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THE DEVELOPMENT OF CONGRESSIONAL CONCERN WITH
VIOLENCE IN ENTERTAINMENT MEDIA

THESIS

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This investigation deals with a change of congressional attitude concerning violence in entertainment media, from noninterference to investigation to initiation of research. The data are primarily from official government records.

This study first examines a period of congressional reluctance to interfere with the violent content of movies and radio in 1929-45. Next examined is the period 1945-68, when Congress actively investigated media violence, focusing on television. Finally, the study examines congressional activity concerning television violence in 1968-74 and the Surgeon General's report on television violence.

This report concludes that, by 1955, the pattern of congressional interest in media violence had turned from reluctance to activity, and discusses the likelihood of future control of television program content.

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CHAPTER I

INTRODUCTION AND BACKGROUND

Introduction

Some segment of the public has criticized the popular content of the mass media of communication for almost as long as those media have existed.¹ Under other governments and in other time periods, the lawmakers--whether monarch, parliament, or class--have not hesitated to control the content so criticized. Even today, press, broadcast, and film media in vast areas of the world are considered controlled.² But with few exceptions, the Congress of the United States has been reluctant to interfere directly with content in the mass media. Certainly the First Amendment to the Constitution of the United States poses one barrier to government control of content; but similar guarantees of press freedom in the charters of other countries have not prevented the governments from censoring or otherwise controlling content. Whatever the reason, the United States Congress, for years, took little or no action concerning content.

Congressional inaction, however, did not stem from lack of public concern. As early as the 1830's, the upper classes were taking the penny press to task for catering to the least common denominator of public taste.³ Seventy years later,

the literati were taking aim at the movies as the nickelodeon craze swept urban America. Criticism centered on matters of morals and indecency.⁴ Except for occasional speeches by individual members, Congress did nothing concerning early movies.

During the third decade of the twentieth century, radio broadcasting developed and motion pictures continued to grow in popularity.⁵ In 1929, public pressure groups began to shift their focus of concern from morals to violence, because Hollywood had introduced a new and popular film genre: the gangster movie. Besides introducing the audience to the tough argot of the criminal, the first gangster movies glorified the brutal, amoral life of the underworld.⁶ A combination of civic and religious groups applied sufficient pressure to bring about the suppression of the gangster film,⁷ although a derivative--the detective story or crime drama--continued. As if such movies were not worrisome enough for the pressure groups, radio, too, introduced the crime drama.⁸ It must have seemed to many that all the popular entertainment of the day was based on crime and violence. Typical of the public outcry were articles such as "Movies and Radio: Blessing or Bane?" in Better Homes and Gardens.⁹ Indications of organized pressure were seen in reports such as "WCTU: Bad Programs Join Rum and Cigarettes on Blacklist" in Newsweek.¹⁰ Again, however, aside from a few speeches, Congress took no action.

During the late 1930's and the early 1940's, World War II occupied the attention of the nation. The few media issues discussed by Congress seemed to indicate a sympathy for the media.¹¹ And the halls of Congress even rang occasionally with words of praise for the entertainment media.¹²

After World War II, the introduction of television to the general public cut sharply into film attendance.¹³ Hollywood attempted to get people out of their living rooms and back into the theaters by treating themes and issues that television could not. As early as 1947, films were released such as then-controversial Birth of a Baby, Main Street Girl, and Duel in the Sun. The pressure groups were outraged. Although all three films received poor reviews on the floor of Congress,¹⁴ the national legislature took no action.

In the years following World War II, public attention again focused on crime and violence. This time, the problem was juvenile delinquency.¹⁵ Gang life and juvenile crime were explored both by social scientists and by writers in the popular magazines.¹⁶ Another popular topic in the periodical press was comic books. Still a relatively new genre, they, like radio and the movies, came under attack for their portrayals of crime and violence.¹⁷ The comic book industry eventually tried the same course as the movie makers, adopting a code to cover content and appointing a "czar" to administer it.¹⁸

In 1950, Congress began reversing its traditional policy of noninterference with content, becoming concerned about depiction of violence in television. That concern has continued to the present day. The public continued to express concern about juvenile delinquency.¹⁹ Congressmen made statements about immoral films, crime programs on television, and radio and television violence. In 1952, Representative Oren Harris of Arkansas chaired a House subcommittee investigating radio and television programs for "immoral or otherwise offensive matter, or . . . improper emphasis on crime, violence, or corruption."²⁰ In 1954, the Senate empaneled a subcommittee to investigate the causes of juvenile delinquency in the United States.²¹ The subcommittee was active for fifteen years and conducted a series of hearings that concerned, among other things, comic books, movies, and television and their relationships to the rise of juvenile delinquency across the country. Although the other media were examined in only one set of hearings each, the subcommittee held two sets on television.²² Thereafter, considerable attention was paid in Congress to portrayals of crime and violence in the entertainment media. However, even as the juvenile delinquency subcommittee was drafting its final report, the youth crime rate soared to new highs.²³

Public concern with juvenile delinquency continued into the 1960's.²⁴ In 1961, the Senate Juvenile Delinquency Subcommittee began another study of media violence.²⁵

Between 1961 and 1964, the subcommittee scheduled twelve days of hearings on television programming. This time, no other media were studied. This second investigation in less than a decade provided an impetus in both houses of Congress for a number of resolutions and bills regarding television violence.

The 1960's were a time of increasing public awareness of violence in American society. The so-called "long, hot summers" were periods of rioting and looting in major urban areas. The assassination of three American public figures--all by firearms--suggested to many Americans a climate of violence throughout the nation.²⁷ Many people believed that television was a major contributor to this climate and that something had to be done.²⁸ In 1969, Senator John O. Pastore of New Jersey addressed a letter to the Secretary of Health, Education and Welfare requesting that a study of televised violence be conducted by the Surgeon General.²⁹ A panel of scholars and researchers began a series of studies that lasted some three years and culminated in a report to Pastore's subcommittee.³⁰ Congress had thus gone through a complete reversal of policy: from noninterference with entertainment content to committee investigations of media content and the instigation of scientific studies to search for relationships between content and citizen behavior. And Congress had also established a continuing interest in one medium above all: television.

Problem

Early Congressional interest in media content was slight and was aimed at movie morals. But, over the years, Congress grew more critical of media content and eventually focused its criticism on television's violent content. The questions studied in this thesis are why has Congress reversed its traditional role of noninterference in media content and (relatively) lately become interested in media violence, and why has Congress focused specifically on television violence.

Purpose

The purpose of this thesis is to trace the history of Congressional interest in depiction of violence in the entertainment media. The attempt will be made to show that a pattern of congressional concern with media violence could have been perceived as early as 1950. It is hypothesized that, by 1955, further increases in congressional concern with televised violence could have been forecast on the basis of an examination and interpretation of officially recorded documents and transactions--speeches, votes, hearings, etc.--of Congress, its committees, and individual members.

Scope and Limitations

This thesis is concerned with official United States Congressional reaction to depiction of violence in the entertainment media. It is not concerned with the executive or the judicial branches of the Federal government except

as their actions related to Congress. Speeches by Congressmen, interviews with them, and letters to or from them are considered only insofar as they are included in official government reports, minutes of committee meetings and hearings, and the Congressional Record.

The time period is 1929 through 1974. Before 1929, Congressional interest in media, as evidenced by preliminary investigation of the Congressional Record, was less related to violence than to morals and business practices. In 1974, the Pastore subcommittee held hearings on the extent of implementation of the recommendations of the Surgeon General's report on televised violence. Events outside the prescribed time period or Congressional consideration of other issues may be included to provide background or perspective.

The media discussed in this thesis are those whose primary function is entertainment: motion pictures, comic books, radio, and television. Newspapers and magazines are excluded, since they are seen principally as information media. Disc and tape recordings are excluded as a practical matter, since the portrayal of violence in those media has not been an issue in Congress.

Methodology

This thesis studies the statements of United States Congressmen as reflected in the official records to determine why Congress has only lately become interested in media

violence and, specifically, in television violence. The data for this study comes principally from the Congressional Record, Senate and House reports, records of hearings, transcripts of speeches, and texts of rules, regulations, and laws. Secondary sources are used to relate the Congressional activities under study to the historical and social forces operant at the time.

Previous and Related Research

Much work has been done in the area of testing the effects of violent content in the various media. In addition to the Surgeon General's research program, social researchers and psychologists have conducted experiments aimed at discovering the effects of massmedia violence. A recent book by Douglass Cater and Stephen Strickland, TV Violence and the Child, chronicles the evolution and fate of the 1972 Surgeon General's report.³¹ However, the present study is the first to seek a pattern of implications in the history of Congressional interest in the violent content of entertainment media.

Definition of Terms

The media of mass communication, or mass media, are those media, the use and purpose of which are to publish or communicate news, information, education, or entertainment to a general and more or less heterogeneous audience. The mass entertainment media, or entertainment media, are those mass media that have as their principal function the dissemination of entertainment; in this study, entertainment

media include motion pictures, comic books, radio, and television. Within the context of this thesis, the general term media usually refers to the entertainment media; other uses of the term are noted in the text. Motion pictures, film, and movies are all motion picture film productions intended for presentation at public theaters. Radio, as used herein, is a shortened form of radio broadcasting and indicates transmissions by stations licensed by the Federal Communications Commission to operate in the domestic radio broadcast band. Likewise, the term television indicates transmissions by stations licensed by the FCC to operate in the television broadcast bands. The radio and television networks are not licensed by the FCC and so do not broadcast programs. They do, however, serve as program sources for stations (including stations they own); such operations are termed network radio and network television, respectively.

In this thesis, reference is made to gangster movies and crime dramas. Gangster movies were popular in the early 1930's and were distinguished by their portrayals of violence and brutality and by their depictions of gangsters as heroes and the criminal life as glamorous. Crime dramas or detective stories replaced the gangster movies and showed the gangster as a villain and the law enforcement and criminal justice systems in a favorable light. Radio also presented crime dramas, using roughly the same guidelines as the movies.

There are several congressional activities that represent definite, formal statements on the part of Congress; they are referred to as actions. Major actions are of two classes. A bill is the proper instrument of legislation--the statement that proposes a law; a joint resolution is generally the same as a bill as far as parliamentary processes are concerned, but deals with individual, unusual, or subordinate legislation. Minor actions also fall into two classes: resolutions and orders. Resolutions express facts, opinions, principles, and purposes of Congress; they are without force and effect outside the Capitol and do not go to the President. Resolutions are of two types: concurrent resolutions, which affect both houses, and simple resolutions, which affect only one house. Orders embody commands and requests of one house; they deal with the minor affairs of that house and are not called to the attention of the other house or of the President.³² Other activities of Congress include debates, hearings, investigations, and reports of committees and subcommittees. Committee debates are those debates that are part of committee business only and are not included in the Congressional Record. Investigations may be conducted by a committee, one of its subcommittees, or a staff of hired investigators; a committee or subcommittee may hold hearings in the course of an investigation, but the staff does not. The staff reports its findings to the parent committee or subcommittee and thence upward through the system to the

chamber. Activities on the floor encompass the process of legislation--introduction of bills, debate, and voting--as well as other business. Members are permitted to insert articles from magazines and newspapers and other written material into the Congressional Record and to extend their own remarks, meaning to submit a written statement of their own for inclusion in the Record. They may also revise their remarks in the Record. Such extensions and revisions do not affect the present study, since existence of a statement--whether actually introduced in a speech on the floor or added later as an extension or revision--is sufficient to reflect interest or feeling.

For the present purpose, the term violence will be taken without comment as it is used in the record. Whenever a close definition is needed, the term is defined in the text.

The term public, as used in this thesis, has no con-
dite meaning and is taken in the context of the community at large. Pressure is used to mean a compelling influence or constraining force, whether exerted, perceived, or both. The term pressure group is defined as any organization purporting to represent the public and engaging in more or less organized efforts to gain support--often legislative or regulatory--for its goals.

