrates tourists' sensitivity to threats, legal or otherwise. Finally, if the tourism governing authority is aimless in its response to an issue, much discord will result.

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