

# Happenings

Minnesota Community Corrections Association

## Visual messages & human behavior

Because this issue of the MCCA newsletter focuses on the debate over the effects of visual messages on human behavior, we asked Gerald Kaplan, the director of Alpha Human Services, to establish a framework for discussion. To the question, "What is the relationship, if any between visual messages and human behavior?", Kaplan answered as follows:

Although there may be a biochemical contribution to human sexual behavior, human behavior is basically learned. Furthermore, we consider behavior as deviant when it involves an inappropriate target, an inappropriate means of expression, or an inappropriate underlying motivation.

For sex offenders, sexual arousal has become paired, through learning, with either an inappropriate target (such as a child) or with an inappropriate, unacceptable behavior (such as the use of force). Deviant sexual behavior may also have as its purpose tension-reduction, instead of sexual pleasure.

Associative learning of this type can take place in a number of ways. One way involves the viewing of visual material which pairs a sexual theme (producing sexual arousal) with a depiction of violence or of an inappropriate target — thereby pairing a state of arousal with an inappropriate stimulus.

Since children are exposed to media messages from an early age, before their sexuality has become well differentiated or established, they may start early in life to pair arousal with inappropriate stimuli. If they are exposed often to

messages which pair sex with inappropriate targets or inappropriate behaviors, this can affect their concept of sexuality. If they masturbate in conjunction with such visual material, the pairing is, of course, strengthened.

Sexually explicit material in and of itself does not seem to be troublesome, as long as the sexual objects are appropriate and the sexual behavior which is depicted is non-violent (e.g., consensual sex between adults).

Kaplan suggests that the pairing of inappropriate behavior or inappropriate targets with sexual arousal may be more problematic for those individuals who lack good social skills or for those who have had few positive, healthy sexual experiences. Media presentations may be more influential with such individuals than with persons who have received many alternative messages of a healthy nature.

While Kaplan stipulated that there is no proof of a cause and effect relationship between pornography and sexual offending, he noted that a disproportionately large number of treatment clients seem to be invested in pornography, both "R" and "X" rated. (Many also seem unusually interested in Saturday morning cartoons - a new subject for someone's Ph.D. thesis??)

In addition to using materials defined by society as pornographic, sex offenders may also fuel their fantasies with advertisements and catalogs which present pictures of scantily dressed models — including children. Ads, in particular, may shape attitudes in negative ways by sexualizing children and encouraging some adults to view them as sexual targets.

Kaplan summed up by saying that, whatever the cause and effect

relationship (if any) between pornography and sex offenses, the use of pornography surely strengthens the bond between sexual arousal and inappropriate targets or inappropriate behaviors. When used in masturbatory fantasies, it fuels the offender's preoccupation with the deviant target or behavior, contributes to a weakening of impulse control, and may be a precursor to re-offending. This makes the use of pornography a serious obstacle to success in treatment, regardless of whether or not it contributed to the development of the deviant behavior in the first place.

•Ronnie Bouma

## Does media violence beget the real thing?

*Editor's note: The following article is reprinted here with permission.*

Candice Bergen probably got off the best line in the recent Murphy Brown flap when she joked that blaming her fictional character for the Los Angeles riots was like blaming TV sitcom doctor Doogie Howser for the health care crisis. But the funny remarks still point to a serious question — what connection is there between what we Americans see on television and in the movies, and how we act?

Any attempt to link one particular episode of a television show to changes in American values seems hopelessly speculative. But it may be possible to get some more meaningful answers by looking at a widespread social problem, such as violence, and considering how depictions in the media may affect our

attitudes and values.

More than 20 years ago, H. Rap Brown remarked that violence is as American as apple pie. To judge by homicide statistics, he was right. We live in one of the most violent societies in the world. We also seem, as a society, to have a deep-seated ambivalence about violence: On the one hand, our spiritual and political leaders invariably profess to deplore violence and seek peace, but on the other hand, violence is a key ingredient in much of our entertainment, ranging from action films and television series to the ritualized violence of football games and pro wrestling and the brawling that regularly punctuates pro hockey.

How we got to be this way is a very complicated question, and I don't claim to have the answers. But I do have some questions about the role of the media: 1) Has the constant repetition of images of violence desensitized us to the meaning of violence, and the suffering that it causes? 2) Has a change in the accompanying messages about good, evil and violence transformed public attitudes about good and evil? 3) Does the American public have a diminished capacity to distinguish between real and make-believe?

It may be helpful to ponder these abstract questions as they apply to a concrete set of situations: the beating of Rodney King by Los Angeles police officers, the acquittal of those officers by a Simi Valley jury, and the many acts of violence in the ensuing Los Angeles riots.

**Desensitization:** you've heard all the statistics. By the time the average child graduates from elementary school, he or she will have witnessed 8,000 television murders, and 100,000 other acts of violence. But what impact does this exposure to make-believe violence have on our senses of morality, and our attitudes towards violence in real life?

A new report by the American Psychological Association titled "Big World, Small Screen" (University of Nebraska Press, 1992) summarizes the results of hundreds of studies to draw some broad conclusions about the role of television in American society. According to the APA report, "the accumulated research clearly demonstrates a correlation between viewing violence and aggressive behavior — that is, heavy viewers behave more aggressively than light viewers. Children and adults who watch a large number of aggressive programs also tend to hold attitudes that favor the use of aggression to resolve conflicts." Almost twenty years ago, sociologist Rose Goldsen of the University of Pennsylvania wrote an essay in which she argued that viewers of television violence experienced a pattern of alternating stimulation and abrupt interruption (caused by commercials) that closely resembles the desensitization techniques used by psychologists to modify behavior. After repeated treatments with these techniques, said Goldsen, even the strongest psychological connections can be broken down.

America, she warned prophetically, is engaged in the world's first coast-to-coast experiment in behavior modification, and no one can foretell what the consequences will be. Can this pattern not merely break down an aversion to violence, but also condition people to take pleasure in it? (It is important to keep in mind that at the time that she wrote, the level of violence depicted in movies and on television was considerably lower in frequency and intensity than it is today. The violence shown on "Gunsmoke" or "Peter Gunn" rarely reached the levels of such more recent television shows as "Hunter" or "Miami Vice," or in the movies of Sylvester Stallone, Arnold Schwarzenegger, Clint Eastwood, Chuck Norris, Steve Seagal, Jean-Claude Van Damme, et al.)

