

# 3 *New Media Bodies*

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## *Card Stock*

In its 1968 decision *United States v. O'Brien*, the U.S. Supreme Court tangled with free speech as a question of bibliography. The case concerned a young man in Boston who had publicly burned his draft card, and the Court was asked to decide whether his act might not be constitutionally protected under the First Amendment. The Earl Warren Court ruled against David O'Brien seven to one, and in the course of his decision, the chief justice chided the man for having been “unrealistic” in his characterization of draft cards as “so many pieces of paper” intended to notify draftees of their registration and then “retained or tossed in the wastebasket according to the convenience or taste of the registrant.” These were not ephemeral notifications, not mere messages; they were lasting and indelible certificates, made so by a legitimate act of Congress. The point of the Selective Service card, the Court reasoned, was not just what the card said but also, more particularly, *that* it said: the physical integrity of this small white card made a difference because only as a physical (that is, bibliographic) body could it reliably facilitate “the smooth functioning of the system” of which it was part. That system, the Selective Service System (SSS), matched bibliographic bodies one-to-one with eighteen-year-old male human bodies in a highly rationalized way.

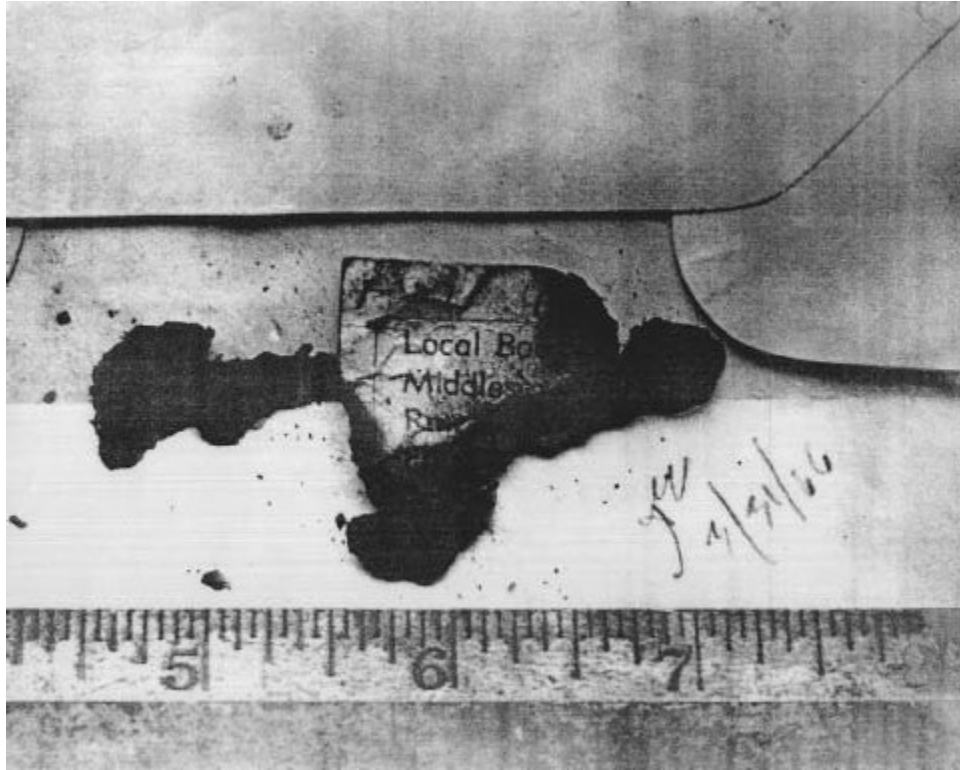
The Court’s reasoning was tortured in several respects. On First Amendment grounds, the line the Court drew between speech and nonspeech has proved impossible to maintain in subsequent rulings on related cases.<sup>1</sup> On bibliographic grounds, the Court pointed to a number of different supposed functions that “would be defeated” by the destruction or mutilation of the cards. If draft cards were destroyed, they could not serve “as proof,” Warren maintained, in a way that was “easy and painless” for draftees as well as “just and efficient” from the perspective of the SSS. As such, the cards worked like “receipts” that



Figures 3.1a and 3.1b *United States v. O'Brien* exhibits 1a and 2a: draft-card burning and the “charred remains,” photographed by the FBI, March 31, 1966. (Source: Library of Congress.)

could certify a draftee’s status in a “rapid and uncomplicated” manner by keeping necessary information handy. Further, if the cards were destroyed, they could not offer the “continual reminders” that they did, alerting registrants that they should be in touch with their draft boards about changes in status or address. And finally, if the cards were destroyed, it would “obviously” be much more difficult to identify abuses like alteration or forgery, which were clearly against the law.

