

Mooning Deemed 'Disgusting' but No Crime in Md.

By ERNESTO LONDOÑO
Washington Post Staff Writer

Acquitting a Germantown man who exposed his buttocks during an argument with a neighbor, a Montgomery County Circuit Court judge ruled yesterday that mooning, while distasteful, is not illegal in Maryland.

"If exposure of half of the buttock constituted indecent exposure, any woman wearing a thong at the beach at Ocean City would be guilty," Judge John W. Debelius III said after the bench trial, reversing the ruling of a District Court judge.

Debelius made clear his disdain for the defendant, calling the alleged act "disgusting" and "de-meaning." The outcome could have been different, he suggested, if the man had been on trial for "being a jerk."

The case arose from a June 7 argument between the defendant, Raymond Hugh McNealy, 44, and a neighbor, Nanette Vonfeldt. Vonfeldt pressed charges against McNealy after he allegedly yelled and, according to Vonfeldt, threatened to "blow up my building" as she and her 8-year-old daughter walked out of their apartment, in the 20200 block of Shipley Terrace in Germantown.

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Mooning Is Deemed Legal in Md.

MOONING, From B1

"Then, for whatever reason, in full view of my daughter, he mooned us," Vonfeldt wrote in a court document. The two had a long-standing feud over issues before their homeowners association, which held a heated meeting the night before, McNealy's attorneys said. McNealy wanted Vonfeldt off the association's board, his attorneys said.

The case went to trial Sept. 12 before Montgomery District Court Judge Eugene Wolfe, who ruled against the defendant. Indecent exposure in Maryland is punishable by as much as three years in prison and a \$1,000 fine.

McNealy's attorneys appealed the verdict, arguing that indecent exposure in Maryland constitutes the willful public display of a person's "private parts" — which, they argued, do not include a person's buttocks.

Senior Assistant State's Attorney Dan Barnett said the indecent exposure law in Maryland is ambiguous.

"In our minds, this was not a bathing suit scenario," said Barnett, who supervises Montgomery County prosecutors who handle cases in District Court. "This was a grown man exposing himself to an 8-year-old girl."

Defense attorneys cited a 1983 case of a woman who was arrested after protesting in front of the U.S. Supreme Court wearing nothing but a cardboard sign that covered the front of her body. The D.C. Court of Appeals ruled in 1986 that indecent exposure is limited to a person's genitals.

James Maxwell, one of McNealy's attorneys, said yesterday's ruling should "bring comfort to all beachgoers and plumbers" in the state.

Style

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Harvest moon: A scarecrow with two strategically placed pumpkins bows to passersby in Kansas.

BY CHLOE DOUGLAND — ASSOCIATED PRESS

The Ruling That Opens a Crack in the Door

By DAVID MONTGOMERY
Washington Post Staff Writer

So this week a Montgomery County judge has ruled that mooning is a cheeky yet legitimate form of communication — but then, Chaucer and Mel Gibson taught us that long ago.

The truth is that words frequently fail the human species. If you want to send a message, don't call Western Union; an even older, surer technology might serve. Unbuckle, bend, let it shine.

What's the message?
"He was showing his disapproval. . . . It was intended to offend, in the sense of being critical," says lawyer James Maxwell, speaking of his client,

Raymond McNealy, 44.

Last June, exasperated by a feud involving a homeowners association, McNealy felt moved to moon his Germantown neighbor, Nanette Vonfeldt, a member of the association's board, who was accompanied by her 8-year-old daughter. McNealy was put on trial for indecent exposure — and found guilty last fall. His misbegotten moon could have cost him three years in prison and a \$1,000 fine. After an automatic appeal, this week the verdict was reversed.

Mooning is a blunt instrument to communicate just the sort of disapproval/contempt/derision

See MOONING, C4, Col. 1

A Bad Moon on the Rise? Imagining the Future Fallout . . .

MOONING, From C1

that homeowners associations can elicit. It is not particularly nice or well-mannered. As Circuit Court Judge John W. Debelius III said in the acquittal, the act is "disgusting" and "demeaning." McNealy, who is retired on disability from his family's home improvement business, might have experienced a different judicial outcome, added the judge, if he had been on trial for "being a jerk."

At a time when some say civil liberties are being restricted (the Patriot Act is silent on mooning), it may be comforting that the right of Marylanders to moon has

been affirmed. But the implications are staggering.

