

Chapter 3

THE "RED-HOT THRILL": THE CONTROVERSY REVIVED

By 1947, many official minds connected the rising tide of delinquency¹ with the number of comic book titles which showcased the exploits of criminals. Federal Bureau of Investigation Director J. Edgar Hoover attributed the 108,000 arrests of juveniles in 1946 in part to the lower standards of discipline and morality presented in movies, radio programs, comic strips and books, and newspapers which assailed the home and undermined its influence as "a place of learning as well as a place of living . . ."² Although he believed realistic accounts in which justice triumphed were educational, Hoover warned parents that "crime books, comics, and newspaper stories crammed with anti-social and criminal acts, the glorification of un-American vigilante action and the deification of the criminal are extremely dangerous in the hands of the unstable child."³

In an action which the publishers denied was related to any one instance of criticism, the Association of Comic Magazine Publishers (ACMP) was organized in May 1947 with a membership of thirty-five comic book publishers. George T. Delacorte of Dell Publications, president of the new association, stated the ACMP represented a desire by the publishers to fulfill their obligation to the public "to maintain standards which will

¹See pp. 1-2 above.

²J. Edgar Hoover, "How Good a Parent Are You?" This Week, April 20, 1947, p. 5.

³Ibid., p. 18.

meet public approval."⁴ The group was described as a cooperative venture to "permit comics publishers to get together and discuss mutual problems."⁵ The board of directors included Delacorte, vice-president M.C. Gaines of Educational Comics,⁶ secretary-treasurer Alfred Harvey of Harvey Publications, Robert Wheeler of Curtis Publications, Ned Pines of Better Publications, Roger Fawcett of Fawcett Publications, George A. Hecht of Parents' Institute, John L. Goldwater of Archie Publications, and Martin Goodman of Timely Comics. Committees on public relations, the organization platform, advertising standards, membership, editorial standards and statistics were also established.⁷

Despite the intentions of the new association, many law enforcement groups and officials followed Hoover's lead and denounced comics as one of the primers for delinquency. At their twenty-eighth national convention in Indianapolis, the Fraternal Order of Police condemned comic books as one of the factors which contributed to delinquency and urged religious and educational groups to act to abolish all publications harmful to youth. Harold E. Donnell, Maryland State Superintendent of Prisons and

⁴Dick Bruner, "Comics Magazine Publishers Organize to Set Standards, Improve Public Relations," Printers' Ink, May 23, 1947, p. 115; "Comic Publishers Organize to Improve Standards," Publishers' Weekly, June 14, 1947, p. 2941; and Senate Subcommittee, Juvenile Delinquency (Comic Books), p. 30.

⁵Bruner, p. 115.

⁶In 1945, Gaines sold his interest in All-American Comics, a part of the Superman DC-National group, to J.S. Liebowitz and formed his own company, Educational Comics (EC). Gaines continued to publish several titles in the "Picture Stories" series begun at DC, and added others. He was killed in a boating accident August 20, 1947. Frank Jacobs, The Mad World of William M. Gaines (Secaucus, N.J.: Lyle Stuart, 1972), pp. 59-60.

⁷"Ad and Editorial Standards Set By Comics Group," Printers' Ink, June 13, 1947, p. 85.

president of the American Prison Association, named many comic books and strips, motion pictures, and radio programs as prime causes of delinquency. On October 10, 1947, Chicago Mayor Martin Kennelly ordered the distributors of Crime Does Not Pay to halt circulation of that comic in the city. Chicago officials cited as their authority Section 192-9 of the Municipal Code, which made it illegal to display, sell or distribute "any indecent or lewd book, picture, or other thing of an immoral or scandalous nature. . . ."⁸

Popular indignation trailed official outrage, however, until March 1948 when a radio program and the researches of a New York psychiatrist touched off "a great and confusing national debate."⁹ On March 2, an ABC broadcast of "America's Town Meeting of the Air" discussed "What's Wrong with the Comics?" John Mason Brown, drama critic for the Saturday Review of Literature (SRL), and Marya Mannes,¹⁰ journalist, spoke in opposition to comic strips and books. Al Capp, creator of "Li'l Abner," and George J. Hecht, publisher of Parents' Magazine and True Comics and member of the ACMP board of directors, constituted the defense. In his opening remarks, Capp ridiculed the criticisms of comic strip violence and sex and characterized the comics as a form of entertainment as legitimate as radio,