In calling the Court’s interest “bibliographic,” I mean to underscore the complexity of its investment in the draft cards as meaningful, paper-based, textual forms. As texts, draft cards seem to have inhabited a vast and murky middle ground between two poles: the idea



of a pure text, on the one hand, and some sort of nontext, on the other. O'Brien had opted for the pure-text extreme, according to Chief Justice Warren, when he argued that the cards were only meaningful for—only meaningful *as*—the information they contained. The opposite extreme would be an untext of some kind, like a bookmark, which contains no information itself, but functions *in its body* as a meaningful instrument.<sup>2</sup> At one pole there would be only meaning—unadulterated information, content, message, data—and at the other there would be only matter—an empty piece of paper, a blank, performing its function. Everything in between the two extremes is sign plus supplement, meaning and/as material. (That ugly “and/as” is necessary because meaning and materiality are mutual and not distinct.) Some of the murkiness of the middle ground between the two extremes is suggested in part by the Court's weird elaborations, such as the implication that destroying the cards might abet forgers of them. Its vastness is indicated by the presence of so many other denizens in the same middle ground: inscriptive

media all inhabit that turf, including plenty of forms that are even less familiarly “media” than the quartos and folios that concern traditional bibliography. A ten dollar bill is neither pure text nor untext, for instance, since its meaning (its value) as ten dollars arises amid consensual circulations of related tender: a bill is not “only” its value but is also not “only” a piece of paper.<sup>3</sup>

While bankers and computer engineers pondered the meaning and/as material of checks, computer punch cards broadly raised many of the same questions that draft cards did in the mid- and late 1960s.<sup>4</sup> Both kinds of cards contained a variety of information and both were also instrumental to the systems of which they were a part. If punch cards seem more literally instrumental—more on the bookmark end of things—than draft cards do, ironically punch cards also seem more pure, or self-identical with the information they contain. The contradiction arises because the systems that used them were big pieces of machinery and so much of the information they contained could only be “read” by those machines. The cards might have columns, numbers, words, or icons printed on them for human readers, but their primary instrumentality had to do with their mysterious (that is, illegible) patterns of holes.<sup>5</sup> While it is unlikely that anyone asked at the time how punch cards worked like texts, using them raised this question by proxy.<sup>6</sup> Users had to know what code the cards required, and how to punch them or have them punched to contain programs and data. They had to know up from down, front from back, used from unused, correct from incorrect—all questions that concerned the cards as meaningful instruments and the patterns of holes punched in them as a form of—or a form resembling—semiotic presence.

Both kinds of cards also came with injunctions against destruction, made explicit by an act of Congress in the case of draft cards, and made manifest by printed warnings in the case of many punch cards. “Do not fold, spindle, or mutilate”: These exact words may not always have appeared but they enjoyed currency as a catchphrase, part of the social meanings of computer technology and its applications.<sup>7</sup> Several months before O’Brien burned his draft card in Boston, the student newspaper in Berkeley joked that “lesson one” for every new student at the University of California was “not to fold, spindle, or mutilate his IBM [student registration] card.” Another system meant to pair bibliographic bodies and eighteen-year-old human ones, but that semester the Free Speech Movement effectively turned the university’s punch cards into tokens of authority, to be rebelled against, altered, and subverted: one card puncher was used to make holes that spelled out “FSM” and “STRIKE.”<sup>8</sup> Like O’Brien burning his draft card, these radicals subverted bib-

liographic norms and expectations as an exercise in free speech. They took cards that were intended to work in one way and made them work in another.

