

Ordinance 556: The Comic Book Code Comes to Blytheville, Arkansas

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This article examines how the national moral panic surrounding crime and horror comic books during the 1950s contributed to the passage of Ordinance 556 in Blytheville, Arkansas that criminalized the sale of comics punishable by fines. Ordinance 556 in Blytheville illustrates how perceived threats to social stability fueled by political posturing and media reports associating comics with criminal behavior resulted in well-intentioned but misguided public policy. Public policies like Ordinance 556, as well as other regulatory efforts around the nation during the Fifties, were designed to protect children from media deemed to be harmful and socially corrosive. Instead, these decrees did little more than provide a false sense of comfort to those who believe such laws provided a barricade against outside forces that distort morality for children and threaten their mental and emotional stability. In reality, these laws do nothing more than substitute one threat for another by limiting the rights of free speech, freedom of thought, freedom of the press guaranteed by the Constitution of the United States in hopes of protecting society from communications perceived to be harmful and destructive.

The rising number of juvenile crimes in the early 1950s caused alarm among parents, educators, and policy makers in post-World War II America. Among the culprits accused of contributing to juvenile delinquency during this era were comic books.

In an effort to attract new readers to comic books, publishers like Entertaining Comic publisher William Gaines produced content featuring stories about crime and horror accompanied by illustrations of gory murders and sexually suggestive images. In his book *Seduction of the Innocent*, psychiatrist Dr. Fredric Wertham asserted that exposure to the lurid content found in crime and horror comic books promoted criminal and anti-social behavior in children and young adults. Publicity surrounding Wertham's conclusions provoked outrage against the comic book industry.¹ Inspired

¹James Burkhardt Gilbert, *A Cycle of Outrage: America's Reaction to the Juvenile Delinquent in the 1950s*, (New York: Oxford University Press, 1986), 103-106. Most of Wertham's support came from parents, churches, and local grassroots organizations as Wertham's criticisms against the comic

by Congressional investigations into comic books' contribution to juvenile delinquency, concerned citizens across the United States lobbied local government officials to pass laws restricting the sale of crime and horror comics in their communities. In 1956, a local educator in Blytheville, Arkansas spearheaded an effort to restrict sales of literature deemed inappropriate to children that included crime and horror comic books. As a result, the Blytheville Council passed Ordinance 556 that made selling crime comics a misdemeanor punishable by fines up to \$100. Ordinance 556 was just one of many efforts around the United States during the 1950s that attempted intimidate local businesses from selling publications classified by community leaders as inappropriate and codify restrictions against purchasing crime and horror comics.

This paper will examine the 1955 Comic Book Code in Blytheville, Arkansas through historical research and legal analysis. The paper will analyze the factors leading to the passage of the ordinance, explore the issue of societal censorship, and question the connection between a media artifact and committing illegal acts.

Literature Review

The debate over mass media's role in the corruption of society can be traced back to late the 19th century when Anthony Comstock and a group of community leaders attempted to show how western and crime dime novels "could lead young people into lives of crime and degradation."² In a precedent-setting move that provided a model for future mass media producers criticized for their controversial

book industry gained more attention with the publication of his book *The Seduction of the Innocent* and articles mainstream magazines like the *Ladies' Home Journal*. According to Gilbert, Wertham's assertion that delinquent behavior was linked to comic books provided these groups with ammunition for national censorship. Wertham received correspondence from across the nation that local efforts to ban comic books.

² Margaret A. Blanchard, "Mass Media and Self-Regulation," in *History of Mass Media in the United States: An Encyclopedia* 3RD edition, ed. Margaret A. Blanchard, (New York: Routledge, 2013), 365.

content, dime novel publisher Erastus Beadle established self-imposed regulations to blunt criticism from Comstock and save the dime novel industry.³

Comstock's zealous crusade against media he considered offensive and inappropriate went beyond public criticism against publishers. In his book *Banned in the Media*, author Herbert N. Foerstel lists anti-vice crusader Anthony Comstock as "one of the earliest and most active censors of magazines and literature."⁴ Beginning in 1873 with his New York Society for the Suppression of Vice, Comstock was instrumental in passing federal laws that prohibited magazines and other literature deemed obscene through the United States mail.⁵ Additionally, Comstock was responsible for the arrest of over 3,500 people accused of peddling pornography. Foerstel cites the National Office for Decent Literature (NODL) as another powerful censorship organization whose goal was to stop the "publication or sale of lewd magazine or brochure literature."⁶ Created in 1938, one of the targets for NODL was comic books. The standards used by NODL to determine the appropriateness of literature resembled much of the language used in subsequent comic book codes establish in 1954 by the Comics Magazine Association of America.⁷ A group of 150 mothers evaluated comic books every six months and passed along their reviews to NODL regarding the publication's suitability.⁸ Comic books appearing on NODL's unacceptable list usually became targets of boycotts and more importantly, "were used as guides by police officials and army commanders who would prohibit the sale

³ Ibid. The motion picture industry would later use similar self-regulations to negate public critics who claimed that motion pictures promoted sex, violence, and anti-social behavior prevent government intervention in the motion picture industry.

⁴ Herbert N. Foerstel, *Banned in the Media: A Reference Guide to Censorship in the Press, Motion Pictures, Broadcasting, and the Internet*, (Westport, CT: Greenwood Press), 1998, 12.

⁵Anthony Comstock led a crusade against the contraceptive industry those who promoted contraceptives in advertisements. Passed by Congress in 1873, The Comstock Act made it a criminal offense to distribute information about contraception through the United States mail.

⁶ Ibid, 12-13.

⁷ Nyberg, 23-24. Both NODL and the 1954 Comic Book Code forbid any material that glamorized crime or criminals, showed disrespect for law and law enforcement, described deviant sex, used offensive language, and mocked religion.

⁸ Foerstel, 13.

of ‘objectionable’ titles.”⁹ Foerstel’s book also describes an “anti-comic book campaign” by the Chicago newspaper *Southtown’s Economist*, resulting from Wertham’s *Seduction of the Innocent*. Articles and commentaries appearing in the *Economist* included “petitions calling for federal legislation to ban comic books.”¹⁰

Wertham’s *Seduction of the Innocent* served as a catalyst for many of the efforts to ban and censor comic books during the Fifties. In his book, Wertham described how the violent imagery, combined with advertisements featuring knives and other weapons contained in crime and horror comic books, contributed to a violent culture and juvenile delinquency. With such chapter titles as “Design for Delinquency,” “I Want to Be A Sex Maniac,” and “The Devil’s Allies,” Wertham’s book is filled with stories linking comic books with horrific crimes and anti-social behavior. For example, he describes the burned nude body of a seven-year old boy hanging from a tree, murdered by three children aged six to eight. An investigation discovered the young killer’s actions were inspired by a comic book.¹¹ Wertham’s book also suggests sexual fantasies contained in comics and read by children later appear “in adult life as perverse and neurotic tendencies.”¹² Comics, according to Wertham, distort sexual relationships with homosexual characters like Batman and Robin,¹³ Wonder Woman and Black Cat.¹⁴

While *Seduction of the Innocent* claims sparked fear and outrage among parents and civic leaders, Wertham’s assertions were met with anger and criticism from members of the comic book industry and scientists. Media effects researchers Shearon A. Lowery and Melvin L. De Fleur were highly critical of Wertham’s research contained in the book *Seduction of the Innocent*, calling it “theoretically inconsistent” and “not supported by scientifically gathered research data.”¹⁵ But while Wertham lacked

⁹ Ibid, 14.

¹⁰ Ibid.

¹¹ Fredric Wertham, *Seduction of the Innocent*, (New York: Rhinehart and Company, 1953), 150.

¹² Ibid, 177,178.

¹³ Ibid, 189-192.

¹⁴ Ibid, 192-193.

