

Dillard v. the State of Georgia

Dillard v. the State of Georgia was an 1870 case tried before the Supreme Court of Georgia. It contemplated obscene language as defined by section 4306 of the Revised Code of Georgia. The decision of the court, and hence the interpretation of obscenity pursuant to the statute, pivoted on the intent of an offender in speaking certain words. The court held that a man uses obscene or vulgar language if, without provocation, and intending to propose sexual intercourse, he asks a female in his presence to “go to bed with him.” The court’s decision underscores a speaker’s purpose or objective when issuing certain words to bring about certain results. It also implicates cultural notions of male chivalry and female virtue pertaining to language and obscenity. The justice of the peace of Oglethorpe County charged James T. Dillard with using obscene and vulgar language in the presence of Mary S. Sanders, William H. Sanders’s wife. Apparently without provocation on the part of Mrs. Sanders, Dillard asked Mrs. Sanders to go to bed with him. Mrs. Sanders summoned her husband, in whose presence Dillard called Mrs. Sanders a “God-damned liar.” At trial, Dillard waived indictment by a grand jury. His attorney argued that Dillard’s words did not constitute obscene or vulgar language under section 4306. The justice of the peace disagreed, finding Dillard guilty and imposing a fine of \$100 plus costs, or three months in jail if Dillard did not pay the fines and costs.

Dillard’s case reached the Supreme Court of Georgia on a claim of error in a motion in arrest of judgment. The Supreme Court upheld all lower court findings on the grounds that the legislature, in enacting section 4306, probably contemplated both words and their corresponding mental state as requisites for the crime. The court suggested that words are contingent and relational because their meaning is dependent upon context and circumstance. Therefore, few if any words are unconditionally and universally banned; the prosecution of particular words makes sense only in light of the vulgarity or obscenity of the ideas that they convey. In the case at hand, Dillard’s words were prosecutable because they signified a state of mind deemed indecent according to the standards of society in

which the words were uttered. Concurring with the decision, Justice C. J. Brown approved of the principles of decorum underlying the statute but expressed reservations about prosecuting an individual for language that is obscene or vulgar if that individual takes no definite, physical steps toward carrying out the intent conveyed in such language. The concurrence recalls the long-standing principle in Anglo-American law that thoughts alone are not punishable. The question is whether the spoken word by itself constitutes an act and therefore satisfies the element of *actus reus*, or whether some physical act besides verbal articulation is necessary to prosecute an individual for a crime.

The *Dillard* case stands for the idea that the meaning of language—and, in particular, language deemed obscene—depends upon community consensus and prevailing moral standards. The majority and concurring opinions in *Dillard* refer to ideals about womanhood and gentlemanliness as criteria by which to review obscenity. Phrases such as “decent ideas,” “public morals,” “protecting females from insult,” “female whose modesty has been unlawfully shocked,” “virtuous woman,” “moral decency,” and “good breeding” signify cultural touchstones. The tendency of an utterance to become generally accepted or generally rejected determines its legal status as vulgar, obscene, or permissible. The judges in *Dillard* deemed that Dillard’s words were not generally socially acceptable; therefore, his words were obscene.

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See Also: Obscenity; Obscenity Laws; Sexual Harassment.

Further Readings

Dillard v. the State of Georgia, 41 Ga. 278 (1870).
Friedman, Lawrence Meir. *Crime and Punishment in American History*. New York: Basic Books, 1993.

Dillinger, John

American outlaw John Dillinger (1903–34) was a controversial bank robber and desperado during

the 1930s Depression. His uncanny ability to escape the clutches of the law—while apparently demonstrating coolness under fire, ingenuity, defiance, and an unflinching sense of humor—won him many admirers, especially among those who had become economic victims of untrustworthy banks. On the other hand, most law enforcement officials regarded Dillinger as a bloodthirsty criminal with no redeeming qualities. Dillinger's sudden death and alleged betrayal by a mysterious woman have only enhanced his legendary mystique.

