

Obscene Movie

Case Is Scheduled

For Jury Trial

The vice president of the corporation operating the Magic Lantern Theater and the theater manager pleaded innocent yesterday in Municipal Court to charges of publicly exhibiting an obscene movie.

"Change of Heart" is the movie in question.

William Eaton Hess, 25, the vice president of Red Lion Corp. and manager of the Red Lion book store, and James Murray Babb, 30, the theater manager, appeared before Judge Walter E. Parent for arraignment yesterday afternoon accompanied by their attorney, Thomas Sammon.

The two men asked for a court trial on the misdemeanor charges but the motion was denied after an objection by George Bobolia, the deputy district attorney. Bobolia demanded the two men be tried by a jury.

Judge Parent set a jury trial for Oct. 22. The two men are free on \$550 bond each, posted after they surrendered last week upon filing of complaints by the district attorney's office.

The film was seized two weeks ago after the sheriff's office and district attorney received several complaints that the film was obscene.

The Grand Jury viewed the film Tuesday. Bobolia said the jurors were occupied with "committee reports" and took no action on the film.

SBNP, Thursday
9/21/67 p. B-13

Theater Manager Asks Court Hold DA in Contempt

SEP Monday
10/29/67 P. A.

The attorney for two men arrested in September on charges of showing an obscene film at the Magic Lantern Theater in Isla Vista asked today that District Attorney David Minier be ordered to show cause why he shouldn't be held in contempt of a court order barring public statements about the film.

The affidavit seeking an order to show cause was filed by Thomas J. Sammon on behalf of James Babb, manager of the theater, and his employer, William Hess.

The proposed order to show cause had not been signed by any of the three Municipal Court judges, a court clerk said early this afternoon.

Minier and Sammon had been ordered not to make any statements to news media about the film. The order, signed by Judge Joseph Lodge, arose out of a petition filed by Hess and Babb after a special showing of the film for news media in the district attorney's office.

Sammon's affidavit declares that two weeks ago, Minier appeared before a meeting of the Santa Barbara Young Republicans and discussed the film. Attending the meeting was a reporter for a local television station, the affidavit states.

The petition for the order to show cause alleges the district attorney violated the court order by discussing the film with the reporter present in the audience.

SBNP Tuesday P.A.-4
Oct. 24, 1967

Judge to Consider Accusation of Minier Thursday

An affidavit accusing District Attorney David D. Miner of being in contempt of court by making public statements on a matter before a court is expected to be considered Thursday by Judge Arden T. Jensen.

The affidavit was filed in Municipal Court by James Babb and William Hess, arrested in September for publicly showing the film, "Change of Heart," at the Magic Lantern Theater in Isla Vista.

A court clerk said the order to show cause cannot be signed by any of the three Santa Barbara judges and will be submitted to Jensen, Solvang Justice Court judge, when he sits in Santa Barbara Thursday.

Judge Frank P. Kearney has been disqualified by Babb and Hess. Judge Joseph Lodge disqualified himself. Judge Walter E. Parent is on vacation.

The affidavit states that Miner made public statements about the film while addressing a Santa Barbara Young Republicans group, with a television reporter present, in violation of a court order.

Film Case Order Is Ruled Invalid

SBNP
11/16/67
P.B.-11

A court order barring statements to news media regarding the case of two men charged with showing an obscene film was declared invalid today and blocked a defense move to have District Attorney David D. Minier found in contempt of court.

After a lengthy and often bitter hearing in Municipal Court, Judge Arden Jensen ruled that the order, obtained Oct. 5 by the attorneys for William Eaton Hess and James Babb of the Magic Lantern Theater in Isla Vista, did not follow "proper procedures" for obtaining a legal order.

Judge Jensen granted a motion by Minier to vacate the order barring defense and prose-

cution statements. He said it was granted on grounds that there was no notice (to Minier) of the motion . . . and he was not given a chance to answer it.

The order was made by former Judge Timothy McMahon. Throwing it out today, Judge Jensen said, automatically disposed of the contempt motion.

The defense, represented by Boyd Hornof, had alleged that Minier violated the court order by making statements about the case at a Young Republicans meeting in October. A television newsman was present.

NEW MOTION

The judge said he would allow a hearing on a new motion barring statements to news media. He set a hearing on the motion for Dec. 20 at 9 a.m.

The Solvang Justice Court judge said he was concerned about the method used to grant the first order because "it placed Minier in the position of being on trial and . . . prevented him from having an opportunity to defend himself when the contempt motion was filed."

Minier, termed the legal moves by Hornof and Thomas Sammon, the defense attorneys, "hysterical." He said he would prove Dec. 20 that they have "from the start attempted to try this case in public."

The trial of Hess and Babb is set for Jan. 9 in Municipal Court.

Reuther May Seize Rebel Chrysler Union

DETROIT (UPI) — United Auto Workers President Walter Reuther threatened today to take over the union local at the key Sterling stamping plant unless its workers ended their strike against Chrysler Corp.

The Sterling plant, one of two key parts suppliers that could shut down Chrysler operations

Film Seizure Questioned in Bid for Hearing

SBAP
Sat. 12/14/67 p. 8-1

The attorney for two men charged with showing an allegedly obscene film in an Isla Vista theater last September yesterday asked for a hearing to determine whether seizure of the film was illegal.

