

Is Social Nudity Legal in Michigan?

by Matthew Kerwin

From 1934 until 1958, the answer was no. In the infamous 1934 case, *People v Ring*, the Michigan Supreme Court ruled that "the operator of nudist camp who went about without clothing was guilty of 'indecent exposure', irrespective of whether members' sense of propriety was thereby shocked." Mr. People was the operator of Sunshine Gardens near Battle Creek. This case was often cited in other states to suppress naturists' rights.

However, in the 1950s, a member of the same camp chose again to challenge an arrest for "indecent exposure" simply for going about nude. Hildabridle and several other members of Sunshine Gardens were arrested after the police had raided the camp on a warrant for indecent exposure. The case, *People v Hildabridle* (1958), made it to the Michigan Supreme Court. Fortunately, Judge John D. Voelker was on the court. Judge Voelker had been appointed back when it was customary to have at least one judge from the Upper Peninsula serving on Michigan's Supreme Court.

The author of several fictional and nonfictional books, Voelker wrote "Anatomy of a Murder" which was set in Big Bay, Michigan, and made into an excellent and well received movie.

Although Judge Voelker denied any interest in nudism, "whose enchantments totally elude me", he justly set aside the convictions stating, "Private fanaticism or even bad taste is not yet grounds for police interference. If eccentricity were a crime, then all of us were felons." (353 Mich at 579) So eloquent was his argument that another judge switched his vote, giving nudists the majority vote despite their having been minors present at the camp. In effect, the decision firmly separated simple nudity from the concept of indecent exposure.

Thus objecting authorities use "disturbing the peace" or some equally bogus charge to suppress public nudity. But such charges are recognized by all authorities as totally inapplicable in private settings. The result of the decision in *People v Hildabridle* is that people in Michigan can socialize nude in a private setting (wherein nudity is accepted by the host) and whether children are present or not.

This has made legal our use of a public recreational building for nude recreation; for when we rent it, it becomes a private setting and we the hosts. The ruling also opens up the possibility of nudity on any public beach with official signs identifying it as clothing-optional, as the signs eliminate the "disturbing the peace" charge used to interdict nudity in the absence of a law specifically proscribing nudity.

For a more expansive article on the Indecent Exposure act and how it does not apply to simple nudity, go to the articles section of www.MichiganNudeBeachAdvocates.org.