We now have a body of research that tends to confirm Goldsen's speculations. Reviewing four different studies, the authors of the APA report conclude that "television violence can lead to desensitization as well as to aggressive behavior. Children and adults who are exposed to television violence show reduced physiological arousal, and they are less likely than unexposed individuals to seek help for victims of violence or to act on the behalf of victims."

After seeing thousands of episodes of screen violence, the violence shown in the Rodney King video-tape must lose some of its power to shock the conscience. Compared to the orgiastic scenes of megaviolence depicted in many movies, it is even likely to seem tame.

**Moral messages:** the way violence is presented may also play a role in shaping viewers' values. The cowboy heroes of the '50s usually resorted to violence reluctantly, and graphic violence was seldom depicted on-screen. The basic moral messages were simple: Evil Must Never Be Allowed to Triumph Over Good, and Wrongdoing Must Be Punished. The heroes lived by a moral code that included obeying the law, even when their enemies did not. And the villains were invariably depicted as human beings — humans who may have been led astray through some weakness of character, but who often showed remorse for their



wrongdoing. After paying their debt to society, they could be reintegrated into community.

Contemporary heroes and villains are different. The heroes live by their own code, and do whatever is necessary to defeat the enemy. They are sometimes hamstrung by petty officials who, because they are traitors or simply fools, try to force the hero to follow rules and regulations, but these wimps usually get their come-uppance.

The enemy is usually totally vicious and depraved, and in some cases actually not human. The hero's job is not to bring the villain to justice, but rather to destroy him or it. And the hero's attitude is not the reluctant sense of duty that motivated Gary Cooper as he strapped on his six-shooters in "High Noon," but rather the pleasure in bloodsport expressed by Arnold Schwarzenegger in "Terminator 2," as he dispatches a bad guy with "hasta la vista, baby." When Dirty Harry says "Go Ahead, Make My Day," he's just dying for an excuse to kill the bad guy.

If the police officers, or the jurors judged them, saw their actions in a moral frame, their conduct is not surprising.

**Reality/fantasy:** While fictional depictions of violence become more and more graphic, real violence is often made invisible, or else made to look like a game. It is estimated that more than 100,000 civilians were killed — I would say murdered — during the Persian Gulf War, or died in its aftermath, but the war was depicted in the media as an almost bloodless exercise in high technology. Some commentators likened it to a Nintendo game. Fictional violence may have become more realistic, in the sense that it is more graphic, but in one important respect, it is quite unrealistic: it rarely portrays the long-term consequences of violence in terms of broken bodies, broken families, permanent loss. In a world where the violence that looks real is really just make-believe, and the real violence is made to look like a game, can we expect people to have a serious understanding of the meaning of violence?

## Some believe TV, film violence simply reflect society's violence

*Editor's note: The following article, written by Kathleen Donnelly, appeared in the St. Paul Pioneer Press, on 5/17/92 and is reprinted here with permission.*

Open with a fuzzy video showing four Los Angeles cops clubbing and kicking a man who struggles to get to his feet.

Cut to the trial of the four officers, all of them white, charged with the videotaped beating of the man, who is black.

And when the jury comes back with not-guilty verdicts, focus on the rioting — the looting, the burning buildings, the shootings, the shouting crowds, the armed troops in the streets.

If the Rodney King case and its aftermath sound somewhat familiar, that may be because audiences have seen and heard it before: on television, in movies and in popular music.

"We live in a culture of violence," says George Gerbner, a specialist in media violence at the University of Pennsylvania's Annenberg School of Communication. "There may have been more violent times, but there has never been a time that is more saturated with images of violence than the present." For example:

- A child watching three hours of television a day sees 8,000 murders and 100,000 other acts of violence by the time he or she leaves elementary school, according to a study released in February by the American Psychological Association.

- Last summer's blockbuster "Terminator 2" — the movie the chairwoman of the National Coalition Against Television Violence calls the worst of the year in terms of violence — was also the top-grossing film of 1991. It earned \$204.3 million in U.S. theatrical release alone with its coolly dispassionate story of cyborg rage and redemption.

- Rap artists tell listeners to "F— That Police," in the words of Los

Angeles rappers N.W.A., while heavy metal rock 'n' rollers have been tossing off odes to death and damnation for decades.

Has the bone-crushing content of what Gerbner calls "happy violence" in entertainment affected our attitudes and behavior? Or is pop culture, as some contend, just a reflection of our already violent way of life?

"It's a chicken-and-egg problem," says Donald Roberts, chairman of the communication department at Stanford University and co-author of a coming book on adolescence and popular music. "There's a lot of violence out there, and there has always been a lot of violence out there. Which came first? I don't know, and I don't really care. What I do know is there are several questions without clear answers."

The clearest answers, however, may be in television; certainly, that's where most discussion about the influence of violence in entertainment has centered. Researchers have completed more than 3,000 studies on the subject.

"There are 30 years of studies, and you'd be hard-pressed to find any that don't find a relationship between the violent programs children watch and the way they behave," says Diana Zuckerman, a Washington psychologist and member of the American Psychological Association's Task Force on Television and Society.

The association's latest study concludes that "television can cause aggressive behavior and can cultivate values favoring the use of aggression." It calls for federal policy "protecting citizens and society from harmful effects."

Broadcasters aren't as quick to conclude that television violence can affect behavior.

"So-called television researchers have always complained about links between obesity and junk food commercials, about violence in society and violence on television," says Doug Wills, a spokesman for the National Association of Broadcasters, which does not include cable-system operators in its membership and blames cable channels for much of the violence on the small screen. "Yet there's not been a single study that has directly linked (television)

violence to actual behavior. Does a television program cause people to go out and hit somebody over the head with a baseball bat? There are no studies to prove that."