¹⁵ Shearon A. Lowery and Melvin L. De Fleur, *Milestones in Mass Communication, 2nd edition*, (New York: Longman,1988), 239.

credibility among his peers in the fields of sociology and psychology, he found a receptive audience among national legislators who used Wertham's conclusions to justify Congressional investigations into the comic book industry. According to Lowery and De Fleur, Wertham "sparked the flame that led to Senate hearings, conducted by Senator Kefauver, on the relationship between "juvenile delinquency and comic books."¹⁶

In response to the public criticism and Senate investigation, the comic book industry established the comic book code. In her book, *Seal of Approval*, scholar Amy Kiste Nyberg traces the history of the comic book code and its impact on the comic book industry. Nyberg asserts that Dr. Fredrick Wertham's public stance against the harmful effects of comic books on children was the impetus behind the campaigns from parents, civic groups, and politicians toward removing controversial content and restricting access to these publications. To minimize the backlash, the comic book industry established the comic book code that set standards for comic books acceptable to the public. The code would be "enforced by a 'code authority,' a euphemism for the censor employed by the publishers."¹⁷ While the publicly stated intent of the code was to protect children from the harmful effects of comic books filled with violent and sexual content, Nyberg suggests that the code's true intention was to protect adult authority during the post-war youth rebellion of the 1950s.¹⁸ Wertham's book *Seduction of the Innocent* provided parents with evidence to pursue action that would restrict access to dangerous comics.

While Fredric Wertham has become vilified in history for his role in nearly destroying the comic book industry, Bart Beaty takes an alternative view of Wertham and his research in his book *Fredric Wertham and the Critique of Mass Culture*. Beaty asserts the vilification of Wertham by scientists, intellectuals, and comic book fans were not because the controversial doctor's research into the negative effects of comic books on

¹⁶ Ibid, 242.

¹⁷ Amy Kiste Nyberg, *Seal of Approval: The History of the Comics Code*, (Jackson: University of Mississippi Press 1998), vii.

¹⁸Ibid, 155.

youth lacked merit. Instead, Wertham was criticized by scientists because his work “tended to regard some media consumers as ‘abnormal,’ spurned by intellectuals “because Wertham’s conclusions ultimately were rooted in a genuine sense of democracy, antiviolence, and progressive social thought that was increasingly anathema to Cold War individualism,” and by comic book fans who believed that “any attempt to improve social relations among people that results in harm to the comic book industry is unjustified and unjustifiable because the individual artist or publisher is more important than society as a whole.”¹⁹ The continual drumbeat over the sixty years that “Wertham killed comics” minimized the validity of his research and misrepresented his work that comic books created juvenile delinquents out of all readers, according to Beaty.²⁰

In *The Ten-Cent Plague*, author David Hajdu described how the comic book industry, unfettered by the same codes and regulations that restrained the motion picture and television industry, used sex, gore, and violence to attract middle class, youthful audiences increasingly shifting toward TV, movies with teen stars, and rock and roll. Consequently, the war against comics during the 1950s was a generational war between parents and children and an economic war between the comic book industry looking to survive in a rapidly changing media environment. While the general public had local and national politicians in their corner who were willing to pass laws and ordinances restricting the youthful access to comic books, the comic book industry had only the defiant publisher William Gaines, who proudly boasted that the bloody severed head of a woman was in “good taste” to Senator Estes Kefauver.²¹ Such comments did little to endear the comic book industry to the general public already angered and fearful of comics and highlighted the fact,

¹⁹ Bart Beaty, *Fredric Wertham and the Critique of Mass Culture: A Reexamination of the Critic Whose Congressional Testimony Sparked the Comics Code*, (Jackson: University of Mississippi Press, 2005), 207.

²⁰ *Ibid*, 198.

²¹ David Hajdu, *The Ten Cent Plague: The Great Comic-Book Scare and How It Changed America*, (New York: Farrar, Straus, and Giroux, 2008), 270.

according to Hajdu, that the public panic over comics was just as much about “class and money and taste” as it was about cartoons.²²

History

During the 1950s, a growing number of parents and public officials were fearful over the rise of juvenile delinquency and perceived moral decline among America’s youth. According to the Associated Press, nearly a million children were involved in juvenile crime during the first half of the Fifties. Because of the post-World War II baby boom in America, forecasters predicted the number of juvenile criminals would skyrocket to over 1.4 million by 1960.²³ Not only were the numbers of crimes among juveniles increasing but the severity of their offenses alarmed parents and law enforcement officials. Newspapers across the United States were filled with stories about children and young adults participating in drug usage, sex crimes, and home break-ins. “It’s difficult to think of children as burglars, gangsters, drug addicts, and murderers,” noted the Associated Press. “Such has become the reality, however.”²⁴

Blame for the rise in juvenile crime ranged from broken homes resulting from high divorce rates to “delinquent parents.”²⁵ Yet for many concerned adults, juvenile delinquency was not a product of family dysfunction but exposure to human depravity, lurid sexual images, wanton violence, and disrespect for mainstream American institutions through public entertainment venues.²⁶ Television, motion

²² *Ibid.*, 7.

²³ *Child crimes rise and grow worse*. 1953. NEW YORK TIMES (1923-Current File), Jan 04. Available at <http://search.proquest.com/docview/112674780?accountid=8363>. When this article was written, the United States was involved in the Korean War. Noting that juvenile crime always increases during periods of war, the article mentioned that the “United States Children’s Bureau are deeply concerned about the heights it may reach if the Korean conflict and cold war mobilization program continues for many years.”

²⁴ *Ibid.*

²⁵ *Ibid.*, 40.

²⁶ David Hajdu, *The Ten Cent Plague: The Great Comic Book Scare and How It Changed America*, (Picador: New York, 2008), 251. New Jersey Senator Robert C. Hendrickson claimed that his constituency believed that the increase in juvenile crime was due to “the increasing emphasis on sex and crime in public entertainment.”

pictures, and print were criticized for promoting sex, violence, and contemptuous behavior that not only drained the innocence and purity from the nation's youth but glorified the macabre and encouraged criminal behavior. One of the biggest promoters of deviant behavior according to parents and politicians were comic books. "It is shocking to see how much obscene and lewd printed matter is available to anyone at a small price in almost any corner store in the country," said Arkansas Congressman E.C. Gathings. "It is a menace to the morals of our youth."²⁷

During the 1950s, comic book publishers featured content many parents and civic leaders considered ghastly and dangerous to the emotional health of America's young people. The genre known as crime and horror comics featured human decapitations, lynching, and images of other-worldly monsters attacking scantily clad, voluptuous females. If gruesome imagery and sexual content were not enough to alarm parents, crime and horror comics also featured advertisements for weapons such as knives and whips in the back pages of each publication.²⁸ Outraged by the availability of such material to impressionable young minds, parents and civic organizations across America urged public officials to shield children from the sex and violence found in crime and horror comics by outlawing their sale and distribution.²⁹ In 1956, the City Council in Blytheville, Arkansas joined a growing list of cities across the nation outraged by the availability of these publications by passing Ordinance 556 which removed crime and horror comic books from local store shelves.³⁰

²⁷ Arbogast, William F., *Investigators Get Flood of Lurid Books*, BURLINGTON, IA HAWKEYE GAZETTE, November 24, 1952.

²⁸ *Health law urged to comb at comics*. (1951, Dec 04). NEW YORK TIMES (1923-Current File), pp. 35. Available at <http://search.proquest.com/docview/111909220?accountid=8363>. In a New York Joint Legislative Committee to Study Comics, Dr. Fredric Wertham, psychiatrist at the Queens General Hospital testified that he purchased a switch-blade knife for \$1.83 from a comic book advertisement. Wertham claimed that comics not only provided instruction in criminal behavior but provided the tools to carry out crimes.

