

# Nudists expose Berkeley effort to soften penalties

By Renee Koury  
Knight-Ridder Newspapers  
SAN JOSE, Calif. - When Andrew Martinez began strolling around Berkeley a few years ago without so much as a loincloth for cover, earning the nickname "The Naked Guy," it pushed the limits of tolerance even in freedom-loving Berkeley.

The City Council passed one of the toughest laws in the state barring nudity in public. But five years later, the council is considering softening

the penalty against exposing too much flesh.

Instead of rejoicing, the nudists are incensed.

"It isn't that we want to be charged with a misdemeanor," said Nina Shilling, 51, of the X-Plicit Players, troupe that performs naked in the Berkeley parks on weekends. "It's because their reason (for loosening the penalty) is Byzantine. The whole motivation really is to make the city more repressive."

The council is considering a change to let prosecutors treat nude offenses as mere infractions instead of misdemeanors. That would take the cases away from juries in criminal courts - and shove them into the mundane arena of Berkeley's Traffic Court.

Supporters of reducing the charge to an infraction, including Mayor Shirley Dean, say police and prosecutors could handle the anti-nude cases as swiftly as dispensing with speeding tickets, without clogging the courts and costing law enforcement time.

But the nudists contend the real goal is to make it easier to convict them. They would lose the right to a jury and the chance to assert what they claim are free-speech rights to express themselves with their naked bodies. In left-leaning Berkeley, they say, prosecutors simply cannot find 12 jurors who would vote to send them to jail for going around naked. So far, in the five years since the council passed the anti-nude law, there has yet to be a single conviction.

Some City Council members favor repealing the anti-nude ordinance altogether, as a waste of law enforcement time and money.

"We have one of the strictest laws in the country, and that's ironic," said Councilman Kriss Worthington, who proposed removing the law. "It's not like Berkeley has all these nude people running around, it's just a few. It seems to me the law is a harsh overreaction."

But others say repealing the ordinance would be an invitation to more restrained folks to start baring all.

To resolve differences, the council might put the question to voters. In any case, the officials will consider softening the ordinance - but not without a fight from nudists. The issue is expected to come up later this month, or next.

Alameda County prosecutors have brought only one Berkeley anti-nude case to trial, and that was unsuccessful. In 1996, Shilling and fellow artist Debbie Moore, 45, were charged with three counts of singing, strolling and communing with nature while in the buff.

"They interviewed 30 (prospective) jurors, and only two said they were neutral on the anti-nude law," Moore recalled of the jury-selection phase. "The rest were opposed to the law. Some people even wept when they thought we'd be put behind bars for what they thought was a benevolent act."

Berkeley police say they won't arrest anyone for being naked unless they get a complaint. And prosecutors say they have dismissed several cases they felt they couldn't prove. But Assistant District Attorney John Adams said Berkeley juries haven't been adequately tested on the anti-nude issue. "We've only had one trial so far, so you can't take the leap of faith to say we'll never find that jury (who would convict)," he said.

State law prohibits indecent exposure, but that doesn't mean one cannot go outside naked. It means one cannot act in a lewd manner while naked in public, lawyers say. But Berkeley's ordinance goes further to simply prohibit any public nudity, making exceptions only for breastfeeding women.

While the controversy brews, the naked man who inspired Berkeley's anti-nude ordinance has remained largely silent about it. Moore, who remains friends with Martinez, said the famous Naked Guy went back to live in Cupertino, Calif. Shilling said Martinez was tired of speaking publicly about his nudity crusade.

But he has left a legacy. "Andrew is very special, and being naked was really his own internal experiment," Shilling recalled. "He walked around in a slow and de-

liberate manner. He didn't let anyone rile him. He was almost like a minister or a priest."

Martinez, who once explained he thought clothes were "stupid," started walking around naked as a youth back home with a nude stroll down Saratoga-Sunnyvale Road. He was a 19-year-old student at the University of California in Berkeley in 1992 when he began attending his classes stark naked, drawing national publicity and inspiring other students to attend "nude-ins" at Sproul Plaza.