Jim Quay, executive director of the California Council for the Humanities, loved the film "Witness." In it, a police detective, played by Harrison Ford, goes undercover in an Amish community to protect a murder witness.

"The content of the movie is to promote the Amish theme of non-violence and dignity," Quay says. "And yet there's a strange way that the form of the film itself works against that very theme."

In one scene, Quay points out, the Amish characters are bullied by a small-town troublemaker. The men of the Amish community don't respond to the provocation. Then the bully turns to the Ford character.

"Part of the excitement of the scene, part of the drama, part of its satisfaction is you know that Harrison Ford is not going to ignore it," says Quay. "He hits (the bully), and we all go 'Great!' — even the pacifists in the crowd."

## Criminal justice & the media...a new covenant?

*Editor's Note: The following article originally appeared in the Illinois Criminal Justice Information Authority's Blueprint for the Future, Final Report of Trends and Issues for the 1990's. (January 1991) It is reprinted here with their permission.*

For better or for worse, the media have always had a profound impact on the public's perception of crime and its understanding of how the justice system works. A recent Canadian study of sentencing decisions provides a striking example: 80 percent of the people who were given only a newspaper account of a criminal case thought the sentence was too lenient, compared with just 15 percent of the people who were given a court transcript instead.

As we enter an age of almost infinite media possibilities, coupled with a renewed emphasis on police-citizen cooperation, the media will become

even more influential. With that influence must come responsibility for reporters, editors, and program executives, a responsibility to present a fair, sensitive, and intelligent portrayal of crime, its victims, and the criminal justice system; for criminal justice officials, a responsibility to provide the truthful, timely, and relevant information the media need to do their job of informing the public.

Meeting these responsibilities in a time of not just more media possibilities but also more open access to government will require a new spirit of trust and cooperation among people in the news media and people in criminal justice. The basis for this cooperation already exists: law enforcement and the media have been working cooperatively for years to inform the public about natural disasters, major traffic accidents, and other incidents that demand immediate attention.

As law enforcement and the media expand this partnership—as they move increasingly into the area of solving specific crimes and tracking individual fugitives through reality-based television and other programs—each side must remain sensitive to the capabilities, the limitations, and the ultimate goals of the other. Law enforcement is in the business of solving crimes and protecting the public: its judgment of what information can and cannot be released (within the bounds of freedom of information laws) must be respected. The media are in the business of informing and entertaining the public: their need for accurate, complete, and compelling information must be appreciated.

In addition, the media and law enforcement must vigilantly protect the rights of both victims of crime and criminal suspects. Victims must not be used or humiliated in the interest of selling newspapers or making good television. Suspects must remain innocent until proven guilty—in the newsroom as well as in the courtroom.

As criminal justice and the media settle into their new relationship, each side must remember that its ultimate responsibility is to the public. Each must set its sights on the bigger picture, on the massive and complex task of

providing the citizens of Illinois with an accurate and understandable picture of how the criminal justice system really works. The media must look beyond the sensational crime of the day, and explore—intelligently and in depth—the long-range trends and issues that are affecting public safety and shaping our quality of life. Criminal justice officials must guide the media to these larger stories—and then help them gather the statistics, the anecdotes, and the analysis that make them compelling. If law enforcement and citizens are to work more closely to control crime in the 1990s and beyond, criminal justice and the media must each redouble its efforts to foster an informed, energized citizenry.

## Media treat crimes as isolated, random events

*Editor's Note: Ben H. Bagdikian is Dean of the Graduate School of Journalism at the University of California, Berkeley. He is the former assistant managing editor for national news at the Washington Post; among the books he has written about prisons are The Same of the Prisons (1972) and Caged (1976). The following article by Mr. Bagdikian is reprinted here with the author's permission.*

There is an amnesiac cycle in prison policies in which little or nothing seems to be remembered about the past, a loss of memory for which the news media share responsibility.

The media do not play the primary role. The dubious distinction goes to political leadership that too often governs these matters as though there were nothing to learn from the past and behaves as though modern criminal justice began with the last grisly crime reported by the media.

Mister Dooley said that the Supreme Court follows the election returns. So do presidents, governors and legislators. When it comes to criminal justice policies, the election returns are heavily influenced by the pattern of headline and televised news of crime. A distressing percentage of news items

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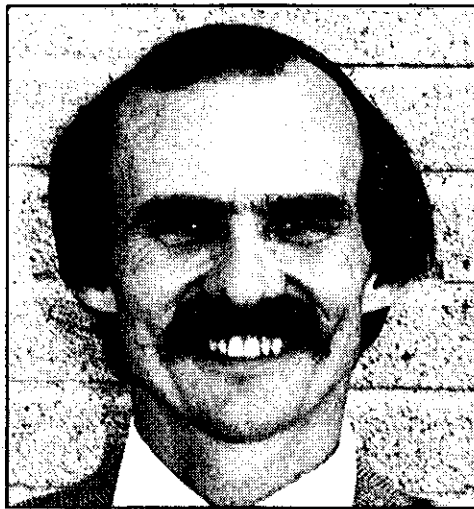
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## We want you to know...



**Bruce Clendenen, MCCA President**

The theme for this issue of Happenings centers around the role of the media in the portrayal of violence and pornography in our society. We all realize that the media is a powerful force in our society. We all realize that the media is a powerful force in our everyday life. It dominates much of our time in our homes and cars with television, newspapers and radio. We are influenced by what we see and hear. When the daily news casts spend a high amount of time reporting about violence, we tend to be influenced that this is a severe problem throughout our country. Is it as severe a problem as the media portrays? This issue of Happenings will attempt to examine this delicate and important problem.

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treat crimes and prison problems as isolated, random events with neither underlying cause nor discernible remedy beyond endless incarceration.