Many people—on the Left, at least—simply stopped drawing distinctions between one card-enabled system and another. Whether the cards registered draftees or pupils, they helped “the system.” Lewis Mumford (1970, 183) called it “the Pentagon of Power,” and reflected that “today the increasing number of mass protests, sit-downs, and riots—physical acts rather than words—may be interpreted as an attempt to break through the automatic insulation of the megamachine, with its tendency to cover its own errors, to refuse unwelcome messages, or to block transmission of information damaging to the system itself.” Mumford’s metaphoric megasystem suggests the broad cultural currency that “cybernetic anxiety” had come to enjoy by the late 1960s.<sup>9</sup> Anxiety, like alienation, was one response to dehumanizing bureaucracies with dehumanizing machines. Digital systems in particular seemed poised not merely to displace humans—as industrial automation kept doing—but finally to erase the very distinction between human and machine. This was the slippery slope toward “the posthuman” condition, as it has been called by N. Katherine Hayles.

The point of these examples from the 1960s is to suggest that bibliographic questions persist in unlikely places and can have unusually broad implications. Arguments over both draft and computer cards revealed unsettled and yet widely held assumptions about the ways that meaning is authored as well as conveyed on paper. These assumptions served to underpin the normal (that is, the systemic) uses of the cards, and consequently to circumscribe their adaptive reuse or destruction as subversive. Yet because they remained unsettled, the same assumptions helped form ripples in the social order, bubbling to the surface in contests to define the contours of the U.S. public weal, in arguments over free speech and attempts to parse the difference between speech and nonspeech, between Mumford’s “physical acts” and “words.”

One of the core propositions of the preceding chapters has been that unsettled assumptions like these become more unsettled, or at least more *evidently* unsettled, by new media. Put another way, new media can be potent, embodied versions of unsettlement. To be sure, there was nothing new about draft or, strictly speaking, punch cards in the 1960s. The most celebrated new medium of the decade was color television, the commodity’s commodity. Color broadcasting systems had been developed in the 1940s and 1950s, but RCA publicly launched its system with great fanfare at the 1964–1965 New York world’s fair.

At first glance, television in black and white or color has nothing whatsoever to do with bibliography since television is noninscriptive: a television broadcast has no body—unless or until it is taped. But as Philip Rosen (1994, 225–234) has shown in his analysis of NBC’s coverage of John F. Kennedy’s assassination, part of the defining portentousness of television arises from its use of inscriptions. Part of the anchorperson’s presentation of that historic event as both self-evidently historic and uniquely available to viewers was a tension between the anchors’ live narration and the still photographs they held up to the camera, the wire-service reports they read, the audiotapes they played, and particularly—more than two hours after the event—the first in-the-can footage from Dallas, taken earlier that November afternoon in 1963. The live broadcast was chock-full of inscriptions. Rosen calls this the “subtextual drama of the medium’s struggle to depict itself,” which was played out in the newscasters’ and the network’s evident discomfort at “the structuring absence of images from the key scenes of the motivating action” (228, 229). Even this preeminent noninscribed media event, the emergency broadcast, must be involved with and defined by its manipulation of as well as its partial yet repeated distinction from inscriptive forms.

I want to be clear that the media of the 1960s, new or old, in this respect have much in common with the new medium of recorded sound that I have described at length. I argued most explicitly in chapter 1 that when recorded sound was new, it was in some ways experienced as party to the existing, dynamic logics of writing, print media, and public speech, the nexus of so many open questions I have here called bibliographic ones, because I started with meanings authored and conveyed on paper. The new medium came to make sense only when its demonstration to and subsequent use by early audiences helped to construct a coincident yet partly contravening logic for recording—a logic that soon became self-evident, and thus came to seem intrinsic to phonographs and phonograph records. Furthermore, I suggested that the implications of the emergent logic for recorded sound extended far beyond the eventual formal conventions of the medium. Like the bibliographic questions that got so tangled up with the First Amendment in the 1960s, questions concerning the new and curious inscriptive qualities of sound recording were similarly entangled. Instead of free speech, recorded sound helped to broach questions about speech itself, the means and meaning of its selective preservation, which in turn helped to broach questions about the scope and character of U.S. public life and public memory.

This chapter concerns media that are more familiarly new than the new media of 1878–1910 or color television. I want to address digital networks as new media, both be-