Censorship, in a broad sense, indicates control of the content of a medium by outsiders; the outsiders have traditionally been the government. Censorship is more narrowly

defined as it concerns the mass media; in this context, the term implies prior restraint. Efforts to combat censorship or other external regulation are often attempts at self-regulation. Self-regulation comprises efforts by groups to set up rules or codes to govern their own activities and to be administered by members of their group or their representative or agent.

Value

In addition to continued criticism of program content, other problems have confronted broadcasters--problems which have grown out of Congressional concern over violent content. Representative of these problems are increased qualitative reporting required in a station's license renewal application and the family viewing time concept, which, in 1975-76, proscribed violence and so-called adult themes during the early evening hours. If broadcasters had paid sufficient attention to congressional pronouncements and actions over the past fifty years, they might have been better prepared for and even avoided some of these problems. In this thesis, the first attempt is made to show that a pattern of congressional interest in media violence formed over a period of years and that the pattern could have been perceived a quarter of a century ago. As a first resumé of the history of congressional interest in media content, this thesis may provide a framework for further inquiry into patterns of evolving congressional concern.

NOTES

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³Maury Klein, "The Early Years of The New York Times," American History Illustrated (Aug. 1975), 20.

⁴Richard Griffith and Arthur Mayer, The Movies: The Sixty-year History of the World of Hollywood and Its Effects on America, from Pre-Nickelodeon Days to the Present (New York: Simon and Schuster, 1957), p. 181.

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⁶Gerald Mast, A Short History of the Movies (New York: Pegasus, 1971), p. 275.

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¹⁰"WCTU: Bad Programs Join Rum and Cigarettes on Blacklist," Newsweek, 6 (21 Sep. 1935), 24.

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¹²Remarks in the House by Representative Will Rogers, Jr., of California, Congressional Record, 89 (1943), 8470.

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- 26 U. S. Congress, Senate, Committee on the Judiciary, Subcommittee to Investigate Juvenile Delinquency, Hearings, Part 10: Effects on Young People of Violence and Crime Portrayed on Television (Washington, D.C.: USGPO, 1962).
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- 28 Neil Compton, "Television and Reality--Violence for Profit," Commentary, Sep. 1968, 82-84; "Gun Law: A Step toward Sanity," Life, 10 May 1968, 4.
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³⁰U. S. Congress, Senate, Committee on Commerce, Subcommittee on Communications, Hearings: The Surgeon General's Report by the Scientific Advisory Committee on Television and Social Behavior (Washington, D.C.: USGPO, 1972).

³¹Douglass Cater and Stephen Strickland, TV Violence and the Child: The Evolution and Fate of the Surgeon General's Report (New York: Russell Sage Foundation, 1975).

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CHAPTER II

RELUCTANCE: 1929-1945

Between 1929 and 1945, the United States experienced a severe depression and a world war. During the Great Depression, two-thirds of all American households had incomes of less than \$1,500.00. Declining incomes were reflected in declining marriage and birth rates.¹ Many of today's most important federal agencies were not created until President Franklin D. Roosevelt's "New Deal" programs of the 1930's, and some--such as the Departments of Health, Education, and Welfare and Housing and Urban Development--not until after World War II.² Thus, this period--especially from 1935 onward--was one of growing social awareness and reform. But, mindful of the American adherence to the principle of freedom of private enterprise, congressmen were reluctant to attempt any regulation of business that was not based on the issue of the public welfare. This chapter examines that reluctance as it relates to public and congressional criticism of violence in the entertainment media.

The Public and the Media

For most Americans, 1929 is perhaps best remembered as the year that began the Great Depression. Across the continent another upheaval was to produce other results

consequence. By 1929, the major motion picture studios had begun to face the fact that sound movies were the wave of the future.³ Stages would have to be equipped for recording sound. Libraries would have to be reviewed to determine which films could be readily converted to sound. Actors, too, would have to be reexamined concerning their suitability for the sound stage. What could not be converted had to be discarded--equipment, film, and actors alike.⁴

In 1930, movie attendance began a dramatic three-year decline.⁵ Movie producer Darryl F. Zanuck sensed correctly that the audiences of the Depression were in no mood for the glamorous unreality Hollywood had been showing them for the preceding quarter century.⁶ He believed that the action drama--more realistic treatment of earthier subject matter and colorful dialogue to take advantage of sound capabilities--offered the possibilities Hollywood needed in order to survive the perilous times it was facing.⁷ As a result, films such as Little Caesar, Scarface, and Public Enemy glamorized the violence and amorality of the underworld and brought the tough language of the gangster to the movies audience.⁸ Such films introduced a new and violent look even to courtship techniques.⁹

Although the gangster movie increased in popularity across the nation in 1930 and 1931, the genre was not without its detractors. On February 27, 1931, Representative Grant M. Hudson of Michigan reported that he had received

thousands of letters from the public, urging legislation to regulate the movie industry.¹⁰ In the spring of 1931, the New York State Chapter of the Knights of Columbus considered a resolution condemning gang films as creating a criminal instinct in the nation's youth. Commonweal editorialized that the resolution did not overstate the issue. The resolution would have put the K of C in the position of trying to dissuade Hollywood from producing further gangster films, a position the magazine applauded.¹¹ Similarly, Walter B. Pitkin, psychologist and teacher, argued that 37 million people in the United States got their thrills and knowledge from the movies. "One evening at a crime movie," he wrote, "gives them more knowledge of crime than they could learn in a week of patient study under Al Capone."¹²

In mid-1931, a sixteen-year-old New Jersey youth, Harold Gamble shot and killed twelve-year-old Winslow Elliott in the latter's playhouse. Police determined that the two had seen the movie The Secret Six. Gamble was said to have been describing the movie technique for a shooting; he produced a pistol and shot the Elliott boy. Christian Century reported that the mayor of the boys' home town "voicing public indignation . . . wrote a letter to the Hays office protesting such films."¹³

The gangster film was very popular with audiences in 1931, but, by the middle of the next year, it had vanished from the screen. The genre was not losing popularity; it

suppressed.¹⁴ The Motion Picture Producers and Distributors of America (MPPDA)--the industry's office of self-regulation--acted against the gangster film in response to a surge of protest from such organizations as the Daughters of the American Revolution, the American Legion, and a host of women's and business clubs from across the nation.¹⁵

But public criticism of the gangster film continued. On January 31, 1933, United States Senator Arthur Capper of Kansas addressed his colleagues from the floor and presented them with petitions signed, he said, by 4,961 of his constituents asking for legislation to regulate and supervise the motion picture industry. The petitioners agreed that "the motion pictures have untold power for good or evil in national life and character, and in international relations; also that efforts to elevate the movies through cooperation with the industry do not seem to have been successful."¹⁶

The Episcopal Committee on Motion Pictures added its voice to the condemnation of the American movies of the 1930's. The Committee argued that the movies tended to promote immorality. This, of course, was not a new charge. But this time, the Roman Catholic bishops added their strength in the form of action; in 1933, they formed the National Legion of Decency.¹⁷ The purpose of the Legion was to review and classify all new films before their release. Roman Catholics were urged to stay away from films classified as "partly objectionable" and were told that

attendance at a "condemned" movie constituted a venial sin. Jewish and Protestant organizations joined the Legion in an attempt to force Hollywood to discontinue the "sex and violence" recipe and make what were vaguely termed "good" films.¹⁸

In an effort to combat the Legion of Decency, Will Hays, president of the MPPDA, had the old Production Code rewritten by Father Daniel A. Lord and Martin Quigley, a prominent Roman Catholic layman and publisher of the Exhibitor's Herald-World.¹⁹ In 1934, another Roman Catholic layman, Joseph A. Breen, joined the MPPDA. His special responsibility was as official arbiter of movie morality. As head of the Production Code Administration, Breen published and enforced a formal code aimed at keeping the movies from being objectionable. Under the Code, the movies were to avoid brutality, the depiction of sexual promiscuity of any sort, and the presentation of a life of crime or license as being pleasant, or even possible. All bedrooms were to have twin beds and slang terms such as "nuts," "guts," and "louse" were to be scrupulously avoided.²⁰ Members and nonmembers of the MPPDA could submit films for censorship. All producers submitting films were required to abide by the Administration's rulings or face a fine of \$25,000.00. A further consolidation of Breen's authority stemmed from the fact the leading motion picture circuits at that time were controlled by members of the MPPDA and probably would not book a film that lacked Code approval.²¹

Social pressure proved sufficient to force at least a modification of Hollywood's gangster formula. Although crime continued to be a staple of movie fare, the gangster was no longer presented as a hero. By the late 1930's, the movie criminal had become recognized as a public enemy; concomitantly, there were realistic portrayals of crime prevention and the legal system.²²

The early 1930's must have appeared to many to be a time of all-out assault on established standards of morality and rectitude. Radio, too, became a purveyor of crime drama.²³ Although the medium was criticized for its crime stories, the criticism was not as harsh or as vocal as that directed at the movies.²⁴ The period of the crime drama was a time of explosive growth for radio;²⁵ and, as it grew in popularity and strength, the medium became a more inviting target for criticism. For example, in September, 1935, the national convention of the Women's Christian Temperance Union voted their "categorical disapproval of liquor . . . , cigarettes, easy divorce, war, gambling, . . . and 'the tendency to disregard the Constitution'."²⁶ Then Yolanda Mero-Irion, Hungarian-born concert pianist and official of the Women's National Radio Committee, rose and nominated "bad radio programs" to the blacklist; the WCTU membership wholeheartedly agreed.²⁷

Criticism of radio programming in the late 1930's and early 1940's did not seem to affect the listening habits of America. It did, however, make broadcasters uneasy. Although

a Code of Ethics had been adopted by the National Association of Broadcasters in 1929,²⁸ the major networks published codes of their own, stiffened their program policies, and increased their cultural and public service programming.²⁹

Congress and the Media

While the public criticized movie and radio content throughout the Great Depression, Congress paid little attention. In those instances when a senator or representative suggested some sort of control or legislation for film or broadcasting, the suggestion would usually deal with regulation of business practices. In February, 1930, when Representative Grant M. Hudson of Michigan reported on his letters from the public, he offered a bill to regulate the movie industry.³⁰ The principal provisions would outlaw certain unfair or monopolistic trade practices, provide for settlement of complaints, provide for the production of wholesome motion pictures, and create a Federal Motion Picture Commission. The bill was discussed further in May, at which time Hudson pointed out that his bill did not call for censorship, only for adoption of the standards already outlined in the MPPDA Production Code. As with pure food, he said, wholesome entertainment could not be legislated, but the purveyor could be controlled.³¹ In February, 1931, Hudson again addressed his colleagues. He noted that some psychologists believed that movies, being a visual medium, were much more powerful a force than radio,

and urged consideration of his bill. He said that he had received "literally thousands of letters urging passage of the legislation and commending its purposes."³² He presented a tabulation of 2,026 civic, religious, and business organizations from thirty-nine states and the District of Columbia that had presented petitions or resolutions to Congress urging federal control of motion pictures.³³ The bill, however, did not come to a vote.

In December, 1931, Representative Clarence Cannon of Missouri offered a bill to prohibit interstate traffic in films depicting crimes.³⁴ It was during this year that gangster films, according to Griffith and Mayer, dominated the movies.³⁵ Public protest against the gangster films had begun to mount.³⁶ But Cannon was the only member of Congress that year to offer a bill dealing with the problem. The bill died in committee.

Congress ignored problems with film control until January, 1933, when Senator Arthur Capper of Kansas presented those petitions signed by 4,961 of his constituents. Summarizing the petitions, Capper noted the "untold power for good or evil" possessed by motion pictures and that efforts at self-regulation by the industry had shown few results. The petitions, therefore, urged federal legislation to regulate and supervise the motion picture industry.³⁷ However, Capper introduced no bill himself.