The amnesiac pattern goes like this: crime becomes a heated public issue, the safest political approach is to press for longer sentences, prisons become overcrowded, there are violent prison rebellions, new prisons must be built to handle the longer sentences, and politicians get elected by promising precisely that. Once in office, politicians discover that the promised rate of imprisonment will bankrupt the government, so in the time-honored

ritual the impasse is finessed by appointing a commission. In due course, the commission reports that crime has certain underlying causes that must be dealt with in any honest analysis of criminality and that hard imprisonment is a highly limited remedy. Furthermore, a range of alternatives that have been adopted in the past that are both less expensive and more effective. Some of these alternatives are adopted with quietude — the voters may remember election promise of harshness — but because these alternatives are less dramatic than electrocution and solitary confinement, and because they, like everything else, are never 100% effective, a parolee or diversionary defendant commits a crime, the news media headline the fact and the amnesiac cycle begins again.

In a society blessed by schools, universities, libraries, archives and other institutions of social recall, the subject of what to do about crime and imprisonment seems to escape the ability to remember what has been learned many times over. Among the causes for this amnesia is the behavior of the news media.

The news is not totally irrational or simple-minded about crime and punishment. Periodically, there are articles suggesting alternatives to widespread imprisonment, occasional televised depictions of prison cruelties, and isolated reports on the more unproductive consequences of conventional jails and prisons.

Nevertheless, there are conventions in news that contribute substantially to the cycle of cruel and unproductive public policies in criminal justice.

One of these conventions is the generations-old practice of the over-reporting of crime and doing it without context. Crime and its causes are important public matters. In periods of increased crime it is important to report some individual crimes, some because they may have pragmatic importance to certain communities or locales, and some because they have obvious public impact, like assassinations and other crimes against significant public figures, or because they may reflect systemic problems in police and other criminal justice practices.

I believe that most reporting of crime in American newspapers and other media have a less respectable set of reasons.

Crime is dramatic and violent, so it is a reliable attention-getter. It meets a largely unthinking convention in too much news that exaggerates all violence.

Among all categories of news, crime is one of the cheapest, easiest to gather, and safest to publish. It is gathered by the police, made available in a central place, and unless handled with gross incompetence is libel-free even though it deals with intimate and damaging events in personal lives. I have been a police reporter and an editor, so I speak as past sinner and confessor: if news organizations had to track down the commission of each crime, gather the details with their own paid reporters, and verify the events sufficiently to avoid law suits, I can guarantee that the incidence of reported crime in the American news media would plummet.

Furthermore, crime is almost always presented as a series of individual acts and in such a way that the phenomenon of crime seems to have no discernible cause beyond random evil. A phenomenon in society that seems to have no known causes is especially frightening. Throughout history, mysterious plagues have always produced hysteria and self-destructive reactions. Crime without a context of known epidemiology has the same effect as the medieval black plague — it creates mystical incantations, hysterical search for scapegoats (in this case, secular humanism, lack of patriotism, modern education, liberal social programs, race, chromosomes, etc.)

The sources of individual crimes cannot be easily analyzed, certainly not in the news. But the sources of crime as a social phenomenon are not mysterious. There are clear factors of age, of educational, economic, and familial deprivation in the case of most offenders. Culturally there are the factors of the place in our society of violence, materialism, extreme individualism, and the veneration of weapons.

Crimes by parolees or probationers typically are treated without context.

When a parolee is arrested, it is treated as a definitive demonstration of the failure of the policy of ever releasing a prisoner. It could be treated just as reasonably as a demonstration of the failure of imprisonment.

Neither in simple politics of crime nor in the news is there much emphasis on these underlying causes of the incidence of crime. These have been identified with irrefutable, statistical reliability, but news treatment lacks memory of these, and this contributes to the political exploitation and hysteria.

All of these factors are intensified by the current political atmosphere in the country. Mister Dooley said that the Supreme Court reads the election returns. So do editors and publishers. In a period of Rambo and accompanying political machismo, of social insensitivity, and contempt for public institutions, the news establishment more than ever fears being labeled bleeding hearts and "reformers."

It is a discouraging picture, but there may be long-term hope. Journalists are increasingly well educated and sophisticated, though when it comes to crime there are only feeble attempts to place individual crimes in a reasonable social context. But related problems of distorted values in the news have changed over time with serious discussions with top journalistic leaders, and with positive results that are often overlooked, even by the media themselves.

For example, it was not so long ago (if a generation ago is considered not "long" as reforms go) that news in the United States routinely reported names of juveniles in crime, names of rape victims (unless of middle class social status), fictionalized and otherwise committed unfair and cruel practices in dealing with crime and criminals that would be unthinkable today even in the most unthinking publications. It was a favorite device for the police to force a suspect to pose as though committing the crime, with the resulting photograph published as a recreation and the suspect, if he had any record whatever, described as having a "long criminal record" and be referred to in the news routinely as a "hoodlum." Reports from prisons were even more the creations of

prison administrators than they are today.

A generation ago the Reardon Commission of judicial and editorial leaders articulated problems of unfairness and inaccuracies in conventions or pretrial publicity. It has had profound effect, though one enhanced by libel and invasion of privacy civil suits. It is not unrealistic to hope that a truly influential similar group, not politicized by partisan and ideological memberships could do the same for news treatment of prison issues. The time probably is ripe, since the country seems to be in that part of the amnesiac cycle in which it is realizing that it cannot afford the kind of imprisonment that was standard political boast ten years ago.

## We must control TV that fuels violence against women

*Editor's Note: The following article was written by Cal Thomas, a noted conservative editorialist, and appeared in the St. Paul Pioneer Press on 5/18/92. It is reprinted here with their permission.*

ABC Television broadcast a special, "Men, Sex and Rape," recently that was, as New York Times reviewer Walter Goodman noted, full of "pretension to virtue."

After the obligatory tabloid-television approach featuring "swelling breasts and buttocks, mostly amid the sand of Palm Beach," as Goodman summarized it, the program attempted to move to the brain for some serious discussion of a troubling subject. The approach had the moral impact of going to confession after a long-planned orgy.

First Amendment absolutists have resisted every attempt to control the huge levels of immoral effluent that have turned our society into a toxic waste dump. Then they create programs like the one broadcast on ABC in which they wring their hands and decry what they have helped to create. It would be like the tobacco industry criticizing the growing number of lung-cancer deaths.