⁸New York Times, August 12, 1947, p. 20; Ibid., September 13, 1947, p. 9; Advertising Age, July 19, 1948, p. 32; and Charles S. Rhyne, Comic Books--Municipal Control of Sale and Distribution--A Preliminary Study, Report No. 124 (Washington, D.D.: National Institute of Municipal Law Officers, 1948), pp. 5-6, 16.

⁹Dave McGuire, Report on Comic Books (New Orleans: Public Relations Section, 1948), p. 6.

¹⁰Mannes was the author of "Junior Has a Craving," New Republic, February 17, 1947, pp. 20-23, which borrowed heavily from the earlier criticisms of Sterling North and uniquely defined comic books as "the absence of thought." Mannes, p. 20.

movies, and books. Mannes pointed to the poor technical quality of the comics and attached their espousal of triumph of right by force and violence. And worst, she complained, was their supplantation of fantasy, "'which is the soul of a child.'"¹¹

Widest circulation, however, was accorded the remarks of John Mason Brown. Brown was emphatic in his condemnation of all comics, strips and books, and although he repeated many of the arguments offered eight years before by Sterling North, he delivered them with original vehemence. In his opening attack, Brown condemned the quality of story and art, as well as the lack of subtleties and ethics, the substitution of "bad drawing for good description," reduction of "the wonders of language to crude monosyllables" and "their tiresome toughness, their cheap thrills, their imbecile laughter."¹² He also deplored comics as a waste of time and as destructive of the ability and inclination to read. While Brown admitted that he understated his hatred when he said he abhorred both good and bad comics, he conceded that they were useful "as knockout drops for unruly children, as sedatives and Maxim silencers . . ."¹³ Both comic strips and comic books presented the same lack of merit and barely concealed danger for the SRL drama critic. They were "the marijuana of the nursery; the bane of the bassinet; the horror of the house, the curse of the kids and

¹¹"How About the Comics?" Newsweek, March 15, 1948, p. 56; and Al Capp, "The Case for the Comics," Saturday Review of Literature, March 20, 1948, p. 31.

¹²John Mason Brown, "The Case against the Comics," Saturday Review of Literature, March 20, 1948, p. 31.

¹³Ibid.

a threat to the future."¹⁴ This ABC broadcast elicited a record response of 6,000, mostly favorable, letters.¹⁵

Brown's criticisms of grammar and art paled before the results of a two-year study of comic books conducted by Dr. Fredric Wertham, senior psychiatrist for the New York Department of Hospitals and director of the Lafargue Clinic,¹⁶ and a group of Lafargue psychiatrists and social workers. On March 19, 1948, in a symposium on "The Psychopathology of Comic Books" sponsored by the Association for the Advancement of Psychotherapy, association president Wertham presented the first exhibition of comic books and research compiled independently of the industry.¹⁷ His findings, presented to the general public in the March 27 issue of Collier's and the May 29 issue of Saturday Review of Literature, revealed that comic book

¹⁴Ibid., pp. 31-32.

¹⁵"How About the Comics?" p. 56.

¹⁶In April 1946, Wertham founded the Lafargue Clinic, the first psychiatric clinic in Harlem. The clinic was an experiment in what Wertham labeled "'Social Psychiatry,'" which required an understanding of a patient's economic and community life, as well as more traditional psychological concerns. Patients paid twenty-five cents for each visit, if they could afford it; if not, treatment was free. Ralph G. Martin, "Doctor's Dream in Harlem," New Republic, June 3, 1946, pp. 798-800.

