

*Adult Bookstore*

# Board closes books on Frenchy

If Earl Kuhns wants to operate a bookstore of any kind in the midcounty he'll have to take his case to court.

Santa Cruz County supervisors voted unanimously Tuesday morning to deny Kuhns' application for a permit to operate a bookstore in a building he owns at 3690 Portola Drive. Although the permit application was for just an ordinary bookstore, supervisors had no doubt that Kuhns had something else in mind.

Kuhns is one of northern California's largest purveyors of "adult" (i.e., pornographic) reading and other material. He operates Frenchy's K&T bookstores in the San Francisco area, once operated a similar establishment in downtown Santa Cruz, and has unsuccessfully tried to operate one at the Portola Drive location. These operations have involved him in various difficulties with the law.

Kuhns' application for a permit to operate a regular bookstore was looked upon by the board as nothing less than a subterfuge to enable him to gain a wedge for the eventual operation of an adult bookstore.

But the application posed something of a legal quandary. Although two of the

supervisors, Marilyn Liddicoat and Dan Forbus, opposed granting the permit from the outset, the other two, Pat Liberty and Gary Patton, wanted to be more sure of the board's legal footing.

It was Patton's argument when the board discussed the matter at its Nov. 7 meeting that denying Kuhns the permit simply on the basis of what he might do would probably be a violation of Kuhns' constitutional right and would face reversal in the courts.

Patton argued, with some support from Mrs. Liberty, that the board would probably be better off if it granted Kuhns his permit with some very strict conditions that would make it impossible for him to operate a dirty bookstore at the location.

The county has an ordinance regulating such establishments, but some of its terms are not without vagueness. For example, the ordinance defines an adult bookstore as being one in which "a significant and substantial" amount of the material contained therein is of an adult nature.

After considerable, and heated, discussions at the Nov. 7 meeting, the board instructed the County Counsel's office to come up with some tough conditions in case it decided to grant the

permit. The County Counsel laid the proposed conditions before the board Tuesday morning, but the supervisors were obviously in no mood to fool around with Kuhns' application anymore.

Mrs. Liddicoat and Forbus made it clear that they weren't going to let the threat of a reversal in court deter them. Mrs. Liddicoat scoffed at one of the conditions suggested by the County Counsel's office, which was that if more than 5 percent of

the material in the bookstore was of the adult variety it would constitute a violation of the use permit. She said Kuhns could just stock his store with "old Sears catalogues, telephone books" and other such material to make up the bulk of the "percentage," leaving him free to have adult material as the only truly salable product.

She also characterized as "absolutely ridiculous" an editorial in the Register-Pajaronian which was critical

of her statement that men who frequented adult bookstores "get turned on and don't get turned off until they go out and rape or kill some young women." The editorial called this "an insulting reference" to men.

Mrs. Liddicoat said Tuesday morning people should realize that the material in such bookstores wasn't just the suggestive material of the old Esquire magazine "or even of Playboy."

"We're talking about

(material containing) sadism and bestiality," she said. "I think the community... has a right to protect itself from this kind of stuff."

Forbus agreed and shrugged off the threat of a court reversal. "I think we'll find ourselves back in court, probably," he said, "but we can face that. Let Mr. Kuhns do what he will do..."

Mrs. Liberty came over to the anti-permit side, principally because she was fearful that even with the restrictive conditions, Kuhns would be able to tie up everything in court and continue to operate, even if he violated the restrictions.

Patton repeated his reservations about the legality of the board's action in turning down the permit, but he made it clear he sympathized with the fears of the others.

"The question is, do we trust Mr. Kuhns," he said. "The answer is obviously no."

Despite his reservations concerning the legal aspects of the matter, Patton went along with the majority in denying the permit.

The board also approved without comment Forbus' recommendation that the machinery be started that Forbus hopes will lead to the banning of the showing of pornographic movies at Cinema Soquel in Soquel.

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