Women are being raped in record numbers — as many as 1,871 per day if

one rape victims rights group is accurate.

One does not have to be a social scientist to see a connection between these increased incidents of rape, and other acts of violence against women, and the way women are treated in the popular media. One quick look at MTV offers a sample of the diet on which many young people feed at an early age.

A new Michael Jackson video called "In the Closet" features Michael and a woman thrusting their pelvises at each other. Michael sings, "There's something about you baby, that makes me want to give it to you."

This video is followed immediately by another called "Baby's Got Back," in which women are shaking their behinds at the camera, various fruits and vegetables shaped like body parts are shown, and the rapper says he likes women's buttocks and feels like "sticking it" to them.

Pornography is worse, of course, but this stuff is what might be called beginners' material for the paring of the young American mind.

Andrea Dworkin, the feminist writer who has crusaded for tougher anti-pornography laws, wrote a profound letter to the New York Times last week in which she told of her own sexual abuse. She believes rape is linked to the tolerance and promotion of pornography and sexual images that give cultural permission for men to treat women as objects, not fellow human beings.

To the purists who will not tolerate

any controls on "speech" or pictures, Dworkin wrote: "Freedom looks different when you are the one it is being practiced on. Those sexy expletives are the hate words he uses on you while he is using you." Dworkin added that men "act out pornography. They have acted it out on me." She correctly indicted men who hide behind the First Amendment so they can traffic for profit in women's misery.

For networks (or movie and magazine publishers) to claim that there is no connection, or that they are not responsible if there is a connection, between pictures and words and the brutalizing or women is a lie. Do they tell their advertisers there is no connection between consumer behavior and images of soap, cars, and beer?

Chris O'Sullivan, a social psychologist who is writing a book on group sexual assault on college campuses, sees a link between sex crimes and visual images. In a letter to the New York Times, he wrote: "There is a higher level of aggression, sexual and non-sexual, among those who most often expose themselves to depictions of sexual and non-sexual violence than among those who do not."

Were such a connection established, or even likely, in any other field, government would quickly move to do something about it. Sen. Mitch McConnell, R-Ky., is trying to take a small step toward cleaning up the mainstream of some of this filth in his bill that would compensate victims of sexual assault who could link the assault to pornography. Most of the media establishment has written editorials and

lobbied against the bill.

Yet, it is a bill and an idea deserving of support. Women deserve as much protection against rape as it is possible for society to offer. As Dworkin wrote: "A photograph shields rape and torture for profit. In defending pornography, as if it were speech, liberals defend the new slavers. The only fiction in pornography is the smile on the woman's face."

If rape is a terrible crime, and it is, and if there is a connection between pornography and the cultural permission it gives those already predisposed to perform these acts on women, then government has an obligation and duty to control its proliferation. The McConnell bill is a good place to start.

## Possible solutions

The debate over the harm done by media messages which depict women in a degrading fashion has taken many forms, as has the debate over possible solutions to the problem.

One approach, which was undertaken by the Minneapolis City Council in 1984, and which ran aground for constitutional reasons, was the passage of an ordinance (later vetoed by Mayor Fraser) which would have provided remedies to women who believed they had been harmed by pornography.

According to former 13th Ward Council Member Charlee Hoyt, its chief author, the ordinance would have allowed women to file complaints with the Minneapolis

Human Rights Commission if they (a) had been coerced into a pornographic performance, (b) had had pornography forced on them; or (c) had been assaulted, attacked or injured as a result of an assailant's use of pornography.

This ordinance also would have allowed women to bring complaints against "traffickers in pornography" on the basis that women are injured by systematic sexual subordination caused by pornography.

Prior to its vote on the ordinance, the Council held public hearings which allowed witnesses - including victims, victim advocates, therapists and researchers - to present testimony on the



effects of pornography on attitudes and behavior.

Among those who testified was Prof. Edward Donnerstein of the University of Wisconsin, who described research indicating that repeated viewing of certain types of films correlated with increased callousness toward the crime of rape and with less sensitivity to violence against women.

Society is still left with many complicated issues, including the nature of the connection between media messages and attitude formation, the range of other variables that affect attitude formation, the nature of the connection between attitudes and behavior, and the type of intervention that is most appropriate to effect change, without violating constitutional rights.

•Ronnie Bouma

## Punishing sexual crimes: A new and dangerous approach

*Editor's Note: The following article appeared in the Spring, 1992, edition of Civil Liberties, the newsletter of the American Civil Liberties Union and is reprinted here with the permission of Matthew Stark, president of the Minnesota Chapter of the A.C.L.U.*

A radical new theory of criminal responsibility is making its way through Congress that would blame sexual crimes, not on the criminals who commit them, but on producers and distributors of art and literature.

The Pornography Victims Compensation Act, the handiwork of Senator Mitch McConnell (R-Ky.), would permit victims of certain crimes to sue the producers or sellers of works determined to be "obscene" or "child pornography" on the ground that these works "caused" the crimes to be committed. The notion underlying this legislation, that imaginative works can be suppressed because they may inspire errant behavior by unbalanced individuals, is alarmingly hostile to, and mistrustful of, artistic activity — which

is one of the most basic and important of human endeavors.

Even though the bill, if enacted, could lead to ruinous damage awards based on the supposedly harmful effects of some creative works, its supporters argue that it would not endanger any form of artistic expression that is constitutionally protected. They say that because the U.S. Supreme Court has ruled that obscenity and child pornography are not protected by the First Amendment, the bill is constitutional.

Wrong. Constitutional problems lie in the bill's assumption that there is a simple distinction between constitutionally protected expression and works that are "obscene" and, thus, vulnerable to a lawsuit. Under current law, the determination of obscenity varies from state to state, even from locality to locality. Obscenity laws are already hopelessly vague and do not provide adequate notice of what is prohibited. These defects would be magnified if publishers or distributors were to face the prospect of being sued for "causing" a crime in some communities, even though their work is constitutionally protected elsewhere. And juries understandably sympathetic to crime victims would be likely to err on the side of deciding that a work is obscene, in order to provide some compensation. The prospect of massive financial liability would likely have a severe chilling effect on people involved in producing sexually explicit work, who would think hard about switching to a less risky enterprise.