The following July 12, Representative Wright Patman of Texas offered a bill providing for the inspection and

classification of motion pictures and for the establishment of a Federal Motion Picture Commission.³⁸ The next day, Patman extended his remarks to explain and defend his bill. He pointed out that six states had already passed censorship laws³⁹ and that a repeal petition had been defeated in New York after public officials, civic leaders, and representatives of religious groups from around the state had spoken in opposition to the repeal of the law.⁴⁰ Patman contended that the motion picture industry had made repeated promises to reform itself without the necessity for legislation, but had broken its promise each time. Quoting Hudson's February, 1931, report of 2,000 petitions and resolutions, Patman urged that there was public support for a bill such as his.⁴¹ The proposed legislation called for a commission of nine members--at least four of them women--to inspect and classify motion pictures and to prohibit the import, export, or interstate distribution of movies that did not conform to the MPPDA Code. The bill would have proscribed certain content and depictions, generally paralleling the Code, but would have added some restrictions of its own.⁴² This bill, too, died in committee.

On June 2, 1934, Representative Francis D. Culkin of New York addressed the House concerning the quality of current motion pictures. He told his colleagues that the movie industry was a crime-breeding influence.⁴³ He contended that, since the birth of motion pictures in 1895, the content of the movies had grown steadily worse. "Seventy per cent of the presentations," he said, "are salacious, criminal, or

indecent."⁴⁴ Ten days later, he introduced a bill providing for the production of wholesome motion pictures and creating a Federal Motion Picture Commission.⁴⁵

On June 5, 1934, Senator James J. Davis of Pennsylvania noted for the record a letter he had received from Fred J. Herrington, secretary of the Motion Picture Theater Owners of Western Pennsylvania, Incorporated. The theater men hoped for a Senate investigation of the motion picture code. The point of irritation, however, was trade practices, not content.⁴⁶

On July 2, 1935, Culkin again addressed his colleagues concerning the content of movies. While his comments did not address violence as such, he once again attacked the movies as a crime-breeding influence on young Americans. By that time, the gangster movie, with its emphasis on violence and brutality, had been replaced by the crime drama, which portrayed gangsters as criminals rather than heroes and presented a favorable view of the criminal justice system. Still, Culkin argued that the movies were stimulating desires for easy money and luxury and thus, he said, were an important factor in pointing youth on criminal courses.⁴⁷

Neither violence content nor the crime drama was mentioned again in Congress for more than a decade. The 1939 film Mr. Smith Goes to Washington, which depicted corruption and venality in the national government, drew criticism from Representative Lyle Boren of Oklahoma in 1939⁴⁸ and from Representative Robert R. Reynolds of North Carolina in 1940,⁴⁹

but not on the basis of violence (it contained none). During that same decade, radio, too, was almost entirely free of congressional criticism of its content. On January 18, 1943, Representative John Sparkman of Alabama sought to broaden a proposed congressional investigation of the Federal Communications Commission, complaining of objectionable language in some programs.⁵⁰ There was no vote on the proposal. And exactly nine months later, Representative Karl Mundt of North Dakota took the floor to praise CBS for its recently announced, self-imposed Code of Radio Good Behavior.⁵¹

Summary

During the 1930's, radio and motion pictures were criticized by the public for their portrayals of violence and criminal behavior. Of the two, movies received the stronger criticism, much of it directed at gangster films. Despite the public outcry against the gangster film, its popularity grew and there was little action taken against the film industry until 1934. In that year, the Roman Catholic bishops of the United States formed the National Legion of Decency to advise communicants of their church as to the suitability of movie fare. In counteraction, the Motion Picture Producers and Distributors of America rewrote its code of standards, then hired Joseph Breen and gave him further censorship authority.

Although criticism of media violence was sparse in Congress, some trends can be discerned. First, and most

obviously, congressional criticism was less intense and less frequent than that of the public. Congress discussed media violence and criminality only eight times during the years 1929-45. These discussions, however, depicted the movies as teachers of crime techniques and seducers of youth. Second, radio was not criticized specifically for its violent content. Between 1929 and 1945, the only objection to radio programming came from Representative Sparkman over some language he had heard in recent programs. Third, congressional criticism followed public criticism, sometimes by a matter of years.⁵² Fourth, criticism was confined principally to the House of Representatives; only two senators were on record criticizing the movie industry: Capper and Davis. Both alleged failure of the MPPDA Production Code, but Davis' protest did not address the issue of violence. In the House, only Patman contended the Code had failed. Fifth, three representatives proposed a Federal Motion Picture Commission: Hudson in early 1930, Patman in 1933, and Culkin in 1934. Sixth, there were three reports of public concern: Capper's in the Senate and Hudson's and Patman's in the House. Also in the House, Cannon and Culkin deplored the depiction in movies of crime and criminals, and Hudson and Culkin urged production of "wholesome movies." Seventh, though Hudson's campaign for a Federal Motion Picture Commission spanned thirteen months, no one in Congress could be called a persistent critic of the media. During the period covered in this chapter, four bills and one resolution

dealing with media content were introduced: the three bills proposing a Federal Motion Picture Commission, Cannon's bill to stop interstate commerce in gangster films, and Sparkman's resolution to investigate objectionable radio language. None were adopted.

The focus of criticism for violence, then, was on movies. Even when radio increased the violent content of its programs with the introduction of the crime drama in the middle 1930's, it was criticized less stringently than were the movies. And by that time, the movie makers had reduced the violent content of their product by dropping the gangster film from their repertoire. But Congress, for the most part, remained silent, demonstrating a reluctance to become involved in the matter of media content.

NOTES

- ¹Rebecca Brooks Gruver, An American History, 2nd ed. (Reading, Mass.: Addison-Wesley, 1976), II, 849-50.
- ²Peter Woll, American Bureaucracy (New York: W. W. Norton, 1963), p. 30; Gruver, pp. 843, 849-50.
- ³Roger Manvell, "Introduction," International Encyclopedia of Film, gen. ed. Roger Manvell (New York: Crown, 1972), p. 17.
- ⁴Richard L. Griffith and Arthur Mayer, The Movies: The Sixty-year Story of the World of Hollywood and Its Effects on America from Pre-Nickelodeon Days to the Present (New York: Simon and Schuster, 1957), p. 244.
- ⁵Melvin L. DeFleur, Theories of Mass Communication (New York: David McKay, 1970), pp. 41-42.
- ⁶Griffith and Mayer, p. 269.
- ⁷Manvell, p. 17.
- ⁸Gerald Mast, A Short History of the Movies (New York: Pegasus, 1971), pp. 275-76.
- ⁹Griffith and Mayer, p. 271.
- ¹⁰Congressional Record, 74 (1931), 6356.
- ¹¹"Gang Films," Commonweal, 14 (10 June 1931), 143-44.
- ¹²Walter B. Pitkin, "Screen Crime vs Press Crime," Outlook, 158 (8 July 1931), 398-99.
- ¹³"Gangster Movies and Children," Christian Century, 148 (12 Aug. 1931), 1015-16; "Effects of Gang Movies," Outlook, 158 (8 July 1931), 296.
- ¹⁴Griffith and Mayer, p. 269.
- ¹⁵Ibid.
- ¹⁶Congressional Record, 76 (1933), 2957.
- ¹⁷Griffith and Mayer, p. 296.

- ¹⁸Ibid.
- ¹⁹Ibid., p. 269.
- ²⁰Mast, p. 273.
- ²¹Griffith and Mayer, p. 296.
- ²²Roger Manvell and John Gillett, "United States of America," International Encyclopedia of Film, gen. ed. Roger Manvell (New York: Crown, 1972), p. 482..
- ²³Erik Barnouw, Mass Communication: The Mass Media in the United States of America (New York: Rinehart, 1956), p. 58.
- ²⁴Readers' Guide to Periodical Literature, Vol. VIII, Jan. 1929-June 1932; eds. Alice M. Dougan and Bertha Joel (New York: H. W. Wilson, 1932); Vol. IX, July 1932-June 1935, eds. Alice M. Dougan, Bertha Joel, and Jeannette Moore-Smith (New York: H. W. Wilson, 1936); Vol. X, July 1935-June 1937, eds. Alice M. Dougan, Bertha Joel, and Jeannette Moore-Smith (New York: H. W. Wilson, 1938). A survey of titles indicates that there were fewer titles concerning radio programming than there were concerning gangster movies; moreover, compared to titles concerning gangster movies, the radio articles were more moderate in tone.
- ²⁵Barnouw, p. 34.
- ²⁶"WCTU: Bad Programs Join Rum and Cigarettes on Blacklist," Newsweek, 6 (21 Sept. 1935), 24.
- ²⁷Ibid.
- ²⁸Documents of Broadcasting, 2nd ed., ed. Frank J. Kahn (New York: Appleton-Century-Crofts, 1973), pp. 326-27.
- ²⁹Barnouw, p. 34.
- ³⁰Congressional Record, 72 (1930), 3829.
- ³¹Ibid., p. 9605.
- ³²Ibid., 74 (1931), 6356
- ³³Ibid., pp. 6357-58. Hudson's list totaled 2,026 organizations; however, the total is shown in the Congressional Record as 2,021.
- ³⁴Ibid., 75 (1931), 159.
- ³⁵Griffith and Mayer, p. 269.

³⁶Congressional Record, 77 (1933), 5906.

³⁷Ibid., 76 (1933), 2957.

³⁸Ibid., p. 5828.

³⁹Ohio, Pennsylvania, and Kansas in 1913; Maryland in 1917; New York in 1921; and Virginia in 1922.

⁴⁰Congressional Record, 77 (1933), 5905.

⁴¹Ibid., p. 5906.

⁴²Ibid., p. 5907.

⁴³Ibid., 78 (1934), 10305.

⁴⁴Ibid., p. 10306.

⁴⁵Ibid., p. 11251.

⁴⁶Ibid., p. 10474.

⁴⁷Ibid., 79 (1935), 10666.

⁴⁸Ibid., 85 (1939), A780.

⁴⁹Ibid., 86 (1940), A7787.

⁵⁰Ibid., 89 (1943), 226.

⁵¹Ibid., p. 8470.

⁵²It is generally a preference of Congress to respond to public opinion, rather than to try to lead it. Cf. George B. Galloway, The Legislative Process in Congress (New York: Crowell, 1953), p. 44.

CHAPTER III

INVESTIGATION: 1945-1968

Congress had been reluctant to delve into media content during the years of the Great Depression and World War II, but it began to reconsider that position in the decade following the war. This chapter will examine Congress as it undertook a series of investigations into media content.

The Public and the Media

A trend to naturalism and a taste for the documentary style in feature films combined to produce an enthusiastic audience for the "new realism" seen in early postwar films about crime and social problems.¹ Television entered a period of explosive growth.² The number of television sets in use in the United States increased nearly five-thousandfold in the first decade after the war.³ In the same period, movie audiences dropped by nearly 60 per cent.⁴ As Hollywood struggled to reverse the trend, films became more youth-oriented and more violent.⁵ But the public did not renew its criticism of film violence; the people were more worried over the violent content of another medium: comic books.⁶ In addition, the public was becoming increasingly aware of the problem of juvenile delinquency.⁷ As concern with youth crimes grew, violence in movies, radio, and television was

suspected, along with the comics, of causing at least part of the problem.⁸ The National Association for Better Radio and Television was incorporated in 1949, the first such organization in the nation; it was a citizens' group aimed at curbing radio and television violence.⁹ Other organizations with similar goals were founded over the next two decades.

In the 1960's, the public was confronted with real-life violence. Four public figures--President John F. Kennedy; his accused assassin, Lee Harvey Oswald; Dr. Martin Luther King, Jr.; and Senator Robert F. Kennedy--were assassinated within five years. A soaring crime rate¹⁰ and racial and political rioting¹¹ precipitated the appointment of three Presidential commissions to investigate the causes of and possible cures for the violence that seemed to grow daily in America's neighborhoods.¹²

Congress and the Media

For the first few years following World War II, the media were free of congressional criticism concerning violence. This began to change, however, in 1951. In 1952, two House panels held hearings to determine the effects on youth of paperback books and television programs. And in 1953, the Senate created a subcommittee to investigate juvenile delinquency, including the effects of media on children and youth.