His bareness rankled UC officials, who enacted a new dress code against nudity and then expelled Martinez for violating it. Martinez also showed up at a Berkeley City Council meeting completely nude, offending then-City Councilwoman Mary Wainright, who swiftly introduced the anti-nude ordinance. It passed.

The Naked Guy protested indecent exposure laws were illegal, and he wanted to prove it in court, but when he was arrested, prosecutors dropped the charges. After he was kicked out of UC, he surfaced in San Jose where he was arrested in 1993 for showing up naked at an anti-abortion rally.

Recently, a web site surfaced about Martinez featuring photographs of the Naked Guy as he appeared four years ago, both clothed and unclothed.

Berkeley officials say they don't see Martinez displaying his body around town any more. But Shilling and Moore, who first shed their clothes publicly during a demonstration against the Persian Gulf War, still practice their art.

The women, and fellow actor Marty Kent, perform in public parks, inviting people to commune with nature. They also lead topless parades down Telegraph Avenue, urging others to shed their tops, too, and sing their whimsical "breast freedom" song.

Moore and Kent said they were cited five times last year and appeared in court on April 13 on new charges. They were shocked to find their case relegated to traffic court, even though the city hasn't yet softened the law.

The move was a mistake, and the charges were dropped on a technicality. Moore and Kent applauded the move. They still want their day in court - in front of a panel of their fellow citizens.

"If they change it to an infraction, every time we step out of our house, we could be slapped with a \$130 fine and have no access to a jury," Moore said. "That's not a position we want to be in."

But Mayor Dean says the nudists can challenge the constitutionality of the law in federal court if they want, and the city should not be in a position of trying every case. "They think they have a free-speech right to be naked," she said. "I think I have as much right not to see those ladies nude."

Some wonder how officials could enact such a conservative ordinance in the city that gave birth to the Free Speech Movement in 1963, where shops are perfumed with incense and the "older generation" wear Birkenstocks and gray ponytails. The answer, many observers agree, is Berkeley is one of the few places in the nation where walking around naked is a frequently practiced political act.

"This is the only city in the country where we'd even be having this argument," said City Councilwoman Betty Olds, who voted for the ordinance in 1993. "There's no other city where people are traipsing around nude. In most places, the expectation is, you'll keep your clothes on. Not here."

The demand has been steady over recent years, but students aren't approaching online publishing with the enthusiasm they once showed, he noted.

"The glamour of having a Web page is less than it was year ago," said Grewe. "It's common now. I think the students who do it tend to be those who are very, very active on the Net, or it's a part of their research."

Analyst Bass said the best personal sites on the Web don't have revolution-inciting ambitions, and are designed for a narrow audience. More people are putting up simple resume pages or using their sites to communicate with relatives, he said.

"You have bored graduate students building up links to other sites, and some of them are very good," said the analyst. Wired's Katz notes that some of the best personal sites - and the most updated - are simply produced online journals.

"There's an extraordinary amount of individual writing and storytelling going on," he said.

But Katz said many people - himself included - had hoped for more. "In terms of what people expected, I think there is some disappointment," he said. "I think people hoped for more impact, a larger audience and more response (to their pages). But it's hard because there are so many pages out there."

## Many web pages look alive, but no one's home

By James Romenesko  
Knight-Ridder Newspapers  
University of Minnesota student Yu-Ting Cheng decided a few years ago to entertain the world with some humor on his Web page. He would find a funny drawing and feature it as his "Cartoon of the Day."

A good idea, perhaps, but Cheng's cartoon about the Super Bowl has remained unchanged on his page for 708 days now.

Don't bother calling the young scholar to request a new joke, or to advise him that those little colored balls he uses on his page were cool in 1994, but considered "tired" by 1995; the phone number Cheng lists on his Internet home page is disconnected.