This chilling effect may well be the purpose of the bill. However, our system of free expression would end up the loser, for sexual themes run through much of the world's great art and literature. Such works as James Joyce's *Ulysses*, Eugene O'Neill's *Strange Interlude* and Theodore Dreiser's *An American Tragedy* have been banned in their time because of obscenity. The fact that some of the hardcore pornography targeted by this legislation would not qualify for prizes in artistic excellence does not make it any easier to separate "obscenity" from "art," as dramatically demonstrated by the 1990 prosecution of Cincinnati museum

director Dennis Barrie for exhibiting the works of Robert Mapplethorpe. (Barrie was acquitted, but the economic and emotional costs of his legal battle will undoubtedly continue to have a sobering effect on others.)

Limiting the target to obscenity and child pornography also does not solve the proposed legislation's constitutional problems in the area of "causation." Under the First Amendment, expression cannot be punished or suppressed unless it is intended to, and will in fact, incite imminent harm — that is, unless the words are so fiery and the atmosphere so explosive that there is little or no opportunity for reasoned thought. How this "direct incitement" standard could ever be met with respect to a book or film is hard to imagine.

Yet the McConnell bill's premise is that sexually explicit works can and do directly incite crimes, a premise that invites juries to make a finding that just such incitement occurred.

The "incitement" theory does violence to fundamental democratic principles, which tolerate — even celebrate — diversity of both artistic and political expression, and which trust free individuals to choose those styles and messages that are compatible with their personalities and spiritual values.

It is thanks to these principles that Americans enjoy a broad array of choices in every art form: music, film, theater, magazines, books, TV, and the visual arts.

Some criminal and/or deranged consumers of artistic material may claim that a particular work inspired their acts of crime or madness. But such "inspiration" can come from totally opposite sources: Ronald Reagan's would-be assassin John Hinckley, claimed inspiration from the film "Taxi Driver;" on the other hand, *The New York Times* last year reported that an open copy of the Bible was found beside the corpses at the scene of a murder/suicide.

Never before in American history has our government tried to suppress art or literature because of their possible effect on criminal or unstable individuals. Our justice system rightly blames perpetrators for their crimes, and no known defense of an unstable person

has claimed that the defendant was ordered temporarily insane by reading Crime and Punishment or viewing a print of The Rape of Europa.

Among the conditions known to breed crime are poverty, racism, drug addiction, alcohol abuse, child abuse, emotional deprivation, and other forms of family or social dysfunction. Indeed, the roots of crime are deep and complex. But punishing books and movies is no an acceptable solution. If the McConnell bill becomes law, it could have the extremely counterproductive effect of inhibiting discussion of a subject that needs urgent attention: the high incidence of sexual violence in our society.

The time has come for politicians and the public to stop getting distracted by words and images. Scapegoating art, even bad art, with instruments of censorship like the Pornography Victims compensation Act only diverts us from the important task of resolving the massive problems that beset our society.

•Marjorie Heins, Director of the Arts Censorship Project of the A.C.L.U.

## Canada's high court holds porn harms women

The Supreme Court of Canada on Thursday upheld the obscenity provision of the criminal code, ruling that although the anti-pornography law infringes on the freedom of expression, it is legitimate to suppress materials that harm women.

The unanimous decision, in the case of Butler vs. Her Majesty the Queen, also redefines obscenity based on what subordinates or degrades women.

"This makes Canada the first place in the world that says what is obscene is what harms women, not what offends our values," said Catharine MacKinnon, a University of Michigan law professor who helped write the brief. "In the United States, the obscenity laws are all about not liking to see naked bodies, or homosexual activity, in public. Our laws don't consider the harm to women. But in Canada it will now be materials that subordinate, degrade or dehumanize

women that are obscene."

The case involved the owner of a Manitoba shop that sold and rented out hard-core videotapes and magazines. The owner, Donald Victor Butler, was prosecuted under laws prohibiting the manufacture, sale or distribution of obscene material, possession of obscene material for distribution or sale or public display of obscene material.

The Canadian criminal law provides that any publication that has as a "dominant characteristic" the "undue exploitation of sex" is obscene. Offenders are usually fined rather than jailed.

Butler challenged the charges on the ground that the material was protected by the guarantee of freedom of expression in the Canadian Charter of Rights and Freedoms, which was passed in 1982 and is similar to the U.S. Constitution.

## Passions over pornography

*Is pornography essentially an outlet for sexual fantasy, rightly protected by the First Amendment's free speech provisions? Or is it an instruction manual for violent men that shatters women's civil rights by contributing to their harassment, humiliation and subordination? Those questions are at the heart of an often acrimonious debate that has divided feminists and civil libertarians across the U.S.*

The argument is currently raging on three fronts:

•In Massachusetts, feminist groups can be found on both sides of the debate over a proposed bill that would allow individuals who can prove that they were assaulted as a result of pornography — defined as a form of sexual discrimination — to recover damages in civil court from publishers and purveyors of the material.

•In Florida, Jacksonville Shipyards is appealing the January 1991 ruling by a federal judge that a welder named Lois Robinson was harassed by male co-workers who put up graphically sexual posters and calendars, some showing women being abused. Among the offensive materials was a poster with a

frontal view of a nude woman and the imprinted words USDA CHOICE. One surprising supporter of the appeal: the American Civil Liberties Union, which also opposes the Massachusetts bill.

•In Washington, the Senate Judiciary Committee is considering S 1521, introduced last year by Kentucky Republican Mitch McConnell, which would allow victims of sex crimes to sue the producers, distributors and sellers of obscene material and child pornography if the victims can prove that the material was a "substantial cause" of the injury. Some have informally dubbed McConnell's proposal "the Bundy bill," after serial killer Ted Bundy, who claimed just before his execution that pornography had fueled his violent fantasies.