Dillinger was born June 22, 1903, in Indianapolis, Indiana, into a respectable, but not wealthy, family. His father worked as a grocer and his mother died when he was 3. Dillinger dropped out of school after the eighth grade and held a series of unskilled jobs before enlisting in the navy at the age of 20. However, military discipline did not suit Dillinger well; after several instances of desertion and disobeying orders, he was dishonorably discharged and returned home to Indiana. There, he married a local farm girl, Beryl Hovious, in 1924 but also befriended Edward Singleton, an older man with a criminal record. Dillinger and Singleton were arrested for forcibly robbing a grocery store. Pleading guilty to the crime, Dillinger received a harsh 10–20-year sentence and served nearly nine years in Indiana state prison before he was paroled in 1933.

If Dillinger was not a hardened criminal before entering prison, he emerged as one afterward by most accounts. His wife had divorced him in 1929, and an ex-convict was unlikely to find steady employment in the midst of the Great Depression. Like other 1930s outlaws already at large—such as Clyde Barrow, Bonnie Parker, Charles “Pretty Boy” Floyd, and the Barker gang—Dillinger and his criminal accomplices embarked on a series of bank robberies throughout the Midwest, frequently moving from one heist to another in stolen cars, and often seizing weapons and ammunition from police stations.

Although Dillinger's crime rampage in 1933–34 lasted only 14 months, it captured the imagination of an economically depressed populace. Many of Dillinger's criminal exploits seemed almost too bold and daring to be true. For instance, after he was captured in Arizona and transferred to prison in Indiana, he somehow escaped five weeks later, perhaps by using

a fake gun. In the following month, while vacationing in a northern Wisconsin tourist lodge, Dillinger and his gang escaped unharmed despite being surprised by more than a dozen agents of the Federal Bureau of Investigation (FBI). Two months later, when Attorney General Homer Cummings announced a \$10,000 reward for Dillinger's capture, many newspapers labeled him “Public Enemy Number One.” The national hunt for Dillinger ended on July 22, 1934, when he was shot and killed by FBI agents as he was leaving a Chicago movie theater in the company of a woman who supposedly had betrayed him to federal authorities.

Nevertheless, Dillinger's demise at age 31—like the untimely death of several other youthful folk heroes—has seemed to confirm his reputation as a cunning and charming Robin Hood-like rogue who stole from rich banks but not from poor people. Stories continued to circulate of how Dillinger had written a letter to Henry Ford, thanking the automaker for producing such fast getaway vehicles, or how he had brazenly returned to his family's farm in Indiana to enjoy a Sunday dinner of fried chicken even while being hunted by the FBI.

In subsequent years, several forms of popular culture have further enhanced Dillinger's reputation. Ballads and popular songs have praised the outlaw's courage and cleverness. Lawrence Tierney, Nick Adams, Warren Oates, Robert Conrad, Martin Sheen, and Johnny Depp have all portrayed Dillinger sympathetically in Hollywood feature films. A street gang in Washington, D.C., called itself the Young Dillingers. A math-rock band from New Jersey became known as the Dillinger Escape Plan. Delmar Arnaud, a singer of West Coast Gangsta Rap, adopted Daz Dillinger as his stage name.

Finally, several long-standing legends claim that Dillinger had the last laugh on his pursuers by planning for another man, closely resembling the fugitive, to be killed in his place in Chicago by the FBI. According to this theory, the real Dillinger escaped to Hollywood, California, and did not disclose his fake death until he wrote a letter to an Indianapolis newspaper 25 years later.

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See Also: Bonnie and Clyde; Cummings, Homer; Federal Bureau of Investigation; Floyd, Charles Arthur; Great Depression; Hoover, J. Edgar; Nelson, “Baby Face.”

Further Readings

Girardin, G. Russell, and William J. Helmer.

Dillinger: The Untold Story. Bloomington: Indiana University Press, 2005.

Gorn, Elliott J. *Dillinger's Wild Ride: The Year That Made America's Public Enemy Number One*. New York: Oxford University Press, 2009.