¹⁷Wertham served as president of the Association for the Advancement of Psychotherapy from 1943 to 1951. Over a year before Wertham's comic book symposium, the Association journal published an article on the value of books in the prevention and treatment of delinquency by Jacob Panken, a judge of the Children's Court of New York City. In his study Panken averred that "pulp magazines and comic books . . . are responsible for an inordinate toll of delinquency and ultimate crime." Jacob Panken, "Psychotherapeutic Value of Books in the Treatment and Prevention of Juvenile Delinquency," American Journal of Psychotherapy 1 (January 1947): 74. His observations on the more violent types of delinquency declared an even more direct connection which presaged Wertham's own findings: "In most cases of delinquency of a vicious type, . . . the children are addicts of crime pictures, crime radio programs, and voracious readers--if they can read, lookers-on if they cannot read--of comic books." Ibid.

reading was "'definitely and completely harmful.'"¹⁸ Wertham charged that comic books undermined morals, glorified violence, and were "sexually aggressive in an abnormal way."¹⁹ The most sweeping indictment was his assertion that "comic-book reading was a distinct influencing factor in the case of every single delinquent or disturbed child we studied."²⁰ While he did not contend that delinquency always resulted, he held that "constant perusal of pictures of vice, sadistic abuse and easy death . . . [was] far more likely to lead to curiosity and imitation than to the release of aggressive impulses."²¹ Comic book reading harmed a child's ability to read, and children who could not read well were more apt to become delinquent than those who could. Comic books were also found to have been most vociferously read in low income families where counter influences to their excesses were less prevalent.²²

Unlike earlier critics, Wertham dismissed comic strips as harmless and the effects of radio programs and movies as transient. His charges were leveled exclusively at comic books. Their influence, he believed, was magnified because of children's tendency to hoard them. Ironically, the responsibility for the ill effects of comic books was assigned to mental

¹⁸Judith Crist, "Horror in the Nursery," Collier's, March 27, 1948, p. 22; Fredric Wertham, "The Comics . . . Very Funny!" Saturday Review of Literature, May 29, 1948, pp. 6-7; and "Proceedings of the Association for the Advancement of Psychotherapy," American Journal of Psychotherapy 2 (July 1948): pp. 472-473.

¹⁹Christ, p. 22.

²⁰Ibid.

²¹Ibid., p. 23.

²²Ibid., p. 96.

health associations, child study and child care groups, and child welfare agencies. In the face of the growing menace of delinquency, Wertham accused, they continued to remain silent on the comic book connection. Wertham dismissed the more obviously convenient foil, the publishers, as essentially blameless because their sole concern was profit, and he was especially critical of the paid advisors, who also served as the chief defenders of comic books. He refuted the idea that comic books were modern fairy tales because of their realistic settings and preoccupation with modern crime and invention. It was a "fallacy," according to Wertham, to insist that children knew that comic books presented a world of make believe.²³ He also declared that the educational and funny animal and humor comics were as obsessed with violence as the worst crime comics. Wertham's original solution to the problem of comics steeped in violence and sex was the stricter enforcement of existing statutes, even at the risk of encroaching on freedom of speech and press. The concern was not with the freedom of adults, he contended, but with "'the mental health of a generation.'"²⁴

Although numerous critics had already debated the merits and effects of comic books for eight years, Wertham appropriated the crusade as his own. Wertham was the first psychiatrist to focus general public attention on crime and horror comics, and for the next eight years he pressed his attack relentlessly. The Senate Subcommittee to Investigate Juvenile Delinquency characterized his work as having had "far-reaching influence

²³Crist, pp. 23, 96-97.

²⁴Ibid., pp. 95-96.

through alerting parents' and citizens' groups to the extent of bestiality and depravity being dispensed to children through such comics."²⁵ The subcommittee chairman during its investigation of comic books, Robert C. Hendrickson of New Jersey, praised Wertham as "the foremost antagonist of the comic book,"²⁶ and further lauded him for his "invaluable contributions . . . to public understanding of this subject."²⁷ Henry E. Schultz, general counsel and executive director of the ACMP, directly attributed the resurgence of criticism of comics from 1948 to Wertham, who "conducted a widely publicized and sensational crusade designed to rid the nation of the 'menace' of the comic book."²⁸

Wertham subordinated the aesthetic charges leveled by earlier critics to the more damaging argument that comic books were a contributing cause of juvenile delinquency. He held that the increase in the incidence and brutality of delinquency was largely due to the influence of what he labeled "crime comics." By his definition, "crime comics are comic books that depict crime."²⁹ This label was applied not only to the deliberately realistic, pseudo-documentary comics that imitated Lev Gleason's Crime Does Not Pay, but to all comics, regardless of setting, which "deal with

²⁵Senate Subcommittee, Comic Books and Juvenile Delinquency, p. 14.