House of Representatives

The first postwar reference in Congress to media violence was in a speech in the House of Representatives. On

June 20, 1951, Representative E. C. Gathings of Arkansas complained that radio, television, and certain books and comics were corrupting the minds and morals of Americans, and especially, young Americans. He cited two independent surveys that indicated that radio crime programs had a bad influence on children and that early-evening television contained an abundance of crime, violence, and depravity. He also criticized the content of paperback novels, although this criticism centered on morals.¹³

Five days later, Gathings introduced the first of three resolutions urging investigation of media content. Two were subsequently adopted: the first, aimed at the broadcast media,¹⁴ and the second, aimed at paperback books.¹⁵ Hearings were conducted pursuant to the resolutions and reports were issued in 1952. They are discussed in greater detail below.

On June 19, 1952, Representative Thomas J. Lane of Massachusetts spoke out against television programs. He said that many people believed the industry was not exercising enough self-discipline in the matter of program content.¹⁶ Lane contended that people would pay for good movies, plays, operas, and prizefights on television (a hint at pay television); and urged better programs before and after supper, "which," he said, "may be called the children's hours."¹⁷ The latter concept was adopted twenty-three years later by the three national commercial television networks as a result of public and congressional criticism of the amount of violence in their evening programs.

On February 2, 1955, Representative Richard H. Poff of Virginia proposed a Presidential commission to investigate the sale and interstate transportation of obscene or crime-breeding comic books. He took note of the constitutional prohibition of government censorship of reading material; he argued, however, that there was, besides the question of First Amendment protection, a further question of the public welfare.¹⁸ A similar sentiment was to be expressed fourteen years later when a Senate subcommittee would request that the Surgeon General of the United States investigate televised violence.

During the next three years, interest in media content centered in the Senate. The subject came up again in the House on May 1, 1958, the date of an FBI newsletter containing a statement by Director J. Edgar Hoover. A copy of the statement was introduced into the record by Representative H. Allen Smith of California. Hoover's statement recalled two brothers, not yet in their teens, who, earlier that year, had gone on a shooting spree in a town in Oklahoma. One man was killed; two were injured. The boys told police they got the idea from watching television and movie crime stories.¹⁹ Hoover's statement continued that one movie official had recently declared that the number of murders in a film was not important, only the reason for the murders. The official said that, in one movie, there were only twelve murders, not an excessive number according to his interpretation of the Code.²⁰

On May 19, Representative Leonor K. Sullivan of Missouri criticized the violence seen in network television programs. She reported letters from mothers in her district complaining of the violent nature of television programs. She noted a comment by New York television critic John Crosby that presentations of violence on television conditioned children to accept violence and that television violence served as models of behavior for young viewers.²¹

April 13, 1960, Representative Harris McDowell of Delaware noted for the record a column by Lawrence Laurent in the Washington Post. The article reported a project undertaken by an elementary school Parent Teacher Association in Falls Church, Virginia. The group had done a monitor survey of 114½ hours of television to determine the amount of violence broadcast. McDowell thought this was representative of the mounting public concern over the violence being shown on television.²² Though other surveys had been done by the staffs of congressional committees, this was the first time one done by any other organization was reported in the Congressional Record.

Another reference to violence, per se, came less than a month later. On May 5, Representative Samuel S. Stratton of New York entered in the record an editorial from the Oneonta (New York) Star protesting television violence.²³

On March 27, 1961, Representative Oren Harris of Arkansas, chairman of the Federal Communications Subcommittee of the House Commerce Committee, reported to his colleagues

that Leroy Collins, president of the National Association of Broadcasters, had offered to supply to the committee copies of program complaints received by his office. Harris said he hoped for increased cooperation between the House and the broadcasting industry.²⁴

On June 22, Lane introduced into the record portions of testimony before a Senate subcommittee investigating juvenile delinquency. At one point in the hearings, James V. Bennett, director of the United States Bureau of Prisons, testified that television programs provided a model for criminal behavior.²⁵

Representative Carroll Kearns of Pennsylvania was the first national legislator in twenty-eight years to propose legislation aimed at curbing media violence or depiction of crime. On August 1, 1961, he offered a bill to amend Title 18 of the U. S. Code, which prohibits obscenity and profanity in the broadcast media. Kearns's proposal would have extended the law to include "undue emphasis upon crime, violence, and brutality."²⁶ Kearns maintained that the bill would arm the Justice Department with power to deal directly with broadcasters who programmed excessive amounts of crime and violence.²⁷ To support his proposal, Kearns remarked that Robert F. Kennedy--at that time Attorney General of the United States--contended that there was a definite relationship between the rising crime rate and certain television programs. He also pointed to Senate hearings on juvenile delinquency in which there had been

recent testimony of orders from television program producers calling for stress on sex and violence.²⁸ Kearns' bill was not reported out of committee.

It was more than six years before violence was an official topic again in the House. It was not discussed on the floor even then. On October 18, 1967, Representative Edward J. Derwinski of Illinois introduced into the record as an extension of remarks an article from the Chicago Heights Star criticizing the showing earlier that month of two violence-oriented movies on television on the same night.²⁹

Senate

In the first years after World War II, Senator Edwin C. Johnson of Colorado was one of the most persistent critics of the media in the upper chamber. Although his criticism centered on movie morality, it included other media and other issues. On March 14, 1950, Johnson introduced a bill to create a Federal Motion Picture Commission to regulate the production and distribution of movies. He noted that English educators had complained that American films were promoting juvenile crime.³⁰ On July 20, Johnson commended to his colleagues an article in the New York Times entitled "Time for a Halt--Radio and Television Carnage Defies All Reason."³¹

The Senate began to respond to public criticism of the media in 1953. On March 4, Senator Robert C. Hendrickson of New Jersey proposed what was to become a long-term

investigation in the Senate. His proposal called for a full investigation of juvenile delinquency in the United States.³² On the first day of June, the proposal was debated in the Senate and passed. The investigation was to be carried out by a subcommittee of the Committee on the Judiciary with Hendrickson as chairman.³³ It began in 1953 and continued over a total of fifteen years. The activities of this subcommittee with regard to media violence are discussed below.

On August 17, Hendrickson addressed the Senate concerning an essay contest sponsored by the Massachusetts department of the Jewish War Veterans. The winning essay, "Is There Anything Wrong with Comic Books?" by Roger H. Allen, was read into the record by Hendrickson. Allen had concluded that no good was served by comic books and that there was a great deal of harm in reading them.³⁴

Hendrickson led the Senate at the end of the session. One of his final acts was on December 2, when he reported to his colleagues on the activities of his subcommittee, including investigations of the comic book and television industries. As a result of those investigations, Hendrickson said, the comic book industry was forming a self-regulatory organization and drafting a code of standards to be administered by a "czar."³⁵ He also reported that the television industry was contemplating significant program research as a result of the hearings.³⁶

In early 1955, the Senate Judiciary Committee offered a resolution on its own motion extending the life of the

Juvenile Delinquency Subcommittee. During floor debate on the measure, subcommittee member Estes Kefauver of Tennessee spoke of the effectiveness of the subcommittee, noting that 35,000 copies of its interim report entitled "The Comic Book and Juvenile Delinquency" had been sent out across the country. The demand for additional copies had been "tremendous."³⁷ The resolution passed; the subcommittee continued with Kefauver as its chairman.³⁸

On May 10 of the following year, Senator William Langer, a member of the Juvenile Delinquency Subcommittee, asked that additional copies of the popular comic book report be printed for distribution.³⁹ The subject of media violence did not come up again on the floor of the Senate for more than three years. Two weeks later, however, Langer addressed the Senate concerning public feelings about the media. He produced a petition signed by a group of New York state residents, urging legislation aimed at prohibiting the sale of indecent comic books or the showing of immoral pictures on television. No reference was made as to the number or identities of the signers.⁴⁰

Three years later, Langer again spoke from the floor concerning the public and the media. On August 25, 1959, he quoted the editor of National Parent-Teacher Magazine in connection with a protest lodged against media violence and vulgarity by the National Conference of Parents and Teachers. The editor, Eva Grant, had offered the services of her organization in an attempt to "convert the mounting

protests against shoddy TV programming into intelligent discussion" in hope of aiding both the television industry and the public.⁴¹

On March 24, 1961, Senator Paul H. Douglas of Illinois introduced into the record a statement of the Guild of Lithuanian Lawyers and Jurists in Chicago. They believed that daily portrayals of murder, gangsterism, and shootings were having a corrupting and callousing influence on the minds of youth.⁴²

The Gathings Resolutions

As reported above, Representative E. C. Gathings introduced three resolutions in the House to authorize investigations of various media including inquiry into their portrayals of violence. The first of these resolutions, H. Res. 278, offered on June 25, 1951, was aimed at radio and television.⁴³ The second, H. Res. 520, offered on February 7, 1952, was aimed at offensive and undesirable books and radio and television programs.⁴⁴ The third resolution, H. Res. 596, presented on April 3, 1952, proposed an investigation of offensive books, magazines, and comic books.⁴⁵ Only two of the resolutions were debated on the floor: H. Res. 278 and H. Res. 596; both passed.

Specifically, H. Res. 278 proposed that the Federal Communications Commission Subcommittee of the House Commerce Committee conduct an investigation of radio and television programs to determine to what extent those media

contained immoral or otherwise offensive matter, or placed improper emphasis on crime, violence, and corruption.⁴⁷

During floor debate on the resolution, Representative A. L. Miller of Nebraska spoke what must have been on the minds of many of his colleagues as they considered the proposal. Noting that some television programs had been unfit for teenagers, he nonetheless felt that a committee would find it difficult to decide what should be seen or heard. He continued, "I hope no censorship or iron hand of authority will be forced on the growing industry of television. Co-operation is the need."

The responsibility for entertaining the public through television belongs to the industry. They should police the shows. . . ."⁴⁸

The Federal Communications Commission Subcommittee (called the Harris Subcommittee after its chairman, Representative Oren Harris of Arkansas) met for thirteen days between June and December, 1952. Network witnesses emphasized that they had developed special standards for crime shows prohibiting the showing of multiple crimes of violence, horror for its own sake, and portrayals demeaning to law enforcement agencies or preoccupation with criminal activity.⁴⁹ Concerning westerns which showed a great deal of violence, some witnesses pointed out that there was disagreement among child study experts as to whether recurring violence in such programs was harmful or helpful.⁵⁰ In its report, the subcommittee concluded that the growth of television

had been so rapid and the economy of the industry had undergone such great changes that the development of the industry would be in a state of flux for some time. The report also noted that the television code of the National Association of Broadcasters had become effective March 1 and that nine months was not a sufficient time to gauge the results of the code. In sum, the report said, "It appears to the subcommittee that self-regulation is making substantial progress in this field and, so long as the public interest is served, is preferable to government-imposed regulation."⁵¹ But the subcommittee concluded that, at that time, there was too much emphasis of crime and violence.⁵²

The third of Gathings' media resolutions, H. Res. 596, called for a select committee to investigate immoral and offensive books, magazines, and comic books. During floor debate, the principal objection to the resolution was raised by Representative John McCormack of Massachusetts. He feared that an investigation of the print media might run afoul of the press freedom guaranteed under the First Amendment to the Constitution.⁵³ Gathings, however, assured McCormack that he did not intend to include newspapers in his investigation. The opposition was mollified and the resolution passed.⁵⁴

The Select Committee to Investigate Current Pornography was empaneled and, with Gathings as chairman, met daily the first five days in December, 1952. As he had promised his colleagues in May, he did not investigate newspapers. In

fact little was said in the hearings about comic books or so-called "girlie" magazines; Gathings' prime target was paperback pocket books.⁵⁵ The only reference to violence in the hearings was on December 4, when David Heller presented the testimony of David C. Cook, president of the David C. Cook Publishing Company. Heller produced a copy of a comic book, Journey into Fear, and catalogued twenty-nine instances of violence in the book, expressing fear for the minds of the youngsters who read it.⁵⁶

The Juvenile Delinquency Hearings

Senate inquiry into media content came about as a result of Senator Robert C. Hendrickson's 1953 resolution calling for an investigation of juvenile delinquency in the United States.⁵⁷ The Senate Subcommittee to Investigate Juvenile Delinquency undertook, as part of its investigation, an inquiry into the role of the media in the spread of juvenile delinquency.⁵⁸ The investigation continued for fifteen years; but its concern with the entertainment media was sporadic.

