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Caprock Chronicles: Last Tango in Lubbock — The obscenity trials of the 1970s

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Editors Note: Caprock Chronicles are edited by Jack Becker, a recently retired Texas Tech Librarian, but he can still be reached at jack.becker@ttu.edu. This weeks article is by frequent contributor to this column, Chuck Lanehart, Lubbock attorney and historian.

During the 1970s, police raided local theaters regularly, confiscated “dirty movies” and arrested owners and managers for displaying obscenity. The raids were front-page news and led to high-profile criminal trials. Lubbock was the setting for the first obscenity jury trial in the United States involving the celebrated movie, “Last Tango in Paris.”

The 1972 French film, starring Marlon Brando and directed by Bernardo Bertolucci, portrays a recently widowed American who begins an anonymous sexual relationship with a young Parisian woman. Tango generated intense international controversy because of its unusual plot and raw portrayal of sexual violence. Brando and Bertolucci were both nominated for Oscars, and the movie generated big revenues in the U.S.

“Tango” was screened at Lubbock’s Fox Twin Theater in August 1973. Soon, Lubbock County Criminal District Attorney Alton Griffin asked Lubbock Police Detective Butch Hargrave to investigate. Hargrave drafted a search-and-seizure warrant application before viewing the movie, then took a magistrate and a prosecutor to the Fox. After the three watched a portion of the film, the magistrate signed the warrant and Tango was seized. Fox customers’ ticket money was refunded as another 500 waiting for the next show were turned away. Fox manager Ralph Boyd was later arrested and charged with the misdemeanor offense of “exhibiting an obscene movie.”

The case was tried in Judge Denzil Bevers’ County Court at Law No. 2. Lawyers and jurors were faced with a new Texas law. “A film must meet three conditions before it can be ruled

obscene: Appeals to a prurient interest in sex, nudity or excretion; is patently offensive because it affronts contemporary standards relating to the description of or reproduction of sex, nudity or excretion; and is utterly without redeeming social value.”

Trial began Nov. 13, 1973. After five women and one man were chosen as jurors, CDA Griffin called his only witness, Detective Hargrave. Hargrave recounted his actions at the theater, and the movie was introduced as evidence. Judge Bevers temporarily relocated the trial to the Fox, a popular theater offering first-run movies. About 100 trial participants, media representatives and trial spectators viewed the entire film.

Back at the courthouse, Griffin rested his case, and defense attorneys Dan Hurley and Mike Worley began calling numerous witnesses who testified the movie did not appeal to their “prurient interest” but did offer “redeeming social value.” Griffin aggressively challenged the opinions of professors, housewives, professionals and common citizens, and contentious litigation stretched over two days.

During final arguments, Griffin told the jury, “If people watch ‘Last Tango in Paris,’ they will be influenced to engage in the same sorts of activities depicted in the film.” Hurley responded sarcastically, “Mr. Griffin is right. I remember when I watched ‘Cinderella,’ I started wearing a tutu and glass slippers and danced all through the house!” The defense accused Griffin of “trying to tell people what they can hear and ultimately what they can think.”

The jury deliberated two hours before returning a “not guilty” verdict. Theater manager Boyd was acquitted. Hurley told the press, “It was a wonderful victory for the people of Lubbock. Movies with social value are not obscene.”

Griffin was unapologetic. “I don’t write the law. If people don’t like the laws, they should contact their legislator, not me.” He said he called only one witness because, “It would have been an insult to the intelligence of the jury. The movie was the best evidence.”

Tango reappeared without incident at the venerable Lindsay Theater in downtown Lubbock in February 1975.

Authorities continued raiding movie houses, seizing films such as the infamous “Deep Throat,” “Prostitution Pornography U.S.A.” and a picture known only as “Nick . . .” Some defendants were convicted, others were acquitted. Young Lubbock lawyer John Montford handled several obscenity cases for the defense.

Controversy arose on April 4, 1975, when the Lubbock Avalanche-Journal published a prominent article titled “‘Deep Throat,’ Other Porn Films Available to ‘Select Few.’” Police

property sheets indicated as many as 50 law enforcement officials had signed out films from the property vault. Assistant CDA Tom Sawyer kept “Deep Throat” for a week, explaining to the A-J, “I got it to show to a group of Tech students in my office who were studying pornography.”

Asst. CDA Wayne Reaud, who borrowed multiple seized films, told the A-J he intended to show them to a defense lawyer representing a theater owner, but the lawyer decided not to view the films.

Movie seizures dwindled, and in 1978 Griffin was defeated as CDA by Montford, who had successfully defended a theater owner in the “Prostitution Pornography U.S.A.” trial.