²⁹ Special to The New York Times. (1954, Oct 23). *Jersey School Unit Urges 'Comics' Curb*. NEW YORK TIMES, (1923-Current File) Available at <http://ezproxy.library.astate.edu/login?url=http://search.proquest.com/docview/113055149?accountid=8363> More than 2,000 delegates attending the New Jersey Congress of Parents and Teachers passed a resolution urging the New Jersey State Legislature to "ban the publication and distribution of so-called comic books" and other media featuring media deemed inappropriate.

³⁰ Blytheville, Arkansas, Municipal Code § 556

The passage of Ordinance 556 in Blytheville was a reflection of the anxiety and fear that gripped the United States during the Fifties. While contemporary popular memory characterizes this era as a simpler time lacking the harsh realities of 21st century America, the early 1950's was a period international tension, nationwide social change, and the beginning of a generational transition reflected in a growing rebellious youth culture. Much of this anxiety was due to repeated news stories about the ongoing turmoil abroad and change at home. While the banner headline on the January 1st, 1953 edition of the *Blytheville Courier News* wished its readers a Happy New Year, the front page was also filled with news about Communist infiltration in the United Nations, the war in Korea, and President Dwight D. Eisenhower's "Hope for Peace in '53."³¹ Throughout the year, newspaper articles focused on the potential legal ramifications in the South of "providing equal school facilities for Negroes" should the United States Supreme Court rule in favor of desegregation.³² Intermingled with the stories of trouble internationally and social change in America were reports about a surge in juvenile criminal behavior motivated by popular culture. Front page stories such as an Alabama teenager inspired by a crime comic book "for the shooting of his wife and another woman to death" sent shockwaves across the country.³³ For many parents and community leaders across the nation, the comforting stability of social order, respect for authority, and allegiance to all things American was suddenly threatened by both real and imagined forces from within and outside the nation. While the war in Korea, the threat of communism, and racial desegregation battles caused concern for many citizens, the moral erosion among the nation's youth represented by stories of juvenile delinquency and criminal behavior appearing in the nation's newspaper created a panic among many civic leaders in small communities across the country, including Blytheville, Arkansas.

³¹ BLYTHEVILLE COURIER NEWS, January 1, 1953. The top headlines in the January 1, 1953 issue of the *Blytheville Courier News* were "Government Witnesses Differ on Renewal of UN Red Probe," "War Jittery World Greet Another New Year," and "Ike Voices Hope for Peace in '53."

³² *Cherry Says Lawsuits May Follow Court Ruling on School Segregation*, BLYTHEVILLE COURIER NEWS, April 28, 1953.

³³ *Youth Said to Admit Slaying of Two*, NORTHWEST ARKANSAS TIMES, February 11, 1949.

The national alarm over the rapid deterioration of morality among the nation's youth was exacerbated by Congressional leaders pointing fingers at television, radio, print, and advertising's role in promoting delinquent and criminal behavior. In 1952, Arkansas Congressman E. C. Gathings sponsored two resolutions that probed the national media's contribution to the promotion of criminal behavior. House Resolution 278 urged the House Commerce Committee to investigate the influence of radio and television programs on crime and violent behavior.³⁴

The Committee, headed by fellow Arkansan Oren Harris, investigated the "allegedly immoral and indecent shows on television and radio."³⁵ House Resolution 279 called for an "investigation and study" into the public availability of "books (particularly the so-called pocket-size books) containing immoral or otherwise offensive matter, or placing proper emphasis upon crime, violence, and corruption."³⁶ A passage in Gathings' resolution that sent shivers down the spine of free speech advocates called for the committee to make "recommendations for legislative actions" to "prevent the publication and distribution of offensive and undesirable books."³⁷ Suggested restrictions on questionable publications included intensifying interstate transportation laws prohibiting the delivery of "obscene materials" and using state and local law enforcement to effect laws discouraging sales of obscene materials.³⁸ As Chairman of The Select Committee on Current Pornographic Materials, the obscene materials Gathings investigated included a number of publications, including magazines, novels, and comic books.³⁹ The committee was primarily interested in books that featured the "come-on" literature promoting female sexuality and comic books "described as 'too gory.'"⁴⁰

³⁴ House Resolution 278, June 25, 1951.

³⁵ *Carlyle Named to TV Probe Group*, THE ROBESONIAN, May 23, 1952.

³⁶ House of Representatives Resolution 279, June 25, 1951.

³⁷ *Ibid.*, 1.

³⁸ *House Inquiry Set On Obscene Book*, 1952. NEW YORK TIMES (1923-Current File), Nov 30. available at <http://search.proquest.com/docview/112303830?accountid=8363>. The investigations into books and radio-television were both sponsored by Gathings.

³⁹ *Ibid.*

⁴⁰ *Ibid.*, 77.

Critics immediately attacked both investigations for fear that such probes would lead to censorship of the media. Nebraska Representative A. L. Miller warned that “Congress is ‘treading on dangerous ground’ when it tries to ‘legislate morals.’”⁴¹ To blunt the criticism that Gathings’ investigation would lead to censorship and impinge upon the freedom of the press, the Congressman assured the public he would not “invade the field of newspapers or legitimate books and magazines.” Instead, the goal of his investigation was to place a harsh spotlight on publications he considered “objectionable trash” infecting the nation’s youth. In an excerpt from a program broadcast on Blytheville radio station KLCN, Gathings noted that “The wholesome and constructive comic books of the past have in a great degree been replaced by such titles as *Diary Loves*, *Daring Loves*, *Love Experiences*, *Weird Horrors*, and many other such titles.” He continued by saying “I trust that all who are interested in the well-being of the youth and grown-ups, as well, will support the work of my committee.”⁴²

Support for Gathings investigations came from J. Edgar Hoover, head of the Federal Bureau of Investigation, who criticized comics for their glorification of crime.

A comic book which is replete with the lurid and macabre; which places the criminal in a unique position by making him a hero; which makes lawlessness attractive; which ridicules decency and honesty; which leaves the impression that graft and corruption are necessary evils in American life; which depicts the life of a criminal as exciting and glamorous may influence the susceptible boy or girl who already possesses definite antisocial tendencies.⁴³

Gathings’ investigation not only targeted comics but included any type of publication deemed sexually offensive or promoted antisocial or criminal behavior. “Pocket sized books, so-called cheesecake magazines, and flagrantly misnamed comics” were scrutinized by the committee because these publications were “the most conspicuous offenders against common decency,”

⁴¹ *Congress Reluctant to Probe, TV, Radio. Chairman of Investigating Committee is Reported ‘Cool’ to Whole Idea.* THE ANNISTON STAR, May 13, 1952.

⁴² “Excerpts from Weekly Radio Program Over Station KLCN, Blytheville, 900 K.C.” Friday May 23, 1952, By Your Representative in Congress, E.C. “Took” Gathings.

⁴³ Report on the Select Committee on Current Pornographic Materials, 82nd Cong., 2d sess., 1952, H. Rep. 2510, 26.

according to Gathings.⁴⁴ Evidence of such dangerous publications included books with such titles as *The Private Life of a Street Girl*, *Shadows of Lust*, *Tropical Passion*, and *The Strumpet City*. Other examples identified as pornography included magazines like *Famous Paris Models*, *Bare Facts*, *Peep Show*, and *Flirt*. The committee also examined “playing cards having nude women, a nudist magazine and its pictures and a passage of a love story.”⁴⁵ Gathings maintained that such material that was readily available to everyone including young people, “has been the main cause of inspiring many sex and other crimes.”

