

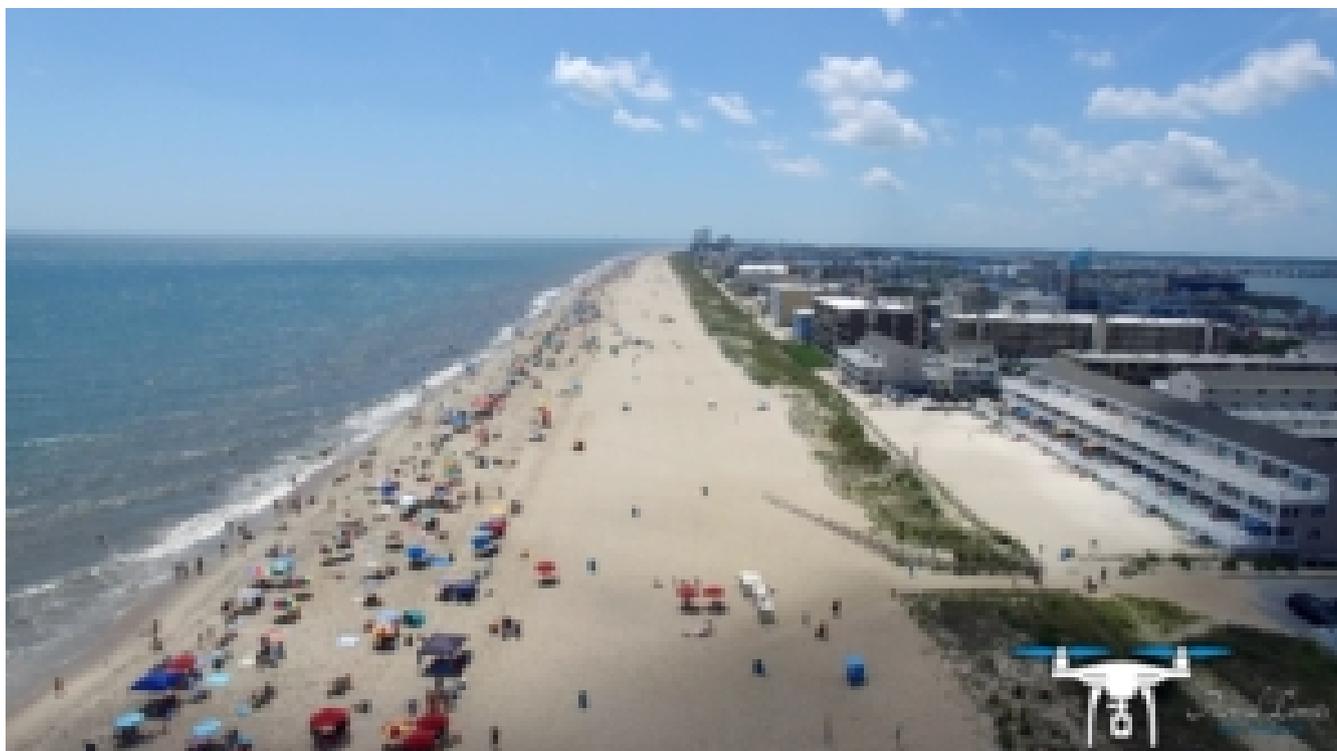
Civil Rights Complaint Filed Against Ocean City For Topfree Ordinance

Written by Felicity Jones

Friday, 16 February 2018 22:50 -

On January 16, I, along with Chelsea Covington and two other women filed a civil rights complaint against Ocean City, Maryland for its ordinance banning [topfreedom](#) for women. We are represented by civil rights attorney Devon M. Jacob.

If you follow my blog or topfree news, you may remember that Ocean City [passed their “emergency ordinance” last June](#) after the media alerted everyone to the fact that there was no existing law against topfreedom. Not only was there no local ordinance, but the state of Maryland doesn’t have any existing law against toplessness either.



Chelsea Covington, Felicity and 2 other women challenge Ocean City, MD’s topfree ordinance in Federal Court (Photo by AerialLimits)

To summarize what led up to this point – as a topfree activist, Chelsea had been trying for years to get a clear confirmation from legal authorities that female barechestedness is legal in Maryland. In August of 2016, thanks to Chelsea’s persistent efforts, the Maryland Attorney General’s Office (OAG) [received an “opinion request”](#) from the Worcester County State’s Attorney Beau Oglesby. The opinion request asked the OAG “to examine whether a local ordinance that treated genders differently would be unconstitutional.” The OAG was expected to have their opinion written up in 3 – 9 months, but that didn’t happen.

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Ten months later on June 14, 2017, a few days after Ocean City passed their new anti-topfreedom ordinance, the [Maryland Attorney General's Office issued a "letter of advice"](#) (which they specified was still not their "official opinion"). This letter basically states their opinion that Maryland courts would rule that barring women from going topfree wherever men can does not violate the state or federal Constitution. However their waffling letter also stated that "public morals are not static in this realm," that public sensibilities can change quickly and that context should be considered when deciding what is "indecent."

So here we are now. With this lawsuit, we are requesting a preliminary injunction against Ocean City that will stop them from enforcing their discriminatory ordinance.

It reads:

"This lawsuit is about confirming the legal right of women to be bare-chested in public in the same places that men are permitted to be bare-chested, for purposes other than breastfeeding. This lawsuit seeks a declaration from the federal court that the town of Ocean City's emergency ordinance violates the Equal Protection Clause of the 14th Amendment to the federal Constitution because the gender classification does not further an important government interest, but rather codifies longstanding and sexist ideology in which women are viewed as inherently sexual objects without the agency to decide when they are sexual and when they are not."

Ocean City Mayor Rick Meehan [responded with a statement](#), similar to what was said last year: "The mayor and council firmly believe that Ocean City must continue to be a family resort that does not permit women to be topless on our beaches or in other public areas. As clearly stated in our emergency ordinance passed in June 2017, 'there is no constitutional right for an individual to appear in public nude or in a state of nudity. It does not implicate either the First Amendment to the United States Constitution, the right to privacy, or a protected liberty interest. It lacks any communicated value that might call for First Amendment protection.' We will pursue all available legal options to ensure that this remains the case for the benefit of our residents and the millions of families who visit our town each year."

There's plenty to be said about what's wrong with all that, but for now I will direct you to [my previous post about the OC ordinance](#)

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Chelsea also has an [excellent series of FAQs about the lawsuit and topfreedom on her blog](#) , so check out that post!

Let the fight begin and equal rights prevail!!!

[Felicity's Blog](#)

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Read more <https://felicitysblog.com/lawsuit-challenging-ocean-citys-topfree-ordinance-federal-court/>