The co-authors of the Massachusetts bill are the odd couple of American feminism. Michigan law professor Catharine MacKinnon is sleek and stylishly dressed-for-success. Writer Andrea Dworkin (Pornography: Men Possessing Women and Intercourse), with her tousled hair and overalls-and-T-shirt decor, looks like a radical from the '60s.

The two activists have been campaigning in tandem against pornography since the early '80s; city ordinances they devised for Minneapolis, Indianapolis and Bellingham, Wash., all similar to the Massachusetts bill, were rejected by courts or local officials. Their basic argument is that Supreme Court rulings on obscenity, meaning prurient material that offends community standards, provide no impediment to the increasing violence directed against women. Much of that violence, they argue, has been inspired by pornography, which their bill defines as "the graphic, sexually explicit subordination of women through pictures or words."

"Pornography currently has more protection that women do," MacKinnon told that statehouse committee considering the Massachusetts bill. In corroboration, several witnesses gave chilling testimony of being sexually abused by husbands and boyfriends who admitted that they had been prompted by porn films or magazines. Fighting back tears, Pat Haas, of Brookline,

Mass., said she had been beaten by her boyfriend, who forced her to act out scenes from pornography. "He did what was in the movies," says Haas. "If he had seen a snuff film, I wouldn't be here." Under the proposed antipornography civil rights bill, victims like Haas could sue the pornographers for being indirectly responsible for the crime.

That burden-shifting bothers many civil rights activists who otherwise care deeply about violence against women and children. "We feel this bill is censorship," says Marilyn Fitterman of the New York State chapter of the National Organization for Women. "It takes the onus off the criminal and blames the publishers and artists." Nancy Ryan of the Cambridge women's commission, which opposed a similar measure introduced in that Boston suburb, argues that "the men who did these acts would have done them without pornography." Others contend that the evidence linking pornography to systematic violence is more anecdotal than statistically solid.

The A.C.L.U. opposes the Massachusetts initiative for much the same reason it argued against previous MacKinnon-Dworkin bills. Pornography no doubt causes harm, says Burt Neuborne, the union's former national legal director. But to suppress it, under First Amendment rules, "you have to show, in addition to the harm, that there is no other societal way of dealing with a problem than censorship. Here, the current bills fail."

The internal debate within the A.C.L.U. on the Florida case was, in the words of an insider, "fairly acrimonious." Many women members believe that by filing an amicus curiae brief in support of the shipyard, the organization displayed insensitivity to the intimidating effect that pornography has on women in predominantly male environments. "The workplace is different from the street," contends Mary Ellen Gale, a Whittier College law professor and member of the A.C.L.U.'s national board. "If someone shouts an obscenity on the street, you're not captive and you're not being denied equal opportunity. But it's different when it happens in the workplace.

Robinson's ability to do her job was affected."

Other A.C.L.U. officials readily concede that Robinson was sexually harassed by lewd comments of male welders and X-rated scrawling in her work area. But they argue that U.S. District Judge Howell Melton went too far in responding to the complaint. Robyn Blunner, executive director of the Florida A.C.L.U. argues that Melton's sweeping order, which barred male workers from bringing sexually suggestive materials to work, would have applied as readily to a newspaper brassiere ad as to the crude posters that offended Robinson. Beyond that, she says, Melton's ruling that workers cannot even possess the pornographic calendars clearly violates their First Amendment rights. (One quirk of the case: by shipyard practice, employees could not bring newspapers or magazines to work — but the pornography was OK). MacKinnon, Dworkin and the A.C.L.U. all have qualms about the Senate's so-called Bundy bill, although for different reasons. The two feminists contend that since the proposed legislation narrowly bans only "obscenity" — which is not protected by the First Amendment, courts have ruled — this restriction may prove to be legally counterproductive. "If pornography is excessively violent," Dworkin explains, "very often a jury will find that it's not obscene because it's not sexually arousing."

As for the A.C.L.U., it considers the bill a dangerous threat to the First Amendment. So does an Ad Hoc Committee of Feminists for Free Expression, whose members include such noted writers as Betty Friedan, Nora Ephron and Erica Jong. In a Valentine's Day letter to the Judiciary committee, the group argued that S 1521 is a "logical and legal muddle" that "scapegoats speech as a substitute for action against violence" and "reinforces the 'porn made me do it' excuse for rapists and batterers."

MacKinnon and Dworkin believe theirs is an idea whose time has come at last. As evidence, they can cite last month's unanimous ruling by Canada's Supreme Court — endorsing MacKinnon's argument — that

pornography harmful to women can be outlawed even though freedom of expression is infringed. Cass Sunstein, a professor of constitutional law at the University of Chicago, notes that the courts have carved out numerous exceptions to the First Amendment; for example, it does not protect bribes, fraud, threats or conspiracy.

True enough, First Amendment defenders answer, but the MacKinnon-Dworkin approach may be a cure worse than the disease. On dubious evidence, they say, the antiporn bills take aim at a secondary cause of female subordination and ignore the reality that woman-hating psychopaths have more often cited the Bible as inspiration. Beyond that, advocates of the antiporn bills seem blithely different to the crippling cultural impact of legislation that places so much emphasis on the subjective views of crime victims. Porn, like beauty, may be in the beholder's eye. But it is a bad perspective for building good law.

*To our readers: This issue of **Happenings** has had to rely heavily on reprints of newspaper articles, editorials, etc. In large part, this is the result of our staff and our contributors having increasingly busy work schedules, combined with vacations and other summer activities. In future issues we will return to our normal format and features, which will focus on correction activities in the state and metropolitan area.*

*We encourage our readers to contact us regarding topics that would be of interest to the MCCA membership. If you have ideas for articles, please call Pete Batterman (612) 348-3194, Suzanne Lambert (612) 644-1951, or Cindy Croff (612) 870-7227. We need and welcome your input.*

## MCC legislative platform

The Minnesota Corrections Consortium (MCC), this past year, reviewed and discussed the legislative positions of the six representative correctional organizations in Minnesota. As a result, the MCC also managed to develop a legislative platform that covered issues and topics that were commonly supported by all six organizations. This information was then provided to legislators, thus representing the position of the vast majority of correctional professionals in the entire state. The document was obviously a very powerful tool in influencing law makers.