²⁶Robert Hendrickson, with Fred J. Cook, Youth in Danger: A Forthright Report by the Chairman of the Senate Subcommittee on Juvenile Delinquency (New York: Harcourt, Brace and Company, 1956), p. 215.

²⁷Ibid., p. 224.

²⁸Schultz, p. 215.

²⁹Wertham, Seduction of the Innocent (New York: Rinehart and Company, 1954), p. 20.

crime, murder, detailed descriptions of all kinds of felonies, torture, sadism, attempted rape, flagellation, and every imaginable kind of violence."³⁰ The depiction of racial stereotypes was also prevalent. Women in the crime comics were drawn suggestively, "in a smutty, unwholesome way with emphasis on half-bare and exaggerated sex characteristics. . . ."³¹ He also identified a series of recurring "motifs" which were characteristic of crime comics, including injury to the eye, blood sucking, desecration of the dead, violence against the police, branding, stomping of victims, and tying up females.³²

The Lafargue findings indicated that addiction to comic books tempted children into crime. For those who read "a lot of comic books," Wertham revealed a comic book syndrome: The child felt guilty about reading comic books and was made to feel so by others; he then read them in secret and lied about having read them; and, eventually, he used money which was intended to be used for something else or stole to buy them. Wertham's most disturbing conclusions rejected the idea that comics were an outlet for normal aggressions and that they affected only children predisposed by other factors to delinquency. "Comic books affect good and normal children, too."³³

³⁰Wertham, "What Are Comic Books?" National Parent-Teacher 43 (March 1949): 16.

³¹Ibid.

³²Ibid., p. 18.

³³Wertham, Seduction of the Innocent, p. 114.

Wertham's methods of analysis were not elaborated in his writings and his reasoning was stated in direct, although abbreviated, form. In each case of delinquent behavior, comic books were clearly identified as the common factor:

A boy of thirteen is a problem at home and at school. He is a real comic book addict. . . .

A boy of fifteen took a boy of twelve up a fire escape and threatened to push him down if he didn't give him a quarter.

He says: 'I read two comic books a day.'³⁴

Brutality, cruelty, and violence were labeled "the folklore of the comic books."³⁵ Comic books had immunized "a whole generation against pity and against recognition of cruelty and violence."³⁶ They also stimulated "unhealthy sexual attitudes: sadism, masochism, frigidity."³⁷ He stated that it was well known that 75 percent of all parents opposed comic books. The remainder were indifferent or duped by pro-comic book propaganda. Comic books represented "systematic poisoning of the well of childhood spontaneity."³⁸ There were few alternatives of cheap and good children's literature because, he charged, the flood of comic books prevented the production of anything better. Comic books were leading to anarchy and, because all the ideals and codes proposed by the industry had failed, they

³⁴Wertham, "The Comics . . . Very Funny!" p. 6.

³⁵Ibid., p. 27.

³⁶Ibid., p. 29.

³⁷Ibid.

³⁸Ibid.

could only be controlled by laws restricting their sale and display. On September 3, 1948, in a speech before the seventy-fifth annual Congress of Correction, in Boston, Wertham first called for a national ordinance to protect children from comic books which suggested criminal or sexually abnormal ideas, created an environment of cruelty and deceit, and fostered racial hatred.³⁹

Many of the arguments presented by Wertham were repeated in a more vivid form by folklorist Gershon Legman at the March 19, 1948, symposium on comic books conducted by Wertham, and expanded in Love and Death: A Study in Censorship.⁴⁰ According to Legman, sadism was the accepted substitute for sex in all contemporary fiction, a process he described as the "transvaluation of censored sexuality into sadism and literary lynch."⁴¹ In no case was this more apparent than in children's comic books, without exception devoted almost exclusively to violence. Legman ridiculed the justification offered by the defenders of comic books that fantasy aggression was beneficial. Their theory amounted to an admission that, in order to accommodate children to a civilized life, their natural aggressions had to be diverted so that their real antagonists, teachers and parents, would be free to continue their aggression. It was also an

³⁹Wertham, "The Comics . . . Very Funny!" p. ; Idem, "What Are Comic Books?" p. 18; and New York Times, September 4, 1948, p. 16.