John and Tina Armstrong got an Internet account with Minneapolis-based Vector Internet Services and intended to share their family's life with the 30 million or so other households online.

There's a large "Under Construction" sign on the Armstrongs's home page, along with this promise: "We're currently remodeling to serve you better. Our full site should be back in a few days."

Actually, four months have passed and it appears the Armstrong's remodeling job at www.visi.com/johntina is on permanent hold.

David Fryxell is looking forward to his new job at Sidewalk, Microsoft's arts and entertainment online guide. "This represents a natural combination of things I've long been interested in," he writes on his Web page.

Whoops, never mind; that quote is from Fryxell's 1996 online Christmas card (www.skypoint.com/fryxell), which collects dust on the server - way outdated, considering he's since left both Sidewalk and the Twin Cities to work in Cincinnati.

The World Wide Web gives everybody the opportunity to be a publisher, and a lot of people have taken advantage of it.

Too bad that so few go beyond that debut issue.

"It's easy to get the material up, but then people's interest in it wanes and they're onto another project," said Paul Brady, who teaches Web publishing at the University of Minnesota. "At first, there's a sense of I-built-something-and-isn't-this-cool, but I bet maybe 10 percent will move on with it (and update the site)."

That leaves 90 percent as abandoned virtual properties - Ghost Sites on the Internet, as they've come to be known.

Futurists and pundits saw great societal benefits with the advent of personal home pages a few years ago.

Wired magazine was nearly giddy about the common man and woman being able to articulate their political views to the masses via this new medium.

We were all going to be modern-day Thomas Paines - following in the footsteps of the great revolutionary who "used media as a powerful weapon against entrenched array of

monarchies, feudal lords, dictators and repressive social structures."

Wired writer Jon Katz said of Paine in 1995: "His mark is nearly invisible in the old culture, but his spirit is woven through and through this new one, his fingerprints on every Web site."

The Hillary's Hair Web page included?

The concept sounds great, but Thomas Paine probably didn't have to attend PTA meetings or pack his kids into the minivan for soccer practice. People are too busy these days to spark a Paine-inspired rebellion.

"The difficulty is not working on the content of the page, but finding the time to accomplish the updates," said Dan Koepke, a Twin Cities resident who hasn't touched his family's home page (www.skypoint.com/knocken/) for seven months.

For some, the realization that they don't have quite as much to say to the world as they thought keeps them from adding to their sites.

Others check their page counters and get discouraged when they discover that only a few people inspected their Web home in a month's time.

"People think they're really going to get their moment in the sun with a Web site, and that the world will come to them," said Katz. "Then they discover that doesn't happen and that existence of a Web site will not change their life."

Katz concedes he was overly enthusiastic about the Web's potential for electrifying the electorate.

"I don't see a lot of Thomas Paines running around," said the writer. "I guess I thought there would be."

Web site creators often start strong, and promise a stick-to-it determination, only to see that fizzle.

When Brian Adduci learned he was going to be a father, he created a family home page (members.aol.com/adducci/aj/) and uploaded ultrasound images of the unborn child to the site.

That was just the beginning of what he thought would be an ongoing project - a virtual baby book for his son.

"My parents live in Arizona and my wife has relatives all over the United States so we thought this was really a good way of showing the baby to a lot of relatives," said Adduci, who works for a Minneapolis graphic design firm.

Little A.J. Adduci turned a year old in April, and his Web page doesn't have pictures of him beyond his infant months.

"I thought I would update it at least every other week," said the father. "But having the baby, you don't have too much time on your hands. I've been too busy changing diapers."

Adduci's site, and others like it, pose a problem for the catalogers at Yahoo!, the best-known directory of Web pages.

Yahoo! editor-in-chief Srinija Srinivasan said her site loses credibility when it sends people to out-

dated pages with dead links.

"When deciding whether to list a site in the first place, we pay attention to whether it looks like it's going to be around or updated," said Srinivasan. "If it looks like a transient thing, we figure it won't be worthwhile to our listings."