Dime Novels, Pulps, Thrillers

Accounts of crime, whether fiction or nonfiction, have long been popular with a wide range of readers. Although all levels of literature have centered on crime, the terms *dime novels*, *pulps*, and *thrillers* tend to refer to rapidly written works that use sensational language, themes, and style. First appearing in the mid-19th century, dime novels became immensely popular. Although read by all types, dime novels, pulps, and thrillers often were considered to be “low-brow” and of less literary merit than other genres.

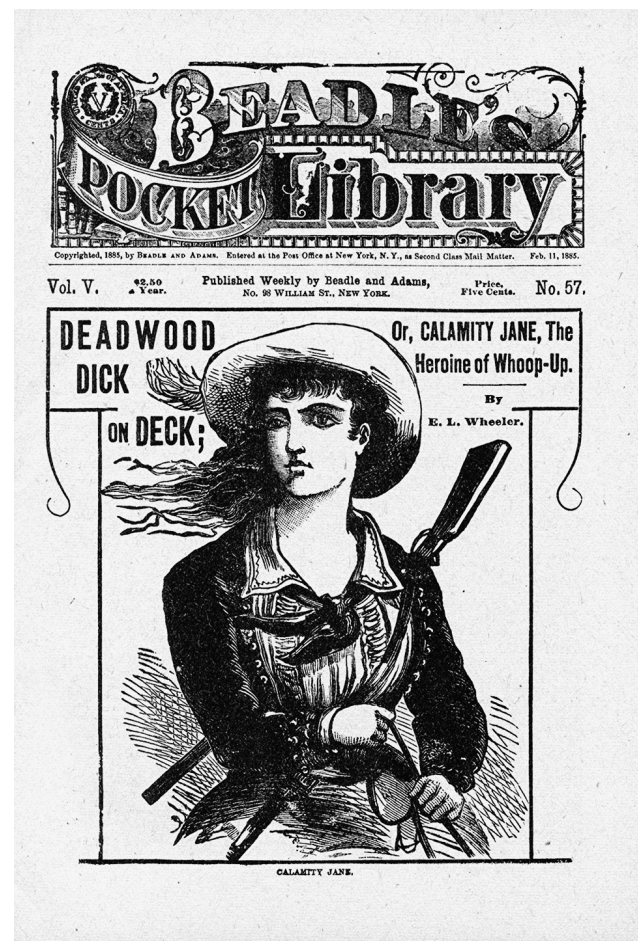
The terms *dime novels*, *pulps*, and *thrillers* were used originally to refer to different types of publications. Over time, however, the terms have come to be used interchangeably and now refer to any publication that features fast-paced action and racy subject matter. Originally ignored by more mainstream press, academia, and bookstores, some dime novels, pulps, and thrillers are now regarded as having literary merit. These works continue to be a source of profit and inspiration to publishers, film and television producers, and retail outlets.

Origins

As literacy rates in the United States increased during the 19th century, a market developed for reading material that was entertaining and inexpensive. *Dime novels* emerged as a generic term for several distinct but related forms, including

story papers, thick-book reprints, five-and ten-cent weekly libraries, dime novels, and early pulp magazines. Although the last true dime novels were published during the 1920s and pulp magazines ceased publication during the 1950s, descendants of the forms exist today, including comic books, mass-market paperback novels, and television programs and films based upon popular genres first developed decades ago.

In 1860, the publishing house Beadle & Adams inaugurated Beadle's Dime Novel Series with Ann S. Stephen's *Maleaska, the Indian Wife of the White Hunter*. This book, a reprint of an earlier serial that appeared in the *Ladies' Companion*, is generally regarded as the first dime novel. The Beadle & Adams dime novels varied



A Beadle's Pocket Library issue featuring a story about "Calamity Jane, The Heroine of Whoop-Up," which appeared in February 1885. Weekly dime "libraries" in the 1880s were large tabloids in format, as big as 8.5 by 12 inches.