⁴⁰(New York: Breaking Point, 1949; reprint ed., New York: Hacker Art Books, 1963). The original publisher, Breaking Point, was actually Legman. He resorted to a private printing after the book was rejected by fifty publishers, including at least one publisher for each letter of the alphabet. Malcolm Crowley, "Sex, Censorship and Superman," New Republic, October 10, 1949, p. 18.

⁴¹Legman, p. 12.

acknowledgement that our society did not have a place for the child. In his estimation, every child who was six years old in 1938 had, by 1948, "absorbed an absolute minimum of eighteen thousand pictorial beating, shooting, stranglings, blood-puddles, and torturings-to-death from comic (ha-ha) books alone. . . ." ⁴² Repetition on that scale might have been used to teach any child anything, but what it taught was "that violence is heroic, and murder a red-hot thrill." ⁴³ Each child received "a complete course in paranoid megalomania such as no German child ever had, a total conviction of the morality of force such as no Nazi could even aspire to." ⁴⁴ Legman pointed to rising delinquency statistics as proof that the argument that comics served as a release for aggression was fallacious. When the apologists for comics alleged that the children who committed comic book-inspired crimes were neurotic, Legman agreed. "You bet your boots," he affirmed. "After eighteen thousand pictures of ecstatic murder and heroic sadism, who wouldn't be?" ⁴⁵ Unlike Wertham, he offered no solutions. He believed that there were none in a society which examined "all these thousands of pictures in comic books showing half-naked women being tortured to death, and complain[ed] that they're half-naked." ⁴⁶

⁴²Ibid., p. 31.

⁴³Ibid., p. 32.

⁴⁴Gershon Legman, "The Comic Books and the Public," American Journal of Psychotherapy 2 (July 1948): 475.

⁴⁵Legman, Love and Death, p. 49.

⁴⁶Ibid., p. 45.

Not everyone agreed with the conclusions of Wertham and Legman. John R. Cavanagh, a naval psychiatrist, denied that comic books were the cause of a crime only because the reading of them accompanied or preceded the commission of the crime. Most comics, said Cavanagh, were harmless to normal children under the age of twelve. An undesirable minority steeped in sex and sadism, however, may have been harmful to normal adolescents. Herbert S. Lewin, a child psychologist, characterized excessive comic book reading as one symptom of maladjustment, not as its cause. In a survey of delinquents, Thomas Ford Hoult was unable to substantiate a causal relationship between crime and crime comics. As a result, he suggested more studies. Dr. David Abrahamsen denied that comic books led to crime and proclaimed that he had never examined one child who had committed a delinquent act because he read comic books. Abrahamsen concurred with Lewin that excessive reading of comics was the symptom of mental disturbance, not the cause. As the furor grew, Collier's, which first publicized Wertham's theories, was also quick to refute them. In the July 9, 1949, issue, an editorial derided the importance assigned to comics as a corrupter of morals and incitement to crime. Their influence was dismissed as overblown by some "irate elders" and "a few psychiatrists" and as a scapegoat for "such basic causes of delinquency as parental ignorance, indifference and cruelty. . . ." ⁴⁷

⁴⁷"The Old Folks Take It Harder Than Junior," Collier's, July 9, 1949, p. 74; John R. Cavanagh, "The Comics War," Journal of Criminal Law, Criminology and Police Science 40 (May-June 1949): 29, 34-35; Herbert S. Lewin, "Facts and Fears about the Comics," Nation's Schools 53 (July 1953): 47; Thomas Ford Hoult, "Comic Books and Juvenile Delinquency," Sociology and Social Research 33 (March-April 1949): 283-284; and David Abrahamsen, Who Are the Guilty? A Study of Education and Crime (New York: Rinehart and Company, 1952; reprint ed., New York: Evergreen, Grove