The first media investigation undertaken by the subcommittee dealt with comic books, and involved a staff study and three days of public hearings in April and June, 1954.⁵⁹ The attitude of the subcommittee and the tone of the hearings was generally unfavorable toward the comic book representatives. The subcommittee noted in its report, however, that not all comic books were considered, only those dealing

with crime and horror.⁶⁰ These, it was estimated, represented about 20 per cent of the total output of the comic book industry.⁶¹

In the course of the hearings, the subcommittee heard testimony from industry representatives and publishers. Although some believed that crime and horror comic books did not conform to the code of the Association of Comics Magazine Publishers,⁶² others said that the artwork and copy were done in good taste and did not violate contemporary standards of decency.⁶³ Most of the child study experts who testified said that reading crime and horror comic books would not likely lead to delinquency in a well-adjusted child.⁶⁴ But there was some disagreement. One child psychologist, Frederick Wortham, maintained that it was primarily the so-called "normal" child who was most adversely affected by such material.⁶⁵ Another psychologist, Harris Peck, saw crime and horror comic books as giving support and sanction to existing antisocial tendencies, but thought it unlikely that comic books were a primary cause of delinquent behavior.⁶⁶

In its report, the subcommittee went on record as believing that parents had a full measure of responsibility for the material reaching their children.⁶⁷ Nevertheless, the subcommittee contended that the comic book industry should take the major share of responsibility for maintaining clean, decent content. It excused dealers, wholesalers, and printers; placed major responsibility on distributors; and finally put primary responsibility for

"the content of each comic book . . . squarely on the shoulders of its publisher."⁶⁸

The subcommittee next turned its attention to television. There were three days of hearings in 1954 with Hendrickson as chairman, and two days in 1955 under the new chairman, Senator Estes Kefauver. In addition, television stations in nine cities were monitored by the subcommittee staff during September, 1954.⁶⁹ In its report on these proceedings, the subcommittee pointed out that the investigation did not include all programs available to children, but focused exclusively on programs involving crime and violence.⁷⁰ The report cited three independent surveys to show that grade school children spent approximately as much time watching television as they did in school.⁷¹ Studies conducted by the staff indicated the programs watched by school-age children contained a large amount of violence,⁷² a finding borne out by a study conducted by Ralph Banay of Columbia University.⁷³ The subcommittee's expressed purpose in this study was to determine if presentations of violence on television were a contributing factor in juvenile delinquency; its determination was that television was potentially much more injurious to young viewers than other media.⁷⁴ The subcommittee contended that, even if television did provide a vicarious release for aggressive tendencies, the real-life situation which produced those tendencies would remain unaffected and the child would thus involve himself even more in television violence.⁷⁵ Although it acknowledged television's potential for harm, the subcommittee found

no conclusive evidence that children would or would not be harmed by the amount of violence available to them on television.⁷⁶

In making its recommendations, the subcommittee supported the principle of freedom of enterprise, but maintained that businessmen had a responsibility to the public at large. Thus, the subcommittee urged that all broadcasters join the National Association of Radio and Television Broadcasters and that the association's program code be strengthened. The subcommittee further recommended that the Federal Communications Commission be more active in programming inquiry and that more research be done on the role of mass media in shaping anti-social behavior.⁷⁷ Finally, the subcommittee recommended that a presidential commission be appointed to study the effects of all mass media on children, to encourage further research, and to report periodically on practices and materials in the media that might have detrimental effects on young people.⁷⁸

In June, 1955, the subcommittee conducted two days of hearings in Los Angeles regarding the effects of motion pictures on juvenile delinquency.⁷⁹ Only ten of the twenty-seven witnesses were representatives of the industry,⁸⁰ in contrast to the comic book and television hearings, where a majority of the witnesses were industry people. The subcommittee's report paralleled its report on television. It concluded that the two media had similar effects on young people,⁸¹ but that scientists had not established the exact relationship between movies and children's behavior.⁸¹ The

subcommittee devoted three pages of its report to the testimony of William Mooring, television-motion picture editor of Catholic Tidings and writer for numerous Roman Catholic publications.⁸² Mooring believed that violence, brutality, and sadism had increased noticeably in the past two years.⁸³ The subcommittee concurred, noting that, while total motion picture production had decreased, production of violence-oriented movies had remained at the same high level and, thus, represented a greater proportion of total production.⁸⁴ In its report, the subcommittee contended that new, larger screens and higher fidelity sound reproduction made the movies more powerful in their effect.⁸⁵ The subcommittee did perceive a difference between television and movies; whereas the prevalence of violence had been seen as the dominant operating factor during the television study, the degree of violence was taken as the main factor in the case of the movies.⁸⁶ The subcommittee believed that perhaps the most important reason for the relative increase in movie violence was that the Production Code had no means of enforcement.⁸⁷ The subcommittee's final recommendations concerning motion pictures called for the Production Code Administration to consult with behavioral scientists as a basis for revision of the Code in the light of social changes.⁸⁸ Universities were urged to develop research projects to study the effects of mass media and to propose criteria for producing better movies.⁸⁹ It was six years before media violence was again the subject of congressional inquiry.

The Juvenile Delinquency Subcommittee conducted hearings concerning television again in 1961, 1962, and 1964. In these hearings, the chairman was Senator Thomas J. Dodd. Like Hendrickson and Kefauver, Dodd maintained that his interest in the media was based on the question of the influences of the entertainment media on youth behavior.⁹⁰ In 1961-62, the subcommittee conducted hearings for ten days, taking testimony about the harmful effects of violence and brutality as portrayed on television.⁹¹ The subcommittee drafted a report of the investigation; but, before issuing the report, Dodd decided to reevaluate television in 1964 in order, in Dodd's words, "to see if violence and brutality had been removed from the Nation's television screens as the broadcasters said they would do during the earlier hearings."⁹² Television programs were monitored early in the year and a hearing was conducted on July 30. A report on this hearing was issued on October 27, 1964.⁹³

In its report, the subcommittee outlined four factors that led to its decision to investigate television violence. Citing first a mounting public concern indicated by complaints from individuals and groups, the subcommittee noted the growing volume of information and statistics available since the first television hearings in 1954-55.⁹⁴ Granting the difficulty of providing a vast amount of program material each week, the subcommittee nonetheless believed that too much violence was being shown on television.⁹⁵ Moreover, the report stated bluntly that the excessive amount of crime,

violence, and brutality available on television "can and does contribute to the development of attitudes and actions . . . which pave the way for delinquent behavior."⁹⁶

The report noted a shift in the views of industry executives. In 1962, the position generally taken was that industry research did not show a relationship between program content and delinquent behavior.⁹⁷ But at the follow-up hearing two years later, executives admitted--in very general terms--that there was some kind of connection between television violence and the behavior of children.⁹⁸ Note was taken that CBS was the only major network to effect a significant decrease in program violence between 1962 and 1964. However, the subcommittee still felt there was room for improvement.⁹⁹

The subcommittee found that the program code of the National Association of Broadcasters represented the best side of broadcasting, but was violated with impunity by the national commercial networks.¹⁰⁰ As a result of the hearing, the subcommittee was convinced that primary responsibility for the prominence of crime and violence in the current program policies rested with the networks.¹⁰¹

The report concluded with five recommendations. Networks should cooperate in devoting, on a rotating basis, specific evening hours every week to cultural and educational programs for children. There should be a revised broadcast license application form laying out realistic standards for public interest programming. The NAB Code should be revised

to provide more effective sanctions for violations. Some system should be devised to provide feedback from the public regarding programming. Finally, the report called for a coordinated, large-scale research program to develop more precise information regarding the impact of television on juvenile behavior and the interaction of television with other factors affecting such behavior.¹⁰²

Summary

In the thirteen years after World War II, segments of the public were openly critical of the media, as, indeed, they had been earlier. That criticism was reported in the Senate by Johnson in 1950 and in the House by Gathings in 1951. Other examples followed and became most frequent in the late 1950's.

Congressional concern with media content and specifically with media violence was a reflection of public concern. In the main, Congress was more concerned with mounting juvenile delinquency statistics than with media content as such. In fact, Senate criticism of the media was based on a perceived relationship between media violence and growing juvenile delinquency. There came a growing conviction on the part of both the public and Congress that the amount of violence available in the media had begun to exceed the amount permissible for emotional or moral health.

In the period 1945-68, Congress continued its accustomed pattern of waiting for public criticism to build before initiating its own criticism of media violence. Two other long-range trends in congressional comment on media violence are readily apparent: Congress took greater note of public concern as reflected in letters, petitions, surveys, newspaper articles, etc.; and Congress believed there was some connection between media violence and juvenile delinquency. Three other trends can be discerned, although their time spans are considerably shorter. The first is the interest in the comic book industry, which, between 1951 and 1956, was mentioned three times and was the subject of investigation in both the House and the Senate. The other two are the notion that the media serve as models for behavior and a concern with television violence, per se. Both of these trends were most prominent in the periods 1952-55 and 1958-61.

It can also be seen that Congress began to focus its criticism and to assume a causal relationship between media content and social behavior. In 1952, the House investigated paperback books and broadcasting. In 1954 and 1955, the Senate investigated comic books, television, and movies. After that, however, the only medium to come under congressional scrutiny for its content was television. Additionally, it should be noted that the 1952 House hearings were convened to determine whether media violence had any effect on behavior. The 1954-55 Senate hearings asked how much media violence affected behavior. And the 1961-64 Senate hearings were conducted

on the premise that media violence does have negative effects and that television does have too much violent programming.

In the years between World War II and 1968, seven major actions dealing with media violence were proposed in Congress. Three were Gathings' resolutions in 1951, two of which passed, resulting in House investigations of paperback books and television. A fourth was Hendrickson's 1953 resolution that precipitated Senate inquiries into the relationship between the media and juvenile delinquency. A fifth was Poff's 1955 House resolution proposing a presidential commission to investigate interstate commerce in comic books. A sixth was Johnson's 1950 bill in the Senate to create a Federal Motion Picture Commission. And the seventh was Kearns' 1961 House bill to amend the broadcast obscenity law to include violence. None of the last three survived.

During this important period, media violence, long a concern of the public, finally emerged as an appropriate topic for congressional attention. Further, by the end of the period, the focus of congressional attention had begun to center on television violence and its contribution to the growth of crime. Still, at the end of this period of investigation, Congress had no firm answers and had produced no legislation.

NOTES

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⁸⁴*Ibid.*, p. 62.

⁸⁵*Ibid.*, p. 7.

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⁸⁷Ibid., p. 64.

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CHAPTER IV

RESEARCH: 1968-1974

The deaths of President John F. Kennedy and Lee Harvey Oswald made the nation conscious of a pattern of violence in American life. The assassinations of Dr. Martin Luther King, Jr., and Senator Robert F. Kennedy crystalized concern with violence and focused attention on television. This chapter will examine the growth of that concern, which led Congress to initiate comprehensive research into the effects of television violence.

The Public and the Media

Following the assassination of Senator Kennedy, President Lyndon B. Johnson appointed the National Commission on the Causes and Prevention of Violence, suggesting that it explore, among other things, whether violence in television, movies, and the news media contributed to violent behavior in the young.¹ Congressmen noted an increase in mail calling for strong legislation controlling firearms. A bill was passed later that year, but it was not as strong as many Americans would have liked.²

The popular press also reflected public concern and self-appraisal.³ One article noted a survey conducted by the Christian Science Monitor late in 1968 that indicated

a continuing high level of violence on television. The article contended that the motive was money, that violence attracted the audience needed for commercial success.⁴

Television critic Rick Du Brow wrote that 1969 was a rather conservative year for television. He contended that some of the conservatism was a reaction to the King and Kennedy murders.⁵ Public uproar over cartoon violence in the Saturday morning television schedule had had a restraining effect. The major networks offered less violent programs: comedies, both animated and live action, and educationally based programs.⁶ But despite the outcry against violent television programs, the public continued to patronize theaters showing violent films.⁷

Although broadcasters had made some changes in their programs in response to public pressure, some critics refused to relax their stance. Federal Communications Commissioner Nicholas Johnson, a persistent critic of broadcasting, said in an interview that television used violence as a means of capturing audience attention.⁸ He contended that a child who sees too much violence learns too little respect for it.⁹ Later, Johnson charged the broadcasting industry "with having molested the minds of our nation's children to serve the cause of corporate profit."¹⁰ Six weeks later, Alabama governor George Wallace, a Democratic candidate for President, was shot and permanently crippled in an attempted assassination.