Are Free Staters free to moon anybody, anytime? Will FedEx Field fill with burgundy and gold crescents beaming down the next time the Cowboys are in town? Will there be full moons all over College Park every night there's a basketball game with Duke? On the annual lobby day in Annapolis, when the masses come to petition the legislature for their favorite causes, will they dispense with the formalities and just drop their pants? Can citizens moon judges, police officers, the governor?

"I don't think that mooning the governor — I'm not suggesting it's a nice thing to do — would be any worse in terms of violation of criminal law than thumbing your nose," opines Maxwell.

He considers his court victory a nice bit of legal reasoning: "With hard work, we cracked the case, no butts about it."

Not so fast, says Montgomery County State's Attorney Doug Gansler: "This is not a blanket permission slip to moon in Maryland."

Here the lawyers fall into an arcane back-and-forth. While Maxwell says the judge ruled that buttocks are never "private parts" to fit the crime of indecent exposure, Gansler says he'd prosecute again if an alleged mooner intended his act as a crime.

But who moons with criminal intent?

"If exposure of half of the buttock constituted indecent exposure, any woman wearing a thong at the beach at Ocean City would be guilty," Judge Debelius said.

Incidentally, Maxwell says his research suggests mooning also is legal in the District, but not in Virginia. "If the Georgetown basketball team is traveling out to Virginia, and somebody decides to moon somebody on the way," Maxwell says, "they better do it before they cross the river."

But it's hard to imagine that mooning the White House from Lafayette Square would be tolerated for long.

Let the lawyers haggle. Somehow, the judge's verdict recognizes a more fundamental truth. De-

spite scattered prosecutions across the country, the instinct to moon is powerful and persistent. It has always been with us, because we are not always an eloquent people, or maybe mooning is the height of eloquence.

In "The Canterbury Tales," written in the 14th century, Chaucer included a seminal mooning scene in "The Miller's Tale." A suitor comes looking for a kiss, and the object of his desire sticks her "nether eye" out the window, which in the dark he busses.

We laugh, and in our laughter is a judgment of this boorish behavior, as intended by Chaucer, says Michael Olmert, professor of English at the University of Maryland.

Mooning, or references to buttocks as moons, turns up in the work of James Joyce and Samuel Beckett. The Oxford English Dictionary traces mooning as an organized activity to California in the early 1960s, and offers published examples such as: "(1994) The crew of a hovering American helicopter removed their trousers and mooned at the Russians."

There are subsets of mooning activity. Photocopying a moon was popular a few years back — in 2003 a man was arrested for doing just that at a courthouse photocopyier. Pushing a moon against the window of a car or bus is a "pressed ham." Coming soon if not here already: moon pictures on cell phones.

There's mooning in the movies, from "American Graffiti" to "Braveheart," in which Mel Gibson has the brave Scotsmen show what they really think of their English adversaries in a mass battlefield mooning.

Mooning can be a ceremonial,



Minnesota Vikings wide receiver Randy Moss pretends to moon the crowd after scoring a touchdown against the Green Bay Packers last January.

BY KOWREGG — REUTERS

chain-link fence to moon because it's wacky and fun.

Sometimes the message morphs. Consider: Women, as a rule, aren't mooners. That's because when a woman flashes her posterior it can be a come-hither gesture.

who also wrote one of the best essays on mooning, "Crack Addition: The Gentle Art of Mooning." "When you add the element of it being the buttocks, not the genitals, the buttocks being this degraded part of the body, it becomes funny, degrading, loutish, frat partyish."

Mooning, as it happens, has a history in official Maryland. Late one night in 1988, Joseph V. Lutz, a Democratic member of the General Assembly from Harford County, was walking past a restaurant when through the window he spied a table of reporters in the otherwise empty establishment.

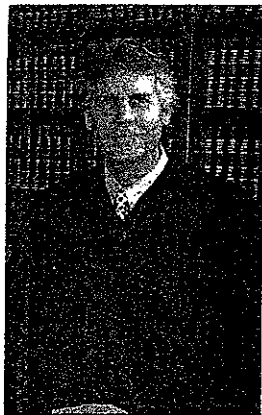
He couldn't resist. "It was not a full shot," he said later.

Still: message received.

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community ritual. For the last quarter-century, there has been a day of the "Annual Mooning of Amtrak," across the street from a bar in Orange County, Calif. Hundreds of people gather along a

"In general, exhibitionism is perceived as aggressive on the part of a man, where it's seen as seduction on the part of a woman," says Judith Levine, the author of books on sex and the body,



COURTESY OF JOHN W. DEBELIUS

"Disgusting" but legal, Judge John Debelius said. But if the mooner were tried for "being a jerk," the ruling might be different.