Frederic M. Thrasher, professor of education at New York University and a member of the Attorney General's Conference on Juvenile Delinquency, agreed that comics were accepted by some as a "satisfactory 'whipping boy.'"⁴⁸ Such an attitude, Thrasher warned, encouraged the dangerous failure to face the "responsibility . . . for providing our children with more healthful family and community living, a more constructive developmental experience."⁴⁹ He also charged that Wertham's conclusions were not substantiated by valid research detail and were contrary to current psychiatric thought and techniques of scientific study. Thrasher also noted the absence of a systematic inventory of comic titles and content in Wertham's writings which were necessary to prove that the examples he cited were not extreme. According to Thrasher, Wertham's entire argument rested upon a few select and extreme cases of deviant behavior, not upon a summary of the thousands of cases Wertham and his associates claimed to have examined. Since Wertham failed to publish his method of investigation, the reliability and accuracy of his findings were thereby compromised. Thrasher concluded that the current alarm over comics had been initiated by "nothing more substantial than the opinion and conjecture of a number of psychiatrists, lawyers and judges."⁵⁰

Press, 1958), p. 279.

⁴⁸Frederic M. Thrasher, "The Comics and Delinquency: Cause or Scapegoat," Journal of Educational Sociology 23 (December 1949): 205.

⁴⁹Ibid.

⁵⁰Ibid., p. 200.

On March 29, 1948, shortly after the "Town Meeting" broadcast and Wertham's comic book symposium, a Supreme Court decision gave comic book publishers reason for both optimism and apprehension. Murray Winters, a New York City bookdealer, had been convicted in the Court of Special Sessions under Article 106, Section 1141, Subdivision 2 of the New York Penal Law with possession with intent to sell 2,000 copies of the June 1940 issue of the magazine Headquarters Detective, True Cases from the Police Blotter. Subdivision 2 of Section 1141 made it a misdemeanor to sell, display, or distribute any book or magazine "'devoted to the publication, and principally made up of criminal news, police reports, or accounts of criminal deeds or pictures, or stories of deeds of bloodshed, lust or crime. . . .'"⁵¹ Winters contended that, because the wording of the statute was vague and indefinite, it violated his right of freedom of speech and press. On July 19, 1945, the New York Court of Appeals upheld the conviction and found that the contents of the magazine were "nothing but stories and pictures of bloodshed and lust . . . accumulations of details of heinous wrongdoing which plainly carries an appeal to that portion of the public who . . . are disposed to take to vice for its own sake."⁵²

⁵¹Winters v. New York, 333 U.S. Reports 507 (1948), p. 508. As originally enacted in 1884, the section was intended to protect minors from the distribution of criminal news and stories of lust and bloodshed. Its coverage was amended in 1887 to include protection of all citizens of the state, and, in 1941, to include all aspects of production and possession of the proscribed publications. Ibid., pp. 520-521.

⁵²People v. Winters, 294 N.Y. Reports 545, reprinted in Edward De Grazia, Censorship Landmarks (New York: R.R. Bowker Company, 1969), p. 131; and New York Times, July 20, 1945, p. 34.

Winters' appeal to the United States Supreme Court was argued three times, on March 27 and November 19, 1946, and on November 10, 1947. On March 29, 1948, the court agreed with Winters and ruled the statute unconstitutional. The majority opinion, delivered by Associate Justice Stanley Forman Reed, stated that the wording of the prohibition was so vague and indefinite that it was impossible for a distributor to know if he was in violation of its provisions. In the court's opinion, the legitimate use of some stories and pictures might also have been curtailed. The intent of the framers of the statute to prohibit such publications because of the fear they might influence some persons to commit crimes of violence was dismissed as having no legal meaning. The states were reassured, however, that their ability or right to punish the circulation of objectionable publications was not affected, provided "apt words" were used to describe such publications.⁵³ Similar statutes in eighteen states also fell by the decision, and statutes in four other states were jeopardized by the decision.⁵⁴

A variety of reactions followed the decision. On June 28, Lev Gleason Publications filed a suit for injunction against Chicago officials to prevent their interference with the distribution of Crime Does Not Pay. The suit declared that the Supreme Court had ruled such interference

⁵³Winters v. New York, pp. 507-520.