As proof of the harmful effects of comic books and other literature classified as indecent, investigators relied on testimonies from parents who blamed the print industry for the abhorrent behavior of their children. Evidence of such moral descent came from one grieving mother who claimed “girlie magazines” and comic books drove her son to marijuana, alcohol, and murder. “He was always a good boy. He never got into any trouble,” testified the sobbing mother. “But a few months before this, he started reading these things. He would lie on the bed and read his comic books or just stare at the ceiling.” She concluded that “these books were a contributing factor” in the downward spiral that eventually led to her son being accused in the stabbing death of a gas station employee.⁴⁶

Such testimonies garnered attention from concerned parents trying to make sense of stories about senseless acts of violence that were becoming more commonplace in newspapers. The graphic imagery of murder, beheadings, and sexuality made comics a convenient object of scorn for years prior to the Gathings investigation. In 1947, the Fraternal Order of Police issued a resolution citing comics

⁴⁴ Arbogast, William F., *Publisher to Testify at Congress' Investigation of Undesirable Books*, BLYTHEVILLE COURIER NEWS, December 2, 1952.

⁴⁵ *House Books Inquiry Started with a Rush*, NEW YORK TIMES, June 17, 1952.

⁴⁶ *Crime of Boy Linked to Lurid Magazines*, 1952. NEW YORK TIMES (1923-Current File), Dec 09. Available at <http://search.proquest.com/docview/112415584?accountid=8363>.

as “one of the contributing factors to the cause of juvenile delinquency.”⁴⁷ A report issued by the Gathings committee condemned comic books by stating that “the great majority are about crime, violence, horror, romance, supermen, mystery, adventure, and the ubiquitous ‘Westerns.’” Because these comics celebrate the criminal and deride law and order, the report concluded that “they do not teach children how to think straight.”⁴⁸ However, criticism of comic books and sensational testimonies during the Select Committee on Current Pornographic Materials investigation did nothing to inspire a legislative solution against the publishing industry. On the contrary, the Gathings committee recommended “that publishing recognize the growing public opposition” to the controversial publications “and take steps necessary to its elimination on its own initiative.”⁴⁹

In addition to Gathings’ investigation of crime and horror comics, the United States Senate turned its attention to the comic book industry in 1954. New Jersey Senator Robert C. Hendrickson and Tennessee Senator Estes Kefauver investigated the role of comic books in promotion of juvenile delinquency.⁵⁰ Much of the Senate investigation focused on William Gaines, publisher of *Entertaining Comics*, formerly known as *Education Comics*.

Gaines assumed leadership of *Education Comics* after his father’s untimely death in 1947. Wallowing in debt, the company needed a dramatic change in direction to remain viable in the publishing business. Gaines renamed his business *Entertaining Comics*, better known as *EC Comics*, and immediately hired writers and artists to

⁴⁷ *Police Fight Comic Books. National Group Says They Lead to Crimes By Juveniles*, NEW YORK TIMES, August 12, 1947.

⁴⁸U.S. Congress, House, 1952. *Report on the Select Committee on Current Pornographic Materials* December 31, 1952. 82nd Cong., 2nd Sess. H. Report 2510. Available at <http://babel.hathitrust.org/cgi/pt?id=uc1.b3971443;view=1up;seq=5>

⁴⁹ U.S. Congress, House, 1952. *Report on the Select Committee on Current Pornographic Materials* December 31, 1952. 82nd Cong., 2nd Sess. H. Report 2510. Available at <http://babel.hathitrust.org/cgi/pt?id=uc1.b3971443;view=1up;seq=5>

⁵⁰ “Comic-Book Hearing To Start Tomorrow,” NEW YORK TIMES, (1923-Current File), Apr 20, 1954. Available at

<http://ezproxy.library.astate.edu/login?url=http://search.proquest.com/docview/113074742?accountid=8363>.

produce crime and horror publications.⁵¹ With titles like *Tales from the Crypt*, *Weird Science*, and *CrimeSupenstories*, the content found in EC Comics focused on grisly crime stories and morbid visuals to attract new audiences. The cover of one issue depicted a man holding an ax in one hand and the severed head of a female in the other hand. When asked by Senator Estes Kefauver if such illustrations were in “good taste,” the unrepentant Gaines replied “Yes I do...for the cover of a horror comic.” Gaines continued his justification by noting that “I think it would be in bad taste if he were holding the head a little higher so the neck would show with the blood dripping from it.”⁵² Such responses only intensified the outrage against the comic book industry and supported claims by public officials like Assemblyman James A. Fitzpatrick, chairman of the New York Joint Legislative Committee on Comic Books, that the widespread availability of comics is responsible “in large measure to juvenile delinquency.”⁵³ Proof of these negative influences comic books were having on youthful minds came from Dr. Fredric Wertham, a psychiatrist who directly linked crime with comics. In 1946, Wertham opened a psychiatric clinic in Harlem, primarily as a treatment center for the poor. His research at the facility was cited in the Supreme Court’s *Brown vs. the Board of Education* decision that ended segregation of public schools.⁵⁴ Wertham’s research work in the facility was cited in the landmark would lead him to conclude that “comic book reading was a distinct influencing factor in the case of every single delinquent or disturbed child we studied.”⁵⁵

Wertham’s impressive resume included a medical degree from the University of Wurzburg and teaching appointment at Johns Hopkins. Later in his career, he explored popular culture’s role in criminal behavior.⁵⁶ The result of his research was compiled in a book, *The Seduction of the Innocent*. In his book, Wertham claimed lurid

⁵¹ Amy Kiste Nyberg, *Seal of Approval*, (Jackson: University of Mississippi Press, 1998), 117,118.

⁵² Peter Kihss, “No Harm in Horror, Comics Issuer Says,” NEW YORK TIMES, April 22, 1954.

⁵³ Warren Weaver, Jr. *Report at albany hits lewd books*. 1954. NEW YORK TIMES (1923-Current File), Mar 12. <http://search.proquest.com/docview/113131494?accountid=8363>.

⁵⁴ 347 U.S. 483 (1954). Wertham’s research at the Harlem clinic indicated segregation caused “psychological damage” to African-American children.

⁵⁵ Hajdu, p, 100-101.

⁵⁶ *Ibid*, 98.

content and gruesome imagery in the media contributed to dysfunctional behavior among youths. Beginning in 1945, Wertham and a group of mental health professionals, social workers, educators, and law enforcement officials performed studies on patients and school children during a seven-year period before his testimony before Congress investigating comic books. His research became gospel for those critics of crime and horror comic books and sounded a warning to parents across the nation of the harmful effects of such publications. In a *New York Times* review of Wertham's book *The Seduction of the Innocent*, writer and sociologist C. Wright Mills noted that "all parents should be grateful to Dr. Wertham" for exposing the damage done to children by comic books. Mills claimed that Wertham's research connected the dots between the depictions of crime, violence, and sex with the products sold in comic books.

The stories instill a wish to be superman, the advertisements promise to supply the means for becoming one. Comic book heroines have super-figures; the comic-book advertisements promise to develop them. The stories display the wounds; the advertisements supply the knives. The stories feature scantily clad girls; the advertisements outfit Peeping Toms.⁵⁷

The *New York Times* review also underscored Wertham's assertion that comic books contribute to all forms of anti-social behavior among children and provide blueprints for juvenile delinquency and criminal behavior. "If one were to set out to show children how to steal, rob, lie, cheat, assault and break into houses," observed Mills, "no better method could be devised."⁵⁸

Publicity like the *New York Times* review of *The Seduction of the Innocent* accompanied by a series of nationwide appearances and testimonies before state and federal lawmaking bodies propelled Dr. Wertham to the forefront in the battle against crime and horror comic books and ignited local civic leaders, parent-teacher organizations, and educators across the nation into action. In Albuquerque, New

⁵⁷ Mills, C. Wright, *Nothing to laugh at*, 1954. NEW YORK TIMES, (1923-Current File), Apr 25. Available at <http://search.proquest.com/docview/113017136?accountid=8363>.