Boyd E. Hornor, representing James Babb and William Hess, said he filed a motion to quash the original search warrant under which the movie "Change of Heart" was confiscated. The district attorney's office entered the Magic Lantern Theater Sept. 8 and seized the movie.

The attorney said he is also seeking an order returning the film, now in the hands of the district attorney, to Babb and Hess.

The motion was filed in the court of Judge Walter E. Parent yesterday afternoon. He set a hearing Jan. 8 — one day before Hess and Babb are scheduled to go on trial.

... which to my mind is a 'must.' Far East.

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Judge Jensen Rules Film 'Change of Heart' Obscene

SBNP
Tuesday
Jan. 9, 1968
p. A-11

Terming it "tawdry . . . cheap . . . and filled with filthy sex scenes," Judge Arden T. Jensen late yesterday ruled the film "Change of Heart" obscene and without any "socially redeeming importance."

The Solvang Justice Court judge thereby set the stage for an appeal of the ruling and possibly a legal assault on the state's obscenity statutes.

The ruling followed a 2½-hour hearing during which the film was shown so Judge Jensen could rule on whether it is obscene as defined by state law.

When the film showing was completed, the judge asked the Magic Lantern attorney, Boyd Hornor, "What is your opinion on the social significance of this film?"

'THEME OF DEATH'

Hornor replied the film, "taken as a whole . . . has a dominant theme of death." He said the sex scenes in "Change of Heart" are "almost clinical . . .

and could have been taken from a medical textbook."

Judge Jensen said, "I wish I could say something interesting or significant . . . but I cannot. I can't see anything redeeming about it . . . It is poorly done . . . tawdry . . . cheap. I do find it . . . obscene . . . both in constitutional law and in fact."

Asked by the judge to comment after the showing, District Attorney David D. Minier said:

"I think the film speaks for itself."

HORROR TO APPEAL

Hornor, attorney for James Babb and William Hess of the Magic Lantern Theater in Isla Vista, told Judge Jensen he will file an immediate appeal in the district court of appeal in Los Angeles.

It will be based on U.S. Supreme Court rulings that, the attorney said, give state courts a "mandate" in dealing with

obscenity cases. He said "Change of Heart," using recent Supreme Court guidelines, "would definitely not be considered obscene."

Pending the outcome of the appeal, Judge Jensen stayed indefinitely a trial for Hess, owner of the Magic Lantern, and Babb, the theater manager. The two men had been scheduled to be tried on charges of exhibiting an obscene film.

The trial, by a Municipal Court jury, was to have begun today.

RULINGS ON MOTIONS

The first part of yesterday's hearing was devoted to rulings on two motions by Babb and Hess. They asked Judge Jensen to rule invalid the search warrant under which the film was seized last September and to order the film returned to them.

Judge Jensen denied both motions before viewing the film.

Hornor told Judge Jensen that the search warrant should be quashed because "The U.S. Supreme Court has ruled that it is necessary that a magistrate see the film before a warrant can be issued."

Judge Jensen ruled that if that were so, a judge would be required to attend an allegedly obscene movie, "even if he didn't want to go."

In asking for return of the film, Hornor said the search warrant procedures "made it necessary that the film be brought back to the judge that signed the warrant . . . to insure that the individual rights against illegal search and seizure had not been violated."

Nixon Says Expect 'War in the Streets'

NEW YORK (AP) — Richard M. Nixon says the nation can expect "not riot in the streets, but war in the streets" next summer.

He says a riot is spontaneous, but "a war is subject to advance planning and the radicals are presently planning the destruction of public facilities and

warning about next summer on "investigations that have been made, the reports on these investigations and on various quotations from various individuals who quite blatantly—and here I am speaking of a small, virulent group, I guess the Black Power groups—who talk in terms of revolution instead of in terms of progress and peaceful

For Broader Perspectives

SBND Friday
Jan. 12, 1968
p. C-10

It is revealing, on occasion, to get down to specifics on town-and-gown relationships as they are purported to exist between the UCSB community and its neighboring Santa Barbara County community.

A case in point is Judge Arden Jensen's ruling that the motion picture "Change of Heart" as presented at the Magic Lantern Theater in Isla Vista is obscene. He found it "tawdry . . . cheap . . . and filled with filthy sex scenes." He declared it to be utterly without redeeming social importance.

The case for the defense is committed to the propriety of showing the film. It is reported to be basing appeal action on such fundamentals as recent Supreme Court rulings and the claim that no real obscenity is involved. The point is made that the film is essentially one of death — the death of love. "The sex scenes," it is maintained, "are almost clinical . . . and could have been taken from a medical textbook."

An editorial in the university's El Gaucho

newspaper noted in passing the apparent public acceptance of such films as "The Dirty Dozen," and deplored the lack of cultural communication between town's people and their campus neighbors. It urged members of the student body to help promote cross-understanding between what it called "two alien cultures." It suggested that the university administration become more active in arranging "a collision between 20th Century culture and Santa Barbara County."

It is useless, of course, to generalize on the attitude of the public and/or the campus community on controversial moral issues. Opinions and conclusions will vary according to the individual in either setting. But some further thinking and action are needed on such campus suggestions as cultural roundtables with community leaders which could broaden perspectives and temper attitudes when seemingly divisive issues arise. Two alien cultures, with their attending prejudices and preconceptions, we do not need in this region.