⁵⁴The eighteen states in which similar statutes were overturned by the Winters decision were: Illinois, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Oregon, Pennsylvania, Washington, and Wisconsin. The four states which had statutes which were endangered by the decision were: Colorado, Indiana, South Dakota, and Texas. Winters v. New York, pp. 522-523.

unconstitutional.⁵⁵ Some critics blamed the Winters decision for the sudden proliferation of crime comics. Legman and Wertham agreed that, before the decision, only twenty comics, or one tenth of the total published, dealt with crime. In 1949, Legman placed the number at 120, while Wertham placed it even higher, at over 200 comics. According to Legman, the Supreme Court's Winters decision, which proclaimed that "sex in literature is worse than murder,"⁵⁶ was responsible for the increase.

Confronted with the flood of crime comics and Supreme Court restrictions, city officials sought more creative means--a ban--to control what the United States Conference of Mayors labeled "'a headache for city governments.'"⁵⁷ By May 1948, action had been initiated by four more American cities. In Indianapolis, magazine dealers, city officials, and civic organizations acting in concert banned thirty-five titles. Officials at Centralia, Washington, appealed to publishers "to tone down" their products.⁵⁸ In response to complaints from parents and civic groups, the License and Censor Bureau of the Detroit Police Department screened the 380 individual titles of an estimated 2-1/4 million comics available in the city. About eighty which contained possible legal violations were submitted to the Wayne County prosecuting attorney's office. This office pronounced forty-eight titles of the eighty to be in violation of municipal law, and the distributors, on being informed that if distribution continued

⁵⁵Rhyne, p. 6; Advertising Age, July 19, 1948, p. 32; and see p. 25 above.

⁵⁶Legman, p. 48; and Wertham, "What Are Comic Books?" p. 18.

⁵⁷New York Times, November 25, 1948, p. 50.

⁵⁸New York Times, May 25, 1948, p. 25.

they would be prosecuted, voluntarily withheld them from circulation. Distributors in Hillsdale, Michigan, withdrew the same books judged unacceptable in Detroit. To avoid further censorship, several publishers began to submit advance copies of their comics to Detroit officials for review.⁵⁹

In many cities, civic and religious groups initiated the first steps to curb objectionable comic books. Although these citizens' committees were extra-legal, they were often sanctioned by the municipal government and reflected a growing tendency toward unofficial censorship as court challenges to official censorship increased. The most potent weapons of such groups were the blacklist and list of approved publications. The National Office for Decent Literature (NODL), created by the Catholic Bishops of the United States in 1938, made widespread use of lists of disapproved publications, including comic books, circulated among distributors, Catholic action groups, and local, non-sectarian committees. NODL standards were also adopted by the New York Pharmaceutical Association, which requested its 6,900 member drug stores to ban the sale of all comics until publishers agreed to abide by the standards.⁶⁰

The first citizens' committee devoted exclusively to the analysis of comic books appeared in St. Paul, Minnesota. The twenty-two member committee was organized by a druggist and city council member, and included

⁵⁹Ibid.; and House Select Committee, Hearings, p. 114.

⁶⁰James Jackson Kilpatrick, The Smut Peddlers (New York: Doubleday and Company, 1960), pp. 244-246; John E. Twomey, "New Forms of Social Control Over Mass Media Content," in Otto N. Larsen, ed., Violence and the Mass Media (New York: Harper and Row, 1968), p. 178; and New York Times, December 23, 1948, p. 22.

representatives of the council of churches, the P-TA, Legion of Decency, public and parochial schools, and local distributors. A special subcommittee headed by Harold D. Eastman, head of the sociology department of Macalaster College, compiled an initial list of 136 "best buys." To qualify for inclusion on the list, comic books had to portray home life as stable and permanent and policemen in a respectful manner, criminals and their deeds could not be glorified, the principles of democracy and the moral laws of God had to be upheld, and gruesome scenes avoided. In cooperation with the committee's goals, Minneapolis high school and college students delivered presentations at public meetings designed to make the city "'comic-conscious.'"⁶¹ As a result, many local retailers refused comics not included on the committee's approved listings.