To approach this subject in a similar manner in 1993, the MCC would again like to develop a new platform. MCCA has been asked (along with the other five organizations of MCC) for legislative issues. The goal is to provide our position(s) to the MCC by October 1, 1992. This will allow interaction between MCC and its organizations so there will be time to develop a common position statement on as many correctional issues as possible.

Since the legislature convenes the second week in January, it will be very important to have this document available as early as possible. We will need our membership's ideas on legislative issues — whether they be "old business or new business" — submitted to our MCC representative, David Loftness at 600 East 4th Street, Chaska, MN 55318, phone: (612) 448-1204.

As active as the legislature has been regarding correctional issues, let's try to be PROactive more than REactive in 1993.

•David Loftness

## MCA Fall Conference

The Minnesota Corrections Association (MCA) 1992 Fall Conference is set for October 7, 8, and 9 at the Radisson Hotel South, Bloomington. This year's theme is "Corrections 2000 - The Countdown Continues."

Keynote speaker Hal Shippets, a humorist from the Hennepin County Department of Human Services, will be featured Thursday, October 8.

The conference will include approximately 45 workshops covering topics such as Personality Profiles, presenter Larry Brubaker, FBI agent; Functional Families, presenter Lorrie Davis-Sonner; Multi-Personality Disorders, and Prevention of Sex Offenses.

In addition, two of this year's panels will be a Victim Impact Panel with Patti Wetterling and the parents of Melissa Johnson and Carin Streufert, and Critical Issues Concerning Afro-American Youth in the Criminal Justice System, moderator Mahmoned El'Kati. The Indian AIDS Task Force will feature the Native American Teen Group production on HIV and AIDS.

For information, contact Mary Ann Schmitz at telephone number (218) 846-7303.

## Local NABCJ rates workshop

The Minnesota Chapter of the National Association of Blacks in Criminal Justice felt the Great Lakes Regional Workshop was a great success. The theme was "Setting the Agenda for the African American Community in the Year 2000." There were 125 participants from various professional areas including adult and juvenile corrections, business, social service and education. They attended over 20 workshops from May 14 to May 16, 1992. There were several African American vendors that displayed their wares at the main courtyard. They sold African American art, clothes, jewelry, and educational tools. There was a surprise guest at the Minnesota Black Network Reception for the African American judges. The Minister of Justice Republic Namibia, Africa, Dr. Ngarikutke Tjiriange, who shared words of hope and wisdom. (Namibia, Africa fought and won their independence years ago).

The now St. Paul Police Chief, William Finney introduced the Honorable Pamela Alexander who addressed us on how we should set the agenda for positive changes in the

criminal justice system that prevents the influx of African Americans into the criminal justice system. She began reading "Harlem" by Langston Hughes. Then she began to identify the reality in the world in which African American people must stop looking at ourselves as minorities but look at the global picture in that two-thirds of the world population are people of color. She went on to say that there is racism in the criminal justice system which originated from 400+ years of oppression of our people.

She challenged us to look at our clients and treat them as human beings, to educate ourselves to their lifestyle, their belief system, and overlook the attitude because there is always something deeper than the attitude.

Judge Alexander talked about her experience after making the ruling decision about crack vs. cocaine and consequences thereafter in regards to her personal and professional life.

Judge Alexander gave a very inspirational, though-provoking challenge to African American professionals in the criminal justice system.

Dr. Andrew J. Chisholm, Professor/Researcher University of South Carolina, Columbia, SC, spoke at the Friday luncheon in addition to being a presenter for the workshop entitled "A Holistic Approach to Treating the Chemically Dependent African American Client."

The NABCJ presented awards to the African American Judges (artwork) for their presence and contribution in the criminal justice system at the Minnesota Black Network Award Reception. At the Friday luncheon, Les Green, the founder of the Minnesota Chapter NABCJ, received the Emeritus Award because of his support and leadership in the beginning of the Minnesota Chapter. The Malcolm X Award went to the City Inc. for its commitment to interact in the community and help bring about change and understanding. Ms. Lurline Baker-Kent received the Phyllis Wheatley Award because of her outstanding strength and support for all she has come in contact with. These awards will be presented annually.

The purpose of the conference was to explore issues relevant to African

Americans who are involved in corrections, social service, and education, and to examine issues that affect the professionals in those fields.

Those issues from the conference will be addressed in the committee that will be developed in our Minnesota chapter. The conference has generated new members who will provide new momentum to the organization and to committees.

The Minnesota Chapter of the NABCJ is planning another conference next year and two mini-workshops in the following months.

•Debra Briggs  
NABCJ Conference Committee

## MCCA August training

The Minnesota Community Corrections Association presents "A Healthier You," Wednesday, August 19, 1992, 650 Marshall Avenue, St. Paul, 10 am to noon.

Kathy Glewwe is with the Hennepin County Lifeguard Health Promotion

Program (she spoke at our winter conference last February). Kathy has a dynamic presentation with lots of props and visuals to show you what good and bad food is. She will tell you everything you want to know about fat and what it does to you. She will also give you good, satisfying alternatives to eating fat.

In addition to what we eat, Kathy will present information on how to reduce stress. The total focus of this presentation is "WELLNESS." If you missed her at the conference, you will want to see this session.

For advance registration, please call Michel Plantz at 292-1466. Cost is free to individual members of MCCA. There is a \$5.00 charge to program members and a \$10.00 charge to non-program members. See you there!

### Its free and useful

The MN Criminal Justice Statistical Analysis Center, 1658 Cedar Street, St. Paul, MN 55155, phone: (612) 296-4852 will send you, upon request, their "At a Glance" series of seven pamphlets,

which include the following: Narcotic Task Forces, MN Felony and Gross Misdemeanor Arrests, DWI Laws, MI, DWI Facts, Chemical Dependency Assessments and Treatment of Local Offenders, Criminal Arrest Statistics, and Minorities in the Juvenile Justice System.

They have additional statistical analysis available on other areas pertaining to the criminal justice system.

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