

On Padre's Malaquite Beach, sunbathing is barely legal

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Padre Island is getting national exposure.

The exposure is in nude sunbathing magazines which suggest Malaquite Beach on the Padre Island National Seashore as a safe place for nude sunbathing.

And so it is. Chief Ranger Max Hancock concedes there is no rule expressly prohibiting nude sunbathing on the beach. There is nothing to encourage nudity. And there is nothing specifically to discourage it.

The question arose from an unidentified woman who wrote the Caller saying, "I am a local resident who enjoys sunbathing at Padre Island. When I go, I enjoy sunbathing nude or topless. We frequently visit the north end of Malaquite Beach which is a pedestrian beach. This area is frequented by a large number of topless and nude people — both

men and women.

"My problem is this. When I am topless or nude, I have received a number of different reactions from the authorities. They range from a friendly wave, to outrage, insults and threats, to just stopping and staring.

"My husband has received many different answers as to what our rights are. What is the law?

"Please understand, I do not 'parade' around in front of the public or families. We are always in a secluded part of the beach and I'm always with my own family.

"Is nude bathing legal or illegal? Does it vary on different parts of the beach? Is the law different for men and women? Is topless legal or illegal on any or all of the beach?

"Padre and Mustang Islands are listed in tourist and nude bathing publications

as an area okay for nude bathing. One publication is 'Free Beaches Sun and Guide.' The other is 'A Guide to Worldwide Nude Beaches and Sunbathing Recreation Areas.'

"I am sure you will understand that I would like to remain anonymous."

"All we can tell them is that if we get a complaint against them, we will file a disorderly conduct charge," Hancock said.

The rangers cannot file a complaint on what they see themselves. It must be on complaint of a citizen who finds the nud-

ity offensive.

No charges ever have been taken to court because the bathers have agreed to don clothing when threatened with a charge.

There is no threat for the topless bathers, for the state attorney general ruled in 1979 that "a woman's breasts in public do not constitute a breach of the peace or disorderly conduct."

As for total nudity, men are more likely to be prosecuted than women, for according to the law, the genitals must be showing for a breach of the peace.

"For the women, pubic hair can hide a multitude of sins," Hancock said.

Five men were arrested, but they were on the beach flagrantly displaying their nudity, he said.

Hancock said the National Seashore gets several inquiries a year from magazines wanting to know the legality

of nude sunbathing. "I tell them what I told you. If there is a complaint we insist they put clothes on. As long as they are discreet, they'll probably get away with it."

So far nudity hasn't been a major problem: The bathers often bare their skin again when rangers leave. Kleberg County deputies, who have dual authority on the beach, apparently have had confrontations with the bathers. State and federal laws apply in the park and state law is in effect on the other beaches.

County Commissioner J.P. Luby stirred a hornet's nest six years ago when he suggested an area of the beach be set aside for nude sunbathers.

Generally to the law officers, no nudes is good nudes. Just the same, I'm betting the traffic count to Malaquite is going to be on the increase as the summer wears on.