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# X-rated theater closure ordered, lawsuit planned

6/9/79

By BUD O'BRIEN

It is now up to the courts to decide whether the only theater in Santa Cruz County that shows X-rated movies can continue to operate.

The Board of Supervisors did everything in its power Tuesday to insure that the Cinema Soquel will have to either close its doors or show movies other than those which are euphemistically called "adult" but which are more colloquially referred to as "dirty" or "pornographic."

The board voted to declare that Cinema Soquel under its present operation constitutes a "public nuisance" and instructed the County Counsel's office to begin abatement proceedings against it immediately. That means the County Counsel will ask the court to declare the theater a public nuisance, which would force the theater to close down immediately.

As an insurance measure, the board also voted to terminate the use permit under which the theater operates as a "non-conforming use." But this procedure normally takes at least a year, so the board is obviously hoping the courts agree that the theater is a "public nuisance."

That the theater operator, Wallace Von Medlin, intends to fight the board's actions in the courts was made quite clear when the matter was discussed by the board at an earlier meeting. Joseph Rhine, a San Francisco attorney who specializes in defending merchandisers of pornography, told the supervisors at that meeting that he would take them to court if they tried to close down the theater.

At the time, he reminded them that, as a lawyer for pornographic bookstore oper-

ator Earl Kuhns, he had battled with them in court before and won. He expressed confidence that would be the result in the case of the Cinema Soquel.

But there was little doubt from the beginning that a majority of the supervisors was intent on doing whatever they could to halt the showing of X-rated films at the theater. Chairman Dan Forbus, in whose district the theater is located, brought the matter to the board as a result of a flood of complaints from residents and businessmen of the village of Soquel.

There were various reasons behind the objections, ranging from the belief that such films were sinful to the belief that they were bad for business in general. But the greatest concern voiced was that the theater is located practically next door to Soquel High School, and scores of students walk right past all the more-than-suggestive posters every day.

Forbus and Supervisors Marilyn Liddicoat and Pat Liberty were determined to take the hardest line possible, so they voted to label the theater a "public nuisance." But Supervisors Gary Patton and Chris Matthews, expressing doubts that there were enough legal grounds for such a move, refused to go along on that one, Patton voting "no" and Matthews abstaining. However, they joined the other three in voting to revoke the use permit.

In other action Tuesday, supervisors:

— Delayed until next week consideration of the report of Auditor-Controller Art Merrill on his investigation of charges made against Watsonville Community Hospital concerning the hospital's provision of

services to indigent patients. Merrill's report, in effect, clears the hospital of charging the county for services that it had also charged off to its federally-mandated responsibility to provide free care to indigent patients. The auditor's report has already been challenged by the Welfare Legal Assistance Center (WELAC), the organization that made the charges in the first place. WELAC says the auditor's investigation did not cover the full scope of its charges.

— Unanimously approved the nomination by Supervisor Liddicoat of Realtor Howard Payne as a member of the county's Parks, Open Space and Cultural Services Commission despite objections that Payne was unfit for the position. The objection was voiced by George Hurd, who is one of the leaders of the drive to recall Supervisor Liddicoat, and was based on an incident at a public meeting in which Payne struck another man and, according to witnesses, threatened to kill him. Hurd said such violent behavior should disqualify Payne, who is the husband of Mrs. Liddicoat's former aide. But Mrs. Liddicoat brushed off the slugging incident as one in which a jealous husband was reacting to somebody making a pass at his wife. "I thought it was sort of romantic," she said.

— Instructed the County Administrative Officer to devise a system whereby all so-called "adjudicated" newspapers in the county would get their fair share of the county's legal advertising. The issue was brought up by Jim Heth, publisher of the weekly People's Press, an adjudicated newspaper that is circulated countywide and is free.