Congress and the Media

Following the shootings of Kennedy, King, and Wallace, Congress stepped up its criticism of television violence. Congressmen reported a surge of mail supporting gun-control legislation and protesting violence on television. But the increased congressional criticism was probably a result of the personal feelings of congressmen, as well as constituent pressure.

House of Representatives

Representative Bob Casey of Texas was the first member of the House to address the issue of media violence after the assassination of King. On June 13, 1968, he spoke from the floor in answer to an ABC news commentary of the night before. Commentator Frank Reynolds, he said, had charged Congress with being behind the times and urged passage of legislation to keep guns out of the hands of anyone except hunters and sportsmen. That program was immediately followed by an episode of "The Avengers" in which one man died by shooting, one in an explosion, one by a sickle, and two of fright as the villains held guns to the victims' heads and kept clicking empty chambers.¹¹ Casey acknowledged that Congress was not completely without fault, nor was the National Rifle Association; but, he said, the television industry should not ignore their part in the problem.¹²

On June 25, Representative Archer Nelsen of Minnesota reported another television violence count. He quoted an

article in Saturday Review. In an eight-hour period, the author had written, he counted ninety-three specific incidents of violence on nine New York television channels.¹³

That same day, Representative Edward Gurney of Florida introduced a resolution to create a select committee to investigate the relationship between violence in television and crime in the United States.¹⁴ In supporting his resolution, Gurney told his colleagues that the juvenile delinquency investigations in the Senate had compiled much evidence indicating that network television had helped to spread violence in the United States.¹⁵ He said that Congress should, in the interest of the people it represented, determine the extent of television violence and its effects on society.¹⁶ The resolution died in committee.

In the five months following the King assassination, eleven joint resolutions were offered in the House, calling for an investigation by the Federal Communications Commission of violence in television. The resolutions were sponsored by a total of fifty-two representatives. The first three of those resolutions were offered on July 2 and were cosponsored by Representative John M. Murphy of New York and forty-four colleagues.¹⁷ Murphy and two cosponsors, Representatives Horace R. Kornegay of North Carolina and Seymour Halpern of New York, supported the resolutions with speeches from the floor.¹⁸ On July 26, Representative James A. McClure of Idaho was to offer a fourth investigation resolution.¹⁹ The other seven were offered without speeches. None was reported out of committee.

In 1969, twelve joint resolutions dealing with television violence were offered in the House. All followed the pattern set the previous year, calling for an FCC investigation of violent programming. All were offered between January 3 and February 5; all died in committee. Murphy again sponsored three of the resolutions, joined by sixty-five colleagues.²⁰

On January 6, Murphy quoted the speech on television violence he had made in July.²¹ On January 15, he again quoted from that speech when he offered the three new resolutions. He contended that there had been a great increase, not only in acts of violence, but in tolerance of violence. And he said he saw a relationship between the two.²² He also noted that the Senate Juvenile Delinquency Subcommittee had reported a significant increase in televised crime between 1954 and 1961, and no decrease thereafter.²³

On March 5, Representative Paul Rogers of Florida reported from the floor that the Secretary of Health, Education, and Welfare had just appeared before the House Commerce Committee and agreed to undertake a study of the effects of television violence on the American public.²⁴ This marked the beginning of a series of studies that culminated in the Surgeon General's report on the impact of television violence. For the remainder of 1969 and all of 1970, the representatives were apparently content to leave the matter of violence on television in the hands of experts.

In 1971, the only references in the House to media violence were six resolutions, including one by Murphy,

to have the FCC investigate television violence. As before, all died in committee. On February 9, 1972, Murphy again offered a joint resolution calling for an FCC study of the effects of the portrayal of violence in television.²⁵ Less than six weeks later, Murphy attended the opening session of the Senate Communications Subcommittee hearings on the Surgeon General's report on television violence.²⁶

On June 1, Representative Joseph P. Addabbo of New York offered a bill proposing that television programs be rated according to the amount of violence they contained.²⁷ This was the first bill aimed at regulating media content since 1961. Like its predecessor, the bill died in committee.

On August 1, Representative Bill Chappell of Florida sponsored a resolution calling for restrictions on the hours of broadcast of programs containing violence or obscenity.²⁸ Although this bill was not reported out of committee, the notion of a "children's hour" had been brought up again in Congress.

In January, 1973, three resolutions were offered in the House. One was by Chappell and paralleled his resolution of the previous August.²⁹ The other two were sponsored by Representatives Murphy and Melvin Price of Illinois;³¹ both proposed that the FCC investigate the effects of violence in television. The resolutions died in committee.

On April 2, Murphy spoke from the floor to advise his colleagues that a petition for rulemaking had been filed with the FCC by a group using the name VIOLENT. Its members

were students of John Banzhaf, III, a Washington University law professor and critic of broadcasting. The petition, said Murphy, asked the FCC, among other things, to require stations to compile a list of violent programs shown during a representative week as part of their applications for license renewal.³²

A report on research into the effects of media violence came from Representative Henry Helstoski of New Jersey. On October 24, he introduced an abstract of a report of a study by two child psychologists; they concluded that, although some children learn violent responses from media, even more develop a tolerance for violence and learn to think of it as normative.³³

In 1974, the only reference in the House to media violence was made by Representative James W. Symington of Missouri. On October 26, he put in the record a report of the Missouri Second Congressional District Youth Advisory Council, which had discussed television violence. The report drew no conclusion. Symington said that a magazine article and a Gallup poll indicated that nearly two-thirds of the American public thought there was too much violence on television.³⁴ This was the last time media violence was mentioned officially in Congress before 1975.

Senate

Between 1968 and 1974, the Senate was much less active in the area of media violence than the House. But Senator

Harrison A. Williams of New Jersey was the first congressman to broach the subject after the King assassination. On June 11, 1968, Williams introduced a resolution urging the nation's opinion makers--including television, daily newspapers, and motion pictures--to undertake a self-examination to determine if their activities contributed to an atmosphere of violence. Urging adoption of his resolution, he said that the Senate had the responsibility to lead the search for new priorities and attitudes.³⁶ One month later, nine other senators added their names to Williams' resolution as cosponsors.³⁷

The most significant congressional activity of the period --at least regarding media violence--took place the following year. On March 4, 1969, Senator John O. Pastore of Rhode Island opened hearings that were part of a periodic review of FCC policy matters by his Communications Subcommittee. He announced an agenda that included, for the first time, inquiry into television violence. He also said he was considering asking the Surgeon General of the United States to do a study of television violence similar to the cigarette study of 1964.³⁸ The next day, Pastore announced that the subcommittee's violence inquiry would begin on March 12. And he said that he had written to the Secretary of Health, Education, and Welfare, proposing the Surgeon General's study.³⁹ That letter resulted in the Surgeon General's report, Television and Growing Up, three years later. This chain of events is examined in detail below.

On March 7, Senator Thomas A. Dodd of Connecticut, speaking from the floor, noted reports of the proposed investigation and told his colleagues he was heartened by Pastore's letter. But, Dodd pointed out, as chairman of the Senate Juvenile Delinquency Subcommittee, he had made a similar request in 1962 and had been assured that the department would take immediate action; he expressed disappointment that nothing had been accomplished.⁴⁰

Senator Vance A. Hartke of Indiana, a member of Pastore's subcommittee, had written the chairman earlier, suggesting the violence inquiry.⁴¹ At the March hearings, Hartke set the keynote for the proceeding. He said that violence in the streets during the preceding twelve months had caused the American public to wonder about causes and solutions and to look at what role television might have played in both.⁴² The president of ABC, Leonard Goldenson, echoed the thought.⁴³ The president of the National Association of Broadcasters, Vincent T. Wasilewski, said he thought there would be more aggressive activity on the part of the NAB Code Authority and of the industry as a result of the hearings and the proposed Surgeon General's study.⁴⁴ Donald McGannon, president of Westinghouse Broadcasting, commented that no one seemed able to cite a basis for determining what was excessively violent and what was permissible. That, he said, seemed to be the root of the problem.⁴⁵ Moreover, he thought that the networks appeared neither

willing nor prepared to set down any criteria for program producers, and, he said, ". . . that's where it starts."⁴⁶

On June 5, Pastore apprised his colleagues of the proposed study from the floor of the Senate. He also incorporated into the record the public statement of the Department of Health, Education, and Welfare, identifying the individual members of the committee advising the Surgeon General on the violence study and outlining their affiliations.⁴⁷

On October 14, 1969, Senator Claiborne Pell of Rhode Island submitted two newspaper articles for the record. One, in the New York Times the preceding months, noted that television violence continued to be a target for critics, but that the occurrence of violent incidents in programs appeared to be less frequent. The other, by syndicated columnist Ernest Cuneo, observed that television broadcasters might be forced into better programming as a result of the Surgeon General's study.⁴⁸

Another columnist, Henry J. Taylor, was quoted in the record the following year. On June 15, 1970, Senator James B. Allen of Alabama expressed agreement with Taylor's opinion that the national commercial television networks were teaching violence and anarchy to the nation's youth and that stations should have to be responsible for harmful programming.⁴⁹

During the next eighteen months, the only official Senate activity concerning media violence took place in

the Pastore subcommittee, as the Surgeon General's Scientific Advisory Committee made progress reports on the violence study. The final report, Television and Growing Up, was made public at a subcommittee hearing on March 21, 1972.⁵⁰

On January 26, 1973, Senator William L. Scott of Virginia, apparently not satisfied with the conclusion of the Surgeon General's report, offered a resolution calling for an FCC investigation of the effects of the display of violence in television programs.⁵¹ The resolution was similar to those Murphy and Price had introduced in the House earlier that month. And, like the two House resolutions, it died in committee.

On April 5, Senator Dewey F. Bartlett of Oklahoma introduced into the record a resolution adopted by both houses of the Oklahoma legislature the preceding month. The resolution criticized television for excessive sex, violence, and profanity.⁵²

Media violence was the topic of official Senate discussion only once more before 1975. On April 3-5, 1974, Pastore's subcommittee sat for hearings into the implementation of the Surgeon General's report.⁵³

The Surgeon General's Report on Television
and Social Behavior

Television and Growing Up: The Impact of Televised Violence was the result of a letter from the chairman of the Senate Communications Subcommittee. On March 5, 1969, Pastore wrote to Secretary of Health, Education, and Welfare

Robert Finch, asking him to direct the Surgeon General of the United States to appoint a committee of experts to commission research into what effect the depiction of violence on television might have on children.⁵⁴ In the letter, Pastore expressed concern over the lack of what he called definitive evidence to help resolve the question of a causal connection between television violence and antisocial behavior.⁵⁵ Finch took up the projects with the philosophy that his department had no control over broadcasting and did not seek any. But, he said, it did have a clear responsibility in the area of public health, including mental health.⁵⁶ The approach of the panel of experts, called an "advisory committee," would be similar to that of the Committee on Smoking and Health in 1962-63, limiting itself to factual data and conclusions.⁵⁷

Pastore's subcommittee received a total of five reports on the study: four progress reports between August, 1969, and September, 1971,⁵⁸ and a final report in early 1972. The subcommittee conducted hearings on the final report March 21-24.⁵⁹ One of the first speakers was Representative John M. Murphy. Murphy, of course, had been a leading congressional critic of television violence and so was invited to the hearings. He expressed hope for the outcome of the report and observed that previous attempts by the House, the Senate, the FCC, and the National Commission on the Causes and Prevention of Violence had failed to bring about a restriction of television violence.⁶⁰ He also urged Pastore to ask the Surgeon General to establish a panel of social

scientists to provide continuing evaluations of the conclusions of the report.⁶¹ Murphy also observed that the portrayal of violence on television was one of the easiest ways to attract an audience, and, thus, he said, "it sells soap."⁶² But that same day, Leo Singer, president of a laundry product manufacturing firm, told the subcommittee that, six months earlier, he had withdrawn all of his company's advertising from television shows containing any violence.⁶³

Early in the hearings, a member of the Advisory Committee, Ithiel de Sola Pool, rejected censorship as a means of controlling program content. He suggested that the alternative was to keep constructive criticism before the public and the television industry.⁶⁴ Pastore agreed, saying, "If you want to see 'I Am Curious--Yellow,'⁶⁵ you go down and buy a ticket and you go in and see it. I don't want to stop you. But on the other hand, I don't want to see that being shown on TV. . . ." ⁶⁶

On the closing day of the hearings, Pastore praised the Surgeon General's report as a scientific and cultural breakthrough in that it established a causal relationship between television violence and antisocial behavior. But he warned that the work would be in vain without effective and expeditious action.⁶⁷ Therefore, he asked the Secretary of Health, Education, and Welfare, the Surgeon General, and the FCC to establish a means of measuring televised violence, so the Secretary could make an annual report on the matter.⁶⁸ But no such procedure was initiated.