Yahoo!'s staff occasionally goes through the Web to find old pages that should be swept from its directory, she said.

"There's some amount of manual processing that we do," said Srinivasan. "We decide on a site-by-site basis (if a Web page is too old to remain in Yahoo!'s directory). In many cases, we think the information on an old page is still useful."

While many people put up their sites and quickly abandon them, oth-

ers continue to upload and debut Web pages every day and, according to Forrester Research analyst Bill Bass, they're doing it in record numbers.

"There is a personal publishing phenomenon going on," said Bass. "Look at the growth of sites that offer free personal Web page hosting - GeoCities and Tripod. They came out of nowhere and are on par with some of the largest sites."

Tripod said it hosts nearly 2.4 million personal home pages, while GeoCities claims 1.6 million.

At the University of Minnesota's Twin Cities campus, about 15 percent of students pay \$40 annually for space on the central Web server, said Frank Grewe, the university's manager of Internet services.

## Late-Night sumo wrestling gives students chance to throw their weight around

Campus Correspondent

Kim Jesuale, a junior at the University of Georgia, shoves a tall sorority girl in the chest, bowling her over backwards with unexpected ferocity. The cheers of other bar patrons and Jesuale's taunts are drowned out by Guns N' Roses' "Welcome to the Jungle."

The girl on the floor struggles to rise, but quickly gives up and lies panting on the floor. The sumo suit in which she is encased prevents her from standing up, or even rolling over.

Jesuale waddles up three stairs to the dance floor, adjacent to the wrestling pit, lifts her arms to elicit a roar from the crowd and then leaps upon the downed girl. The referee counts to three, and Jesuale advances to the finals.

"She was nothing," Jesuale says. "I destroyed her."

Sumo Suit tournaments are fast becoming the most popular late-night entertainment for college students around the country. Students

are lining up for the chance to throw their weight around - and perhaps win a few drinks in the process.

One event, held every Monday night at The Armadillo, a bar in downtown Athens, Ga., gives the winner a \$25 bar tab or freebie pay-per-view wrestling matches. The wrestling - or is that wrasslin'? - begins shortly after 11 p.m.

"We've got quite a regular crowd that comes out," said Brad Scott, a bartender, who sometimes doubles as an announcer for the events. "People really seem to enjoy it, whether they wrestle or watch."

Contestants gird themselves for battle, wearing what amounts to a couple of bean bags and a black helmet designed to look like the chignons Sumo wrestlers traditionally sport.

"They really stink," Jesuale said. "The helmet had lots of sweat in it. I wanted a swim cap."

"You get really hot in there, and you're just exhausted," she added.

"But you're laughing so hard you can't do anything about it."

In Sumo Suit wrestling, just about anything goes. Participants bump bellies and behinds to knock their opponent off a mat with a 10-foot radius.

During one particularly lively round, Michael Kerns, a graduate

**"You get really hot in there, and you're just exhausted, but you're laughing so hard you can't do anything about it."**

Kim Jesuale  
a junior at the University of Georgia

student in chemistry, and his challenger managed to tear down a railing separating the wrestling pit and first row of tables and nearly shake a big-screen TV from its stand.

"It's harder than it looks," Kerns said. "The real motivation was the bar tab."

Shawn Paynter, a UGA senior who was Kerns' tag team partner, had several tips for novices.

"Stay away from the big guys," he said. "In the two-on-two matches, you've got to gang up on the little guy."

Brady Hayes, a junior who wound up defeating Jesuale in the women's final, said she particularly enjoys the colorful commentary of announcers who offer encouragement and insights along these lines: "A beautiful headbutt to the mid-section!" "Get mean, get tough, want it!" "Slam him against the wall!" and "My grandmother's bedroom has seen more action!"

"It's a once in a lifetime kind of thing," she said. "Anything you have to sign a waiver for will probably be worth it."

Scott said the bar plans to continue its Sumo Suit tournaments indefinitely - or at least until someone breaks the big-screen TV.