In early May 1948, a sermon on "Some Perils to the Family," delivered by Dr. Jesse L. Murrell, pastor of the First Methodist Church of Covington, Kentucky, a suburb of Cincinnati, Ohio, resulted in the most widely publicized and longest lived citizen's committee. One of the perils Murrell discussed was comic books. That part of the sermon which dealt with them was printed in local newspapers and broadcast over local radio and met with such a response that the Kenton County, Kentucky, Protestant Association established a committee to study objectionable comics. The Greater Cincinnati Committee on Evaluation of Comic Books included representatives of interested groups in Cincinnati and Covington, such as the University of Cincinnati, Xavier University, the YMCA and YWCA,

⁶¹Alton M. Motter, "How to Improve the Comics," Christian Century, October 12, 1949, pp. 1199-1200.

libraries, public and parochial schools, and representatives of the Jewish, Catholic, and Protestant faiths. Murrell headed the committee.

By July, a three part, forty-four point rating system had been drafted by Dr. Herbert B. Weaver of the University of Cincinnati. The system provided for the grading of comic books as not objectionable (A), some objection (B), objectionable (C), and very objectionable (D), based upon their probable impact on children up to the age of fifteen. Mechanical, moral, and emotional aspects of comics were considered, such as quality of art and printing, portrayal of criminals and the details of crimes, and the representation of death in the stories. Only comics rated A or B were considered suitable for children.⁶⁴

From 1950 through 1956, Parents' Magazine published the committee evaluations. The first rating appeared in February 1950 and contained comics reviewed in the spring and summer of 1949. Of 555 comic books reviewed,⁶⁵ no objection was offered to 165, 154 were rated "some objection," 167 were rated "objectionable," and sixty-nine were "very objectionable." Over 57 percent were, therefore, found to be suitable for young children. Because only 12.45 percent received the very objectionable classification, the committee concluded that a wholesale

⁶⁴Jesse L. Murrell, "The Greater Cincinnati Committee on Evaluation of Comic Books," in Larsen, pp. 182-187; Idem., "Cincinnati Rates the Comic Books," Parents' Magazine 25 (February 1950): 38; and Idem., "Annual Rating of Comic Magazines," Parents' Magazine 29 (August 1954): 48.

⁶⁵There was apparently some duplication and confusion of titles in the Cincinnati Committee's original listing. For example, Al Capp's Shmoo is also listed as Shmoo, and Walt Disney's Donald Duck is also listed as Donald Duck. Therefore 555 was probably not an accurate number. Jesse L. Murrell, "Cincinnati Rates the Comic Books," pp. 39, 86-87. Advertising Age (August 8, 1948, p. 62) stated that on July 1, 1948, 296 titles were published.

condemnation of comics was not warranted. The percentage of acceptable titles increased to 67 percent of 366 titles in October of the same year. Those found to have been very objectionable showed a corresponding decrease to 6 percent. The mortality rate among these titles was high. Of the fifty-nine very objectionable titles published in 1948, only twenty were still published in 1950. Despite intense public scrutiny of the industry and its products, a decline in suitable titles was reported for the following three years, from 64 percent in 1951 to 60 percent in 1952 and 54 percent in 1953. Very objectionable titles increased over the same period, rising from 9 percent in 1951 to 12 percent in 1952 and 14 percent in 1953. The increase in objectionable comics was attributed to the growing numbers, since 1950, of mystery, war, and horror comics. The number of crime comics had remained about consistent since 1948.⁶⁶

While the activities of citizens' groups publicized the defects of comic books, some voluntary cooperation between city officials and retailers, distributors, and publishers continued. Objectionable comics were removed from display and sale in Hammond, Indiana; Columbus and Racine, Wisconsin; Washington, D.C.; Peoria, Illinois; Oneida and Monroe counties, New York; and East Hartford, Connecticut. Special committees were established in Oneida and East Hartford to censor publications, as well as in Hartford and New Britain, Connecticut, and Chicago, Illinois. The

⁶⁶Murrell