⁵⁸ *Ibid.*, BR 20

Mexico, the National Junior Chamber of Commerce resolved to “investigate comic books.”⁵⁹ The New Jersey Congress of Parents and Teachers demanded state lawmakers “ban the publication and distribution of so-called comic books, pictures, films, and similar media carrying indecent, obscene, and crime material.”⁶⁰ In Norwich, Connecticut, the American Legion Auxiliary organized an event that exchanged comic books for literature about doll dressmaking, American history, Buffalo Bill and other topics deemed appropriate. The comic books collected by the Auxiliary were destroyed. “I think they will be burned so they won’t get back into circulation,” said the organizer of the event.⁶¹

The nationwide comic book purge was a result of Wertham’s research and the inflammatory rhetoric contained in the Senate subcommittee hearing report which stated that crime and horror comic books “offer short courses in murder, mayhem, robbery, rape, cannibalism, carnage, necrophilia, sex, sadism, masochism, and virtually every other form of crime, degeneracy, bestiality and horror.”⁶² Again faced with a nationwide backlash against the comic book industry, publishers attempted to mitigate the damage done by years of investigations and criticism from civic groups by establishing the Comic Magazine Association of America (CMAA). The CMAA was led by New York City Municipal Judge Charles F. Murphy whose job was to “administer a code of ethics whereby publishers hope to purge the business of objectionable comics.”⁶³ Murphy’s team of five censors scrutinized the “exaggerated female curves” found in comics and urged publishers to draw women with “more

⁵⁹ *Comic books attacked*, 1954. NEW YORK TIMES (1923-Current File), Aug 26. Available at <http://search.proquest.com/docview/113056965?accountid=8363>.

⁶⁰ *Jersey school unit urges 'comics' curb*, 1954. NEW YORK TIMES (1923-Current File), Oct 23. Available at <http://search.proquest.com/docview/113055149?accountid=8363>.

⁶¹ *Norwich drive on comic books a success as children rush to trade 10 for a classic*, 1955. NEW YORK TIMES (1923-Current File), Feb 27. Available at <http://search.proquest.com/docview/113212550?accountid=8363>.

⁶² *Inquiry demands purge of 'comics'*, 1955. NEW YORK TIMES (1923-Current File), Feb 20. Available at <http://search.proquest.com/docview/113228681?accountid=8363>.

⁶³ Harrison, Emma, *Magistrate is made comics 'czar'*. 1954. NEW YORK TIMES (1923-Current File), Sep 17. Available at <http://search.proquest.com/docview/113010958?accountid=8363>.

natural dimensions.” The CMAA code also sanitized comic book depictions of “gap-tooth hags, pools of blood, and detailed illustrations of how crimes were committed.”⁶⁴

Despite the CMAA’s efforts to clean up crime and horror publications, Senators remained skeptical on the industry’s ability to police themselves and suggested in a Senate subcommittee report on juvenile delinquency that if the comic book industry could not clean up their act, “then other ways and means must and will be found to prevent our nation’s youth from being harmed.”⁶⁵ Such an intervention into policing the comic book industry was predicted by Congressman E. C. Gathings after his earlier investigations. The Gathings’ Committee hoped the harsh spotlight placed on questionable literature would ignite a grass-roots movement to battle publishers. “Once it was revealed,” said the committee, “a militant public opposition would participate action against the producer or distributor of obscene materials.”⁶⁶ One example of the popular uprising described by Gathings occurred in Blytheville, Arkansas.

The newspaper reports of comic book-inspired murders and the degenerative effects of these publications on children described by Dr. Fredric Wertham and Congressional investigators alarmed the citizens of many communities across the nation in 1954 including Blytheville, Arkansas. Concerned parents and community leaders visited local businesses to determine if crime and horror comics were readily available on local newsstands in Blytheville. The community sweep resulted in a front page article in the *Blytheville Courier News* titled “Comic (?) Books Replace Humor with Murder, Sex, and Violence.” The article enumerated just a few of the “more gruesome ones gleaned from the many available in Blytheville” with titles such as “Tormented,” “Strange Suspense Stories,” “Journey Into Fear,” and “Startling Terror.” Publications such as “Dear Lonely Hearts,” “Bride’s Secrets,” and “Love

⁶⁴ Comics Adopting Dior Look For Their Ladies in Clean-up Campaign. 1954. WALL STREET JOURNAL (1923 - Current File), Dec 29.

<http://search.proquest.com/docview/132068831?accountid=8363>. (accessed March 18, 2011).

⁶⁵ Inquiry demands purge of 'comics'. 1955. NEW YORK TIMES (1923-Current File), Feb 20.

<http://search.proquest.com/docview/113228681?accountid=8363>. (accessed March 18, 2011).

⁶⁶ “Urges Publishers to Cleanup Before Public Asks Rules,” WISCONSIN STATE JOURNAL, December 28, 1952.

Diary” were also on display for young, female consumers. Within the covers of these comics included a multitude of sins and vices such as “murder, violence, crime, horror, sex, lust, seduction, fear, love confessions.”⁶⁷ The final paragraphs of the article placed the spotlight on businessmen in the Blytheville area who sold the controversial publications. While some proprietors “refuse to accept or place on sale the most violent and crime-ridden of the books,” other store managers shifted responsibility for the content on public display to those companies who supplied stores with problematic literature.⁶⁸

By publicizing the availability of crime and horror comics in local stores, concerned citizens in Blytheville joined the national crusade to protect children against the dangerous materials found in these publications. The Blytheville campaign against questionable literature took a three prong approach: inform parents about crime and horror comics, intimidate business owners and book distributors into removing these publications from local stores, and convince public officials to codify restrictions against the sale of crime and horror comics. Leading the charge in these efforts was local educator Miss Winnie Virgil Turner.

Turner spent much of her professional life working as a Blytheville elementary school supervisor. Her alarm over the gruesome content found in crime and horror comic books transformed the educator into a crusader intent on eradicating these publications from local bookshelves. The front page story titled “Comic Book War Pledged by Educator” in the October 8, 1954 *Blytheville Courier News* described how Miss Turner’s labeled crime and horror comics as “mental and emotional hazards which much be removed” during her address to the Blytheville Rotary Club. During her speech, Turner listed the destructive impact of crime and horror comic books on children.

These comics create an atmosphere of cruelty and deceit. They are an invitation to illiteracy. The language found in them is a distortion of what we call the English language and certainly will do nothing but degrade. This type of publication stimulates unwholesome fantasies

⁶⁷ George Anderson, “Comic (?) Books Replace Humor with Murder, Sex, and Violence,” BLYTHEVILLE COURIER NEWS, May 14, 1954.

⁶⁸ Ibid.

among the very young. They create disrespect for the law, portraying policemen as slow-thinking persons who are easily duped. These publications desecrate love, marriage and the home life which we think sacred.⁶⁹

In addition to generating public opinion against crime and horror comic books, Turner's strategy to rid Blytheville of these publications included lobbying public officials to support her campaign and encouraging parents into "going to the authorities and asking for action in ridding the city of undesirable publications."⁷⁰ Following Miss Turner's speech at the Rotary Club, Blytheville Mayor E. R. Jackson promised to support her campaign. Jackson's backing of Turner's crusade followed a pledge by Lilly News Service, the top supplier of periodicals in Blytheville, to keep "undesirable comic books off the newsstands."⁷¹ While the *Blytheville Courier News* followed "the progress of Miss Turner's one-woman fight against obscene and shocking publications,"⁷² the paper also discussed the bigger issue of censorship and freedom of the press in an opinion column titled "The Comic Book Story."

Smacking down a few merchants of viciousness in the comic-book field still leaves unresolved one of the major tasks facing a democracy built with keystones of free speech and a free press. There are those at one extreme who feel you cannot have "a little censorship." It fills them with dread of a growth toward Hitler-type book burnings. At the other extreme are those who fear, equally, a contagion from poisonous words which would fill the nation with a soul-sick and misled citizenry.⁷³

While the editors of the *Blytheville Courier News* pondered the philosophical arguments over freedoms of speech and press, parents and concerned citizens in Blytheville and communities throughout the United States deemed producers of crime and horror comic books as nothing more than predators feeding on the

⁶⁹ "Comic Book War Pledged by Educator: Miss Turner Tells Rotary Periodicals are Hazards," BLYTHEVILLE COURIER NEWS, October, 8, 1954.

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² "There are Other Answers to Obscenity," BLYTHEVILLE COURIER NEWS, October 22, 1954.

⁷³ "The Comic Book Story," BLYTHEVILLE COURIER NEWS, September 30, 1954.

impressionable young minds of America's youth. Consequently, the need to protect children from the harmful effects of crime and horror comic books was more important than safeguarding the rights of publishers. Like Gathings and others who claimed opposition to censorship by legislation, The *Courier News* warned publishers against defying public outrage against materials deemed inappropriate for young children.

This debate will go on and on while we, as a democracy struggle to hammer out workable rules for our own welfare.

At least in the area of mass reading for juveniles, it would appear that the publishers of comic books can't see public opinion has forced a restraint. If the publishers of comic books can't see what is acceptable good taste they will be made to conform.

It spotlights a basic principle, which can stand repeating: that the right kind of censorship is that of public opinion.⁷⁴

Through the efforts of Turner and community groups, public opinion in Blytheville and Mississippi County grew more in favor of taking action to rid the city of crime and horror comic books. The Mississippi County Parent-Teacher Association resolved to "eliminate books of violence and obscenity in our county."⁷⁵ The Blytheville Parent-Teacher Association advocated a plan before the city council to adopt a comic book code patterned after a similar law in Santa Barbara, California. The proposed code included the following items:

1. Sexy, wanton comics should not be sold. No drawing should show a female indecently or unduly exposed and in no event more nude than a bathing suit commonly worn in the United States.
2. Crime should not be presented in such a way as to throw sympathy against law and justice or to inspire others with the desire for imitation. No comics shall show the details and methods of crime committed by a youth. Policemen, judges, government officials, and respected institutions should not be portrayed as stupid or ineffective or represented in such a way as to weaken respect for established authority.

⁷⁴ Ibid.

⁷⁵ "County PTA Council Has Meeting," BLYTHEVILLE COURIER NEWS, October 20, 1954.

3. No scenes of sadistic torture should be shown.
4. Vulgar and obscene language should never be used. Slang should be kept at a minimum and used only when essential to the story.
5. Divorce should not be treated humorously nor represented as glamorous or alluring.
6. Ridicule of, or attack on, any religious or racial group is never permissive.⁷⁶

As a result of the groundswell of public opinion against crime and horror comic books, local businesses and comic book distributors felt pressure to eliminate questionable publications from store shelves. Publisher Distribution Corporation told local agents in Blytheville that certain comic books would no longer be available in the city.⁷⁷ Yet, opponents of crime and horror comic books wanted more than just promises from merchants and distributors. They wanted laws with punitive measures against those selling and displaying these materials publically. Promises to enforce an existing Arkansas statute that “bans the sale of lewd and obscene printed material” by Deputy Prosecutor A. S. Harrison and a proposal from State Representative Jimmie Edwards to amend the statute to include crime and horror comics did not satisfy Turner and her supporters who wanted a law on the books to control the sale and distribution of these publications. When the Blytheville City Council convened on December 15, 1954, Turner spoke in support of “the publication censorship ordinance” that would fine violators \$300 to \$500. While Council members agreed with “the spirit of the ordinance” and spoke admiringly of Turner’s efforts to protect young people, Alderman E. M. (Buddy) Terry expressed concern on the unintended effects such a law would have on the people of Blytheville. “I’m just a little afraid of an ordinance which might exercise too much authority over the reading habits of our citizens,” said Terry. “I think many towns have leaned too heavily on censorship, both

⁷⁶ “Council to Get Comics Code: PTA City Council Approves Regulations on Publications,” BLYTHEVILLE COURIER NEWS, November 12, 1954.

⁷⁷ *Ibid.*

of movies and publications...and they've only succeeded in emphasizing, not controlling, these things."⁷⁸

Concerned that the code proposed by Turner was too broad, Terry recommended that the proposed ordinance focus more on comic books and publications marketed to younger audiences.⁷⁹ Consequently, the Council did not render a decision on the proposed comic book law during the December meeting. Miss Turner and supporters of the comic book code would have to wait until the next council meeting before getting an answer on their proposed ordinance.

At the top of the list of issues discussed at the Blytheville City Council meeting on January 18, 1955 was a new sewer system for the city. Further down on the council's agenda was the comic book ordinance. In a departure from regular protocol requiring three readings of a proposed law, the Blytheville City Council unanimously passed Ordinance 556 that banned "the sale or disposition to minors under the age of 18 years of any crime comic book."⁸⁰ The ordinance went so far to define a crime comic book as:

...any book, magazine, pamphlet, or other publication in which there is prominently featured an account of crime and which predicts, by the use of drawings, the commission or attempted commission of any crime or murder, rape, administering a poisonous and injurious potions, maiming and disfiguring, aggravated assault, assault (sp) to maim or disfigure, assault (sp) with the intent of murder, assault (sp) with attempt to burglary, false imprisonment, kidnapping and abduction, arson and other willful burning, malicious mischief, burglary, robbery, theft, or conspiracy to comitt (sp) nay (sp) of the foregoing offenses, all of which are defined in the several chapters of the Arkansas Statutes.

The term crime comic book shall also mean and include any book, magazine, pamphlet or other publication in which there is prominently featured an account of a violent death of a human being or an account of a attempt at either, which account is depicted by means of isllustated (sp) pictures, cartoons or drawings which show real or fictional characters, human or inhuman natural or supernatural, and which account, so

⁷⁸ "Amendment Looms for Comic Book Code Given to Council," BLYTHEVILLE COURIER NEWS, December 15, 1954.

⁷⁹ Ibid.

⁸⁰ Ordinance 556.

pictorially depicted, is reasonably (sp) calculated to terrify and produce unreasonable and lasting fear in children.⁸¹

Violators of the ordinance could be convicted of a misdemeanor and receive a fine not less than \$25.00 dollars nor more than \$100.00. The ordinance rationalized its existence by noting that crime comic books “resemble closely legitimate comic books devoted insubstance (sp) to humor and adventure.” The ordinance argued that similarity in graphic design and close proximity of crime comic books alongside “legitimate comic books” would be too tempting for children under 18 to resist because youngsters “are of susceptible and impressionable characters and are, therefore, often stimulated by collecting of pictures or drawings depicting various criminal acts.” In an expression of urgency for immediate passage, the ordinance declared that such a law was “immediately necessary for the preservation of peace, health, and safety, and an emergency is hereby declared to exist.”⁸² Approved by the city council, Ordinance 556 became law.

With the passage of Ordinance 556, Miss Winnie Virgil Turner continued speaking out against crime and horror comic books throughout Northeast Arkansas and Southeast Missouri. In March 1955, Turner addressed the Cooter Parent-Teacher Association on “The Effect Reading Comic Books Has on the Youth of Today.”⁸³ Because of her efforts to spread the word about the danger of crime and horror comics on youth and her role in the passage of Ordinance 556, Turner was selected the Blytheville’s Woman of the Year by the local chapter of Beta Sigma Phi.⁸⁴

Discussion

Ordinance 556 still remains on the books nearly sixty years after the code was passed by the Blytheville City Council. The existence of a code passed in 1955, whose intent was to protect children from the harmful effects of comic books, serves as a

⁸¹ *Ibid.*

⁸² Ordinance 556.

⁸³ “Cooter News,” BLYTHEVILLE COURIER NEWS, March 21, 1955.

⁸⁴ “Winnie Turner Woman of the Year: Veteran Educator Led Fight Against Obscene Literature,” BLYTHEVILLE COURIER NEWS, April 2, 1955.

metaphor for the antiquated response to 21st century media deemed socially corrosive. The crusade to ban crime and horror comic books in Blytheville reflected the angst of a country undergoing social, cultural and generational change. These changes combined with a growing perception that television, motion pictures, radio, and print publications were promoting deviant behaviors to a growing youth audience caused concern among parents, educators, and public officials. The anxieties were exacerbated by politicians who used the national stage to blame the media, especially comic books for contributing to the growing problem of juvenile delinquency during the 1950s. Inspired by the example of national leaders in Washington, many parents across the nation parroted the inflammatory rhetoric from politicians who targeted media as the source of the moral decay infecting America's youth during the mid-fifties by glorifying and celebrating rebelliousness, mayhem, and perversion. The prevalence of violence and sex on television and radio, according to some members of Congress, only aggravated the growing problem of juvenile delinquency in America during the Fifties. The crime and horror comic book genre was just another poison pill sickening the nation's youth.

Congressional investigations into the harmful effects of crime and horror publications and a growing number of news reports linking criminal behavior with comics disturbed parents across the nation already coping with the rebelliousness of a new generation of youngsters and sparked fears of censorship among publishers of literature deemed detrimental to the nation's youth. The passage of laws like Blytheville City Ordinance 556 that removed crime and horror comics from local store shelves may have provided some solace to parents concerned about their child's mental health and the social welfare of the community. But such ordinances did nothing more than provide a false sense of comfort for parents concerned about their children's exposure to controversial reading material. The passage of Ordinance 556, as well as similar codes across the nation, simply exchanged one threat for another as constitutionally guaranteed freedoms of press and speech were jeopardized in a sincere but misguided effort to shield young people from the harmful effects of media.

In the history of the United States, there are numerous occasions when government and certain sections of society have attempted to draw a causal connection between music, movies, books or other media artifacts and undesirable to illegal behavior. In 1997, Senator Joseph Lieberman crusaded against what he viewed as harmful and violent music lyrics.⁸⁵ After the tragic shooting at Sandy Hook Elementary school in Lieberman's home state of Connecticut, he sent out a call for action on violent video games, arguing that "[v]ery often these young men have an almost hypnotic involvement in some form of violence in our entertainment culture – particularly violent video games... And then they obtain guns and become not just troubled young men but mass murderers."⁸⁶

After teenager Michael Carneal went on a shooting rampage in a school at Paducah, Kentucky, parents of those killed sued the makers of video games, movies and websites. The plaintiffs specifically cited the film "*The Basketball Diaries*" as being "a nihilistic glamorization of irresponsible sex, senseless and gratuitous violence, hatred of religion, disregard of authority, castigation of the family, drug use, and other self-destructive behaviors" and that the filmmakers "fabricated a gratuitous and graphic murder spree for the sole purpose of hyping the movie and increasing its appeal to young audiences. This had the effect of harmfully influencing impressionable minors such as Michael Carneal and causing the shootings."⁸⁷ Those kinds of claims were rejected. In his decision dismissing the case, the judge wrote: "Reasonable people would not conclude that it was foreseeable to defendants that Michael Carneal, a boy who played their games, watched their movies and viewed their Web site materials would murder his classmates."⁸⁸

⁸⁵ Statement of Sen. Joseph I. Lieberman before the Governmental Affairs Committee Subcommittee on Oversight, Nov. 6, 1997, accessible at http://www.sinclair.edu/academics/lcs/departments/soc/pub/casilab/music_violence/Music_and_Violence.pdf

⁸⁶ Jonathan Turley's Blog, <http://jonathanturley.org/2012/12/18/lieberman-calls-for-action-on-violent-video-games-after-connecticut-murders/> (Dec. 18, 2012).

⁸⁷ James v. Meow Media, Inc., 90 F. Supp.2d 798, 801 (2000).

⁸⁸ Ibid, 803.

The judge relied on a decision in *Watters v. TSR, Inc.* in which a mother brought a lawsuit against the makers of video game “Dungeons and Dragons,” claiming the game had driven him to commit suicide. Once again, the court found no fault with the media creator.⁸⁹

The landmark free speech case of *Brandenburg v. Ohio*,⁹⁰ reflects the prevailing judicial philosophy that more speech, rather than censorship, is the key to resolving these kinds of issues. The Supreme Court outlined a test, noting the law must distinguish between the simple advocacy of ideas on the one hand and actual incitement to unlawful conduct on the other: “The constitutional guarantees of free speech and free press do not permit a state to forbid or proscribe advocacy of the use of force or of law violation except where such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such actions.”⁹¹ The test means there has to be intent on the part of the speaker to cause something lawless to occur in an imminent/immediate timeline and that there is more than mere speculation the action will follow.

If this test had ever been applied to Ordinance 556, courts would most likely not have found the comic book maker(s) to be at fault. The true question that must be answered in such a case would be did the comic book play some part in inciting the perpetrator of the crime to commit illegal acts?

Another flaw in Ordinance 556 can be found on First Amendment grounds. The ordinance clearly is a content-based regulation, which courts typically have shown great hostility towards. In the case of *R.A.V. v. St. Paul*⁹², several teenagers burned a cross on the lawn of a black family in Minnesota. The teens were charged under an ordinance which prohibited the display of a symbol that “arouses anger, alarm or resentment in others on the basis of race, color, creed, religion or gender.”⁹³ The Supreme Court found the ordinance to be overly broad and an impermissible

⁸⁹ *Watters v. TSR, Inc.*, 904 F.2d 378 (1990).

⁹⁰ 395 U.S. 444 (1969).

⁹¹ *Ibid.* at 447.

⁹² *R.A.V. v. St. Paul*, 505 U.S. 377 (1992).

⁹³ *Ibid.*, 380.

content-based restriction on free speech. Justice Scalia remarked “[T]he rationale of the general prohibition, after all, is that content discrimination ‘rais[es] the specter that the Government may effectively drive certain ideas or viewpoints from the marketplace.’”⁹⁴

When the government looks at regulating media artifacts such as music, films, books, websites or video games, such regulations naturally will look at the content of those works and, therefore, face strict scrutiny. It is highly likely that were Ordinance 556 to be challenged on First Amendment grounds, it would fail. However, it is unlikely that the ordinance will ever be challenged as the perceived threat of video games and movies now far out weigh any potential harm from comic books, which are now seen not as harmful but as a relic from earlier times. Even so, the decision in *Brandenburg* set an extremely high threshold that continues to be applied to media some consider harmful such as video games.⁹⁵

Recommendations and Conclusion

The adoption of Ordinance 556 is an example of what happens when the genuine fears of concerned parents are fed by political spectacle and sensational news headlines. During the earlier 1950s, post-war America underwent a significant amount of anxiety due to social change domestically and turmoil internationally. Cold war tensions and East-West conflicts throughout the world worried Americans still reeling from the devastating effects of World War II. At home, a burgeoning youth culture and growing problem of juvenile delinquency concerned community leaders and parents who sensed social stability was being undermined by a variety of media sources including comic books. In a sincere but misguided effort to maintain social order and protect children from the harmful effects of media, parents and civic leaders pursued statutory remedies in an attempt to shield children from corrosive

⁹⁴ *Ibid*, 387.

⁹⁵ *See* Am. Amusement Mach. Ass’n v. Kendrick, 244 F.3d 572 (7th Cir. 2001) (providing a litany of federal cases where rulings strike down legislation restricting access to violent video games).

content. Such solutions accomplished little more than satisfying censorship advocates and threaten the Constitutional foundations of freedom of speech and thought.

