

# No Decision On Soquel Cinema

~~Theater~~  
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A Superior Court judge Thursday delayed any decision on a request by the county to shut down Soquel's adult movie theater.

Judge Donald May said he would take the matter under submission and issue a written opinion at a later date. He did not say when that written de-

cision would be made public.

His announcement came after a morning-long hearing in which the attorney for the Soquel Cinema charged that the theater was not offensive to the high school students who passed by it and that county supervisors wanted to shut down the adult theater to keep the county "lily-white."

The attorney, Joseph Rhine of San Francisco, claimed the county's actions were unconstitutional.

The county went to court Thursday claiming the Soquel Cinema was not only a public nuisance, but that it violated a zoning ordinance which required that adult business be located 500 feet from a school and 400 feet from a residential neighborhood.

Assistant County Counsel Dwight Herr, claimed that the adult movie house violated both provisions of the zoning ordinance since it was adjacent to Soquel High School and across the street from a residential area.

He also said that students cut through the theater property and were therefore exposed to "sexually explicit" movie advertisements.

Rhine denied the charges saying that the theater had made a concerted effort to keep movie posters "subdued" and that the advertisements were not "sexually explicit."

He also challenged Herr's contention that the marquee displayed movie titles which were offensive to the teenagers passing by.

Signs like "high school bunnies" and "teen-age sex," were offensive, said Herr.

But Rhine argued that the marquee were not offensive. "It's not offensive to those kids — maybe to their parents — but there was no testimony by the kids that it was offensive."

"If it is done in private and the patrons have to pay — the adults have to pay — what is the offensive nature?" Rhine said.

"The words 'teen-age sex' is not offensive. It's been heard by kids earlier than in their high school years."

He also argued that by setting up the zoning ordinance, the county was trying to force out the only adult movie theater in the county.

"Obviously, they want to keep the county lily white, to quote an old expression," he said. "That's unconstitutional."

When it was suggested that the theater could show "regular" movies, Rhine said the county was "distinguishing between types of speech. It would be like saying you can't have a Catholic church here, but you can have a Presbyterian one."

He argued that the adult theater had a right to be at its

location.

Herr said, however, the theater was at "the worst possible location you could imagine."

The county is trying either to shut the theater down immediately or to phase it out within a year.