On April 3, 1974, Pastore again convened hearings concerning the Surgeon General's Report, this time to inquire into the implementation of the report's conclusions. Network representatives agreed that they were moving in the right direction, but there was disagreement among psychologists. George Gerbner, dean of the Annenberg School of Communications at the University of Pennsylvania, maintained that, although an abundance of violence was still available to young audiences, the amount of violence in television programs, according to his content analysis, had decreased since the 1972 hearings.⁶⁹ Eli A. Rubenstein, vice chairman of the Advisory Committee and a critic of the report, disagreed. He said his research showed no evidence of a reduction in the amount of violence in network dramatic programming and contended that 80 per cent of such programming had contained some violence every year since 1968.⁷⁰ Pastore remarked that was shameful; Rubenstein agreed.⁷¹

Summary

By 1968, significant segments of the public and of Congress believed that media violence contributed to antisocial behavior; and, of the media, television was singled out as the prime purveyor of violence. Once again, however, congressional criticism followed public criticism.

Between 1968 and 1974, congressmen offered thirty-six resolutions and one bill designed either to investigate or to curb television violence. No such activity was aimed at

any other medium. The greatest amount of congressional anti-violence activity during this period was in the twelve months following the assassinations of Kennedy and King and the crippling of Wallace; twenty-five resolutions were offered, opposing television violence. None of the resolutions nor the bill was reported out of committee. Nonetheless, media violence was an issue and congressional interest in the subject was sufficiently intense to bring about the first large-scale study of possible links between television violence and crime.

The Surgeon General's Report, although not a direct product of congressional activity, received its initial impetus from Pastore and maintained its momentum at least partly as a result of his committee's interest. The report summarized a scientifically based, nationwide study; a pioneer effort in the area of media violence and behavior. Congressional activity had brought about three years of research into the effects of media violence. But, at the end of 1974, Congress still had made no law nor adopted any sanctions concerning media violence.

NOTES

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⁴Robert Lewis Shayon, "Violence--TV's Crowd Catcher," Saturday Review, 52 (11 Jan. 1969), 103.

⁵Rick Du Brow, "Television," American Peoples Encyclopedia Yearbook, 1970, ed. Helen Hynson Merrick (New York: Grolier, 1970), p. 427.

⁶Ibid., p. 428.

⁷R. H. Gardner, "Motion Pictures," American Peoples Encyclopedia Yearbook, 1973, ed. Edward Humphrey (New York: Grolier, 1973), p. 303.

⁸Peter Collier, "Nicholas Johnson on Censorship, Violence, Propaganda," Mademoiselle, 74 (Mar. 1972), 174.

⁹Ibid.

¹⁰"A Modest Proposal for Televised Violence," Science News, 101 (1 Apr. 1972), 124.

¹¹Congressional Record, 114 (1968), 17096. Casey reported that he left his house as "The Avengers" came on. This record was kept by his 11-year-old son.

¹²Congressional Record, 114 (1968), 17097.

¹³Ibid., p. 19008.

¹⁴Ibid., p. 18774.

¹⁵Ibid., p. 19009.

- ¹⁶Ibid., p. 19010.
- ¹⁷Ibid., p. 19768.
- ¹⁸Ibid., pp. 19764-65, 19858, 19860.
- ¹⁹Ibid., p. 23774.
- ²⁰Ibid., 115 (1969), 742.
- ²¹Ibid., p. A226.
- ²²Ibid., pp. A959-60.
- ²³Ibid., p. 960.
- ²⁴Ibid., p. 5367. Rogers' report was in error. Finch had neither appeared before any committee nor agreed to a study of mass media. What had happened was that Senator John O. Pastore, Chairman of the Communications Subcommittee of the Senate Commerce Committee, announced that he had written Finch, requesting a study of the effects of media violence on children.
- ²⁵Congressional Record, 118 (1972), 3495.
- ²⁶U. S. Congress, Senate, Committee on Commerce, Subcommittee on Communications, Hearings: The Surgeon General's Report by the Scientific Advisory Committee on Television and Social Behavior (Washington, D.C.: USGPO, 1972), p. 7.
- ²⁷Congressional Record, 118 (1972), 19517.
- ²⁸Ibid., p. 26186.
- ²⁹Ibid., 119 (1973), 74.
- ³⁰Ibid., p. 70.
- ³¹Ibid., p. 866.
- ³²Ibid., p. 10581.
- ³³Ibid., p. 34979.
- ³⁴Ibid., 120 (1974), E1798.
- ³⁵Ibid., 114 (1968), 16608.
- ³⁶Ibid.
- ³⁷Ibid., p. 20833.

³⁸U. S. Congress, Senate, Committee on Commerce, Subcommittee on Communications, Hearings: Violence in Television Programming--Review of FCC Policy Matters, part 1 (Washington, D.C.: USGPO, 1969), p. 1.

³⁹Ibid., p. 83.

⁴⁰Congressional Record, 115 (1969), 5591.

⁴¹U. S. Congress, Senate, Committee on Commerce, Subcommittee on Communications, Hearings: Violence in Television Programming--Review of FCC Policy Matters, part 2 (Washington, D.C.: USGPO, 1969), p. 378.

⁴²Ibid., p. 397.

⁴³Ibid., p. 399.

⁴⁴Ibid., p. 432.

⁴⁵Ibid., p. 435.

⁴⁶Ibid., p. 439.

⁴⁷Congressional Record, 115 (1969), 14776.

⁴⁸Ibid., p. 29854.

⁴⁹Ibid., 116 (1970), 24309.

⁵⁰Surgeon General's Scientific Advisory Committee on Television and Social Behavior, Television and Growing Up: The Impact of Televised Violence (Washington, D.C.: USGPO, 1972), p. 1.

⁵¹Congressional Record, 119 (1973), 2204.

⁵²Ibid., p. 11230.

⁵³U. S. Congress, Senate, Committee on Commerce, Subcommittee on Communications, Hearings: Violence on Television--Implementation of the Surgeon General's Report on Television and Social Behavior (Washington, D.C.: USGPO, 1974), p. 1.

⁵⁴U. S. Congress, Senate, Committee on Commerce, Subcommittee on Communications, Hearings: Progress Report, Surgeon General's Scientific Advisory Committee on Television and Social Behavior (Washington, D.C.: USGPO, 1971), p. 1.

⁵⁵Television and Growing Up, p. 1.

⁵⁶Ibid., p. 22.

⁵⁷For the composition of the committee and a summary of the research projects, see Hearings: Progress Report, pp. 31-36.

- ⁵⁸Ibid., p. 2.
- ⁵⁹Hearings: Surgeon General's Report.
- ⁶⁰Ibid., p. 7.
- ⁶¹Ibid., p. 11.
- ⁶²Ibid., p. 8.
- ⁶³Ibid., p. 27.
- ⁶⁴Ibid., p. 50.
- ⁶⁵Ibid., p. 51.
- ⁶⁶A highly publicized film in general release, containing explicit sex scenes.
- ⁶⁷Hearings: Surgeon General's Report, p. 243.
- ⁶⁸Ibid.
- ⁶⁹Hearings: Violence on Television, p. 48
- ⁷⁰Ibid., p. 16.
- ⁷¹Ibid., p. 19.

CHAPTER V

SUMMARY AND CONCLUSIONS

Summary

Public criticism of the media centered on the gangster movies during the 1930's. These films glorified the criminal, and some segments of the public believed they were psychologically harmful to children and young people. The Motion Picture Producers and Distributors Association strengthened its production code and set up a review office to approve movies for distribution. The gangster movie, although popular with audiences, disappeared by 1932 and was replaced by the crime drama which portrayed the criminal as a villain and presented the criminal justice and law enforcement systems favorably.

Radio was subjected to some criticism in the 1930's, but the criticism was not as widespread nor as sharply defined as that directed against the movies. Movie attendance dropped during the first years of the Great Depression, but radio audiences grew. Broadcasters followed the trend set by the movie makers and included crime drama in their programs.

After World War II, public attention was drawn to the problems of juvenile delinquency and a rising crime rate, and some segments of the public discerned an increasingly violent pattern of life. Growing concern with violence

and crime in the media was revealed in public criticism of comic books, radio, and television. That criticism centered on comic books in the early 1950's, but, in the middle of the decade, began to switch to broadcasting, especially television. From 1960 to 1974, public criticism of media violence centered on television to the virtual exclusion of other media.

The National Association for Better Radio and Television was incorporated in 1949, its purpose to curb depictions of violence in broadcasting. It was the first such organization in America and was most active in the 1950's; other organizations with similar goals were formed in the 1960's.

Not all criticism of the media related to violence per se. The media were attacked as crime-breeding influences and teachers of criminal behavior. Especially in the 1930's criticism of violence and criminality in the media was often linked to criticism of obscenity and immorality.

From 1929 to 1935, Congress criticized violence or criminal content of the media only eight times; each time, the offending medium was motion pictures. Movie violence was not mentioned at all in Congress in 1932, the year of the demise of the gangster movie. Congressmen reported evidence of public protest against films; alleged failure of the Production Code; and proposed laws dealing with media content, including formation of a Federal Motion Picture Commission and restriction of interstate traffic

in movies depicting crimes. From 1935 to 1945, Congress made no complaint concerning media crime or violence.

From 1945 to 1948, the principal congressional concern with media violence was its effects on children. The trend toward concern started slowly. From 1945 to 1954, the issue of juvenile delinquency was much on the public mind, as evidenced in the periodical press. But, during that period, only two congressmen reported public concern that media served as models for delinquent behavior. The appearance of these reports, however, began a significant trend in congressional criticism of media violence. In 1951, Senator Edwin C. Johnson was the first to call attention to public criticism of the media's violent content; the following year, Representative E. C. Gathings became the first in the House to do so. Senator Robert C. Hendrickson followed in 1954, then Senator Estes Kefauver in 1955 and Senator William Langer in 1956. In 1958, Representative Leonor Sullivan reported that she had received letters from mothers in her district who were distressed by the amount of violence on television. In 1959, Langer reported the protest of the National Congress of Parents and Teachers concerning television violence. Other reports of public concern came from Representatives Harris McDowell and Samuel S. Stratton in 1960 and from Senators Paul H. Douglass and Thomas A. Dodd in 1961. In 1967, Representative Edward J. Derwinski introduced into the record a newspaper article condemning television violence. He was the last member of either house before 1975 to mention public

concern with media violence in the Congressional Record. However, by 1968, media violence had become an acceptable issue in Congress, and concern had focused on the relationship between television violence and social behavior.