Ordinance 556 also carried on a tradition in this country of vilifying creators of controversial content and using legal recourse to suppress production and distribution of materials deemed illicit. In the late 1800s, Anthony Comstock's crusade against pornography included laws criminalizing the distribution of birth control information and advertisements.⁹⁶ Comstock's successor, John Sumner, spearheaded The Clean Books crusade against the publishing industry during the Twenties after the daughter of a prominent citizen in New York read D. H. Lawrence's controversial book *Women in Love*.⁹⁷ The 20th century abounded with numerous examples of citizens and civic groups who condemn popular culture for corrupting society and use threats of censorship and intimidation against media producers. The Motion Picture Production Code adopted by the movie industry during the 1930s was in response to the Catholic League of Decency and other groups who wanted to purify the film industry against sex, crime, and violence. Congress held hearing during the 1950s to investigate the "immoral and otherwise offensive matter" contained in radio and television programming. From Elvis Presley in the Fifties, the Beatles in the Sixties, KISS in the Seventies, 2 Live Crew in the Nineties to Miley Cyrus in 2013, the recording industry has raised the ire of concerned parents who fear that promoting sex, drugs, and violence corrupts the nation's youth. The latest incarnation of corrosive media is video games, which have been linked to mass shootings at Columbine and Sandy Hook Elementary schools among others.

The effects of music, motion pictures, sexually explicit literature, and other forms of mass media have been debated by the general public and studied by mass media researchers over the past century. Even within the field of media studies, the

⁹⁶ PBS American Experience. "People and Events: Anthony Comstock's 'Chastity Laws.'" http://www.pbs.org/wgbh/amex/pill/peoplevents/e_comstock.html. Internet, accessed 11 December 2013.

⁹⁷ "Justice Shocked By Book In Home." NEW YORK TIMES (1923-Current File), Feb 06, 1923. 23, <http://ezproxy.library.astate.edu/login?url=http://search.proquest.com/docview/103223553?accountid=8363>, Internet, accessed 20 August 2013.

effects of media on mass audience have shifted over time. Media researchers during the 1920s, 30s, and early 40s considered the effects of media to be all-powerful and universal in its effect on audiences. New research in the later 1940s and 50s suggested media was not as influential as previously thought and instead had limited effects on audiences. Media researchers during the early 1970s concluded that media was more powerful than the Limited Effects Model of media effects suggested. Additional research theorized that media did have powerful effects (under the right circumstances) on large audiences.⁹⁸ During this time period, the argument over the size and impact of media effects on audiences have shifted as new technologies emerge, research techniques change, and new questions are asked.

Despite the shifting conclusions by media researchers toward the size and degree of media effects on audiences over the past century, the general public remained steadfastly convinced that mass media had a powerful and negative impact on society and “the media were up to no good and something had to be done.” Wertham’s *The Seduction of the Innocent* did little to dispel the notion of the nefarious intent of mass media, but instead, “played a key part in establishing a political climate” for government financed research into links between violence and media⁹⁹ and contributing to atmosphere of fear and anger against comics that resulted in laws like Ordinance 556. In 2014, the argument over the harmful impact of media shifted from comic books to video games as parents and concerned citizens desperately seek answers to the senseless killings and random shootings plaguing our society.

⁹⁸ Werner J. Severin and James W. Tankard, Jr. *Communication Theories: Origins, Methods, and Uses in the Mass Media*, 5th ed., Austin: University of Texas, 2001, 262-289. The use and impact of propaganda in World War I, Hitler’s use of mass media during his rise to power, and the nationwide panic during Orson Welles’s *War of the Worlds* broadcast about an invasion from Mars in 1938 promoted the hypodermic needle theory of media with a powerful, direct, and universal effect on audiences. As researchers questioned why some members of Welles’s audience did not panic over the dramatization of a Martian invasion, along with studying the limited impact of media on the voting decisions of the electorate during the 1940 presidential campaign, scholars concluded that media was not as powerful as originally thought. In the 1970s, the agenda-setting theory that suggested that media “tells people what to think about” and the media dependency theory that proposed that audiences depend on the media for information when other interpersonal sources are unavailable reasserted the powerful effects of media on populations and society.

⁹⁹ Shearon A. Lowery and Melvin L. De Fleur, *Milestones in Mass Communication*, 2nd edition, New York: Longman, (1988), 438.

Advancements in technology in the 21st century allow media content to be accessible, easier to create, affordable, and more personal. The United States seems to continually repeat the pattern of blaming media artifacts for causing undesirable or illegal acts, yet social science does not sustain that argument, nor do the courts tend to lay blame at the feet of media creators. The proliferation of media in the 21st century makes censorship not only impractical but potentially harmful to the targets of mediated communications. Daniel Greenberg, chairman of the International Game Developers Association, sees parallels between the backlash directed at the video game industry in the aftermath of Sandy Hook and the accusations that comic books contributed to juvenile delinquency in the 1950s. “The U.S. government did irreparable damage to the comic book industry in the 1950s by using faulty research to falsely blame juvenile delinquency and illiteracy on comic books,” said Greenberg. “Censoring violent comic books did not reduce juvenile delinquency or increase literacy; it decimated the production of one of the few kinds of literature that at-risk youths read for pleasure. Censoring video games could have similar unintended consequences that we cannot currently foresee.”¹⁰⁰

As a spokesperson for the video gaming industry, Greenberg’s response is predictable. But in her work *Not in Front of the Children*, Marjorie Hein claims censorship is a panacea that does not address bigger social issues nor help children cope with the media saturated world we all live in.

Censorship is an avoidance technique that addresses adult anxieties and satisfies symbolic concerns, but ultimately does nothing to resolve social problems or affirmatively help adolescents and children cope with their environments and impulses or navigate the dense and insistent media barrage that surrounds them.¹⁰¹

So, where do we go from here? As the opinion in *Brandenburg* clearly indicated, the key to many of these issues is not to censor, but to allow robust discussion and

¹⁰⁰ Winda Benedetti, “Newtown Lawmaker Calls for ‘Sin Tax’ on Violent Video Games,” NBC News, Internet, available at <http://www.nbcnews.com/technology/newtown-lawmaker-calls-sin-tax-violent-video-games-1B8262821>, accessed 20 May 2013.

¹⁰¹ Marjorie Hein, *Not in Front of the Children: “Indecency,” Censorship, and the Innocence of Youth*, (New York: Hill and Wang, 2001), 257.

debate, to open the possibility of educating through dialogue, rather than suppression of speech. Part of this dialogue could include media literacy education. In their paper, “Media Literacy: An Alternative To Censorship,” Hein and Christina Cho argue censorship creates more problems than solutions by threatening First Amendment protections, producing inconsistent definitions of violence, and making censored materials more tempting to those censorship laws seek to protect. Hein and Cho acknowledge popular culture disseminates disconcerting images and ideas but believe that “media literacy education can relieve the pressures for censorship that have, over the last decade, distorted the political process, threatened First Amendment values, and distracted policy makers from truly effective approaches to widely shared concerns about the mass media influence on youth.¹⁰²”

Producers of controversial content have used printing, photographs, radio and television broadcasts to distribute materials that disturb parents and politicians and stir debate on how to protect children specifically and society in general from the harmful effects of media. As new distribution technologies emerge, the concern that media is contributing to a more violent society with diminishing morals will only intensify. The question is will parents and civic leaders pursue the same censorship remedies tried over the past 150 years which provide a false sense of satisfaction but threaten democracy and do little to protect children from harmful content? Or shall the fear and anger that mobilized legislators into codifying censorship be directed toward new solutions that educate and prepare children who live in a media-saturated world?

¹⁰² Marjorie Hein and Christina Cho. “Media Literacy: An Alternative to Censorship,” *Free Expression Policy Project*, (2003): 1.