Three major congressional activities helped to focus attention on violent media content: Representative Oren Harris' television hearings in 1952, the Senate Juvenile Delinquency Subcommittee hearings on the media by Hendrickson and Kefauver in 1954-55, and on television by Dodd in the period 1961-64. The principal importance of the Harris Subcommittee hearings is that they were the first congressional investigation of media content. The subcommittee's attitude toward broadcasters was friendly, and its findings reflected that attitude. The Senate juvenile delinquency hearings probed more deeply. The hearings on comic books in 1954 were unfriendly to the publishers of crime and horror comic books; the subcommittee noted substantial agreement among psychologists that crime and horror comic books could do emotional harm to children. The subcommittee report held parents responsible for what their children read, but assigned responsibility for the content of the comic books to the publishers. The two television hearings in 1954-55 were preceded by a staff study of station programming in nine cities. There were three days of hearings in 1954 under Hendrickson and two days in 1955 under Kefauver. As a result of these hearings, the subcommittee concluded that television was potentially the most psychologically harmful medium, but that there was no conclusive evidence that children would or would not be affected

adversely by the violence they saw on television. In 1955, the same subcommittee concluded that movies were potentially the most harmful medium.

The Juvenile Delinquency Subcommittee turned its attention to television once again in 1961-64. Hearings were convened four times to inquire into violent television programming. Implicit in the conduct of the hearings and in the report was Chairman Dodd's belief that media violence had negative effects on children and that violence was too prevalent in television programming.

From 1945 to 1968, congressmen offered seven major actions dealing with media violence. Three were adopted, each authorizing a congressional investigation. The other four were not reported out of committee. Two of them proposed investigations; one a regulatory commission; and one, legislation. No other bills concerning media violence were offered in Congress for eleven years. Although Congress heard much testimony in its several media-oriented investigations, it made no law concerning media violence.

From 1968 to 1974, congressmen offered one bill and thirty-six resolutions aimed at investigating or curbing television violence. None was reported out of committee. During this period, interest was in television to the exclusion of other media. In 1969, Chairman John O. Pastore of the Senate Communications Subcommittee asked that the Surgeon General direct an investigation into the relationship between television violence and antisocial behavior in

children. The study was reported to the subcommittee in 1972. Although Pastore asked at that time that a procedure be set up to provide annual reports on the matter, no such action was taken, nor were any congressional proposals of investigations or laws attributable to the report.

Conclusions

One of the questions posed in this study was why Congress reversed its traditional role of noninterference in media content and focused on media violence. The data presented do not provide an answer. However, there is at least one likely cause discussed below.

A second question was why Congress focused its criticism of media violence on television. The data indicate that entertainment media that attract large audiences also attract considerable public criticism; and sustained public criticism causes congressional criticism. Movies were criticized by the public in 1929-32 for their portrayals of violence and gangsterism; congressional criticism of such portrayals is found in 1931-35. Comic books, popular with young readers during and after World War II, were subject to heavy criticism in the late 1940's and early 1950's. Gathings' investigation, which proposed to include comic books, in fact focused on paperback pocket books; the juvenile delinquency hearings on comic books in 1954 were the first substantial congressional investigation of comic books. The comic book industry increased its efforts at

self-regulation, and its audience declined. Movie audiences were declining; but the Juvenile Delinquency Subcommittee undertook an investigation of motion pictures in 1955 in an effort to establish a connection between film violence and antisocial behavior. While comic book and movie audiences were declining in size, television's audience grew rapidly. In 1954-55, the subcommittee held two sets of hearings on television violence. As the television audience grew and public criticism continued, the subcommittee turned its attention to television violence again in 1961-64. Thus, the popularity of a medium appears to be a barometer for public and congressional criticism of its content.

Part of the purpose of this study was to determine whether a pattern of congressional concern with media violence could have been perceived by 1950. Examination of the data indicates that such a pattern was only tentative in 1950. A large degree of public criticism of the gangster movies in 1929-34 led four congressmen to propose laws to regulate movies in 1930-34, but none of the proposals was adopted. Although public criticism continued, sixteen years passed before media violence was discussed again in Congress. Senator Johnson broached the subject in 1950. No congressman, however, proposed an investigation of content until Representative Hendrickson in 1951. Thus, what had been established in 1950 was that Congress would, on the basis of sufficient public outcry, discuss

media content and propose legislation to regulate the offending industry, stopping short of adopting such regulation.

The hypothesis advanced for this thesis was that, by 1955, increased congressional interest in televised violence could have been forecast on the basis of interpretation of the record. By 1950, four factors were beginning to converge on the media. First, the tendency of Congress in nearly all matters had been to react to public opinion, rather than to lead it. Second, there had been continual public criticism of media content and, after World War II, increasing concern with the growth of juvenile delinquency. Third, Congress had a record, albeit tentative, of criticizing the content of a popular medium. Fourth, comic books, movies, and television were popular media (movies and comic books, declining in popularity; television, growing). Moreover, they were visual media. Radio, a popular but nonvisual medium, was little criticized. By 1955, Congress had investigated the violent content of movies, comic books, and television, the last on three occasions. Thus the television industry might have recognized that it was the medium whose violent content was thought by Congress to be the most damaging.

Discussion

Since the 1930's, the movies, providing visual and aural elements in synchronism, have been recognized by the public and Congress as an especially powerful medium. Within two decades, radio signals covered the United States, reaching

nearly the entire population. But, with television, there came a synthesis of the two, a unique combination of the power of the movies and the ubiquity of radio. This combination thrust television, almost overnight, into a position of dominance among entertainment media rivaling, if not surpassing its predecessors.

If television continues to be a dominant medium of entertainment, it must, on the basis of history, expect public criticism of its content. If that criticism continues long enough or is strong enough, Congress can be expected to address the issue of television content again. If Congress does investigate television content again, it can be expected that the trend to sharper and more critical investigation will continue. Precisely what form the investigation would take is difficult to forecast. The House could be the investigating body, but the Senate has been much more active and more explicit in investigating media content and would be more likely to continue those trends.

If either house should take up the question again, it would have the option of developing its own information as the Harris and Juvenile Delinquency Subcommittees did, using the Surgeon General's report, or authorizing a similar study as a basis for investigation. Although the Surgeon General's report did not receive unanimous approval from scientists or the public,¹ it did have its proponents and it was praised by Senator Pastore as a scientific and cultural breakthrough. The information developed by the Juvenile Delinquency

Subcommittee was not widely applauded, except for Senator Dodd's 1964 summary statement that the amount of television violence had not decreased since 1954 and that there was too much of it. It appears probable that any investigation of television violence would be based on the Surgeon General's report or a similar study, authorized in hope of obtaining wider acceptance of the results.

As to the eventual resolution of the issue of television violence, four alternatives present themselves. First is that the issue will not be resolved and the three-way tension among the broadcasters, the public, and Congress will continue. However, it is not likely that the public, consistently critical of television violence, will allow such a stalemate. Second, broadcasters could respond to, say, the current level of criticism and revise their program policies so as to limit effectively the amount of violence on the air. However, the data presented in this thesis indicate that self-regulation has been largely ineffective, perhaps because of the lack of an adversary relationship between the controllers and the controlled. Third, the public could mount a protest of sufficient intensity to force a recalcitrant television industry to revise its program policies and limit or perhaps eliminate violence in programs. A similar strategy worked in the gangster movie dispute in the early 1930's. But the public has complained about television violence since World War II with little effect on broadcasters. Moreover, in the 1930's, Congress

demonstrated a reluctance to involve itself in the regulation of media content, an attitude that began to change in the early 1950's. Fourth, Congress could respond to public pressure and eventually enact laws or order the adoption of regulations to control the amount of violence on television. This last alternative is not as unlikely as it seems. For example, the claim of First Amendment protection becomes less tenable in light of the finite size of the broadcast frequency band. Only a certain number of frequencies are available, whereas anyone with a brush and colors can paint and anyone with a typewriter and paper can publish with minimum legal restraint. And there is the question of public welfare. In 1930, Representative Grant M. Hudson suggested a parallel between movie makers and food packagers. He said that, although pure food could not be legislated, the purveyors could be regulated. Representative Richard H. Poff in 1955 and Secretary of Health, Education, and Welfare Robert Finch in 1969 suggested that the matter of the public welfare was sufficient basis for some degree of control of media content. Thus far, support for this view has been inadequate, but it will not necessarily remain so.

If the amount of television violence is perceived to be high by public pressure groups, then public opinion may call for action. If the television industry fails to react substantively to curtail violence in programming, its typical behavior since 1945, Congress could feel called upon to take up the issue, as it has in the past. If public opinion

is intense enough and congressional reaction is timely, some regulation of television violence--and perhaps other content --is a definite possibility.

Any such regulation is sure to be challenged in the courts, the challenge grounded in the Constitution. The resolution of the constitutional question remains unclear. But unless the television industry can reconcile what it believes the public wants with what the pressure groups believe the public wants, a strong likelihood exists that Congress will eventually mandate at least some control of television content, beginning with violence content.

Implications for Further Research

One of the questions posed in justifying this thesis was why Congress reversed its traditional role of noninterference in media content and focused on media violence. The data presented do not provide the answer. However, a basis for an answer emerges upon consideration of social pressures external to the media violence issue itself, but part of the environment in which Congress and the public operate.

Many of the economic recovery programs of President Franklin D. Roosevelt in the late 1930's were social in nature. As the "New Deal" and, with it, the notion of social legislation became more widely accepted, by both Congress and the general public, congressmen apparently became more willing to address other social issues. After World War II, even some critics of the New Deal came to believe

that the principle of public welfare had to be accepted.² During the first decade after the war, America encountered the GI Bill of Rights, President Harry S. Truman's "Fair Deal" extension of the New Deal, the beginnings of racial integration, and even concern for the welfare of its enemies in the recent war. It was a more socially oriented America that became aware of the twin problems of a rising crime rate and spreading juvenile delinquency. As the public began looking for causes and solutions, it looked--as it had in the 1930's--to the entertainment media and found three: movies, comic books, and television. In 1950, Senator Edwin C. Johnson of Colorado became the first congressman since the war to record public criticism of violence in the broadcast media. Representative E. C. Gathings of Arkansas added a report of public criticism in 1951. In 1952, Congress took a first step toward involvement with media content not related to obscenity or pornography. Representative Oren Harris of Arkansas headed a House investigation of crime and violence programming in the broadcast media, focusing on television; but it was in the Senate that media violence was first linked directly and officially with the social problem of juvenile delinquency; and it was in the Senate that all subsequent investigation of media violence originated.

Once media violence had been established as a part of a social problem, its recognition as a social problem in its own right was but a short step away. Indeed, in agreeing

to the Surgeon General's study, Secretary of Health, Education, and Welfare Robert Finch indicated that he considered the issue of television violence to be a matter of public health.

As the nation has become increasingly socially oriented, congressional criticism of media content has turned from a reluctance to address the issue to a willingness to question the media, particularly television, closely concerning their content. This change of attitude on the part of Congress seems to have taken place rather suddenly, between 1952 and 1956, a period of social unrest in the United States.³ A closer examination of the developing congressional interest in the light of contemporaneous social pressures could explain the basis for the change of stance on the matter of media content.

The period 1945-65 was an especially significant one in media history. It included, not only a reversal of congressional attitude regarding media violence, but the birth of a medium (television) and its subsequent designation in the Senate as the medium directly responsible for the rise of juvenile delinquency in the United States. The importance of the events of that period urges further research in order to discern more accurately the pattern of social, economic, and political forces acting upon television. Such data would help explain the attitudes and activities of Congress, the public, and the media--especially television--concerning media content and would be of importance in projecting the future of television's content and the government's attitude toward that content.

NOTES

¹Cyclops, "Blackballing and Whitewashing: The Violence Report," Life, 24 Mar. 1972, 20. Rose K. Goldsen, "Science in Wonderland," Society, May 1973, 64-66. "Violence Revisited: Controversy over Published Findings and Official Report," Newsweek, 6 Mar. 1972, 55-56.

²Eric F. Goldman, The Crucial Decade--and After: America, 1945-1960 (New York: Vintage, 1960), p. 9.

³For a brief outline of some of the pressures on the public and the government, cf. Goldman, pp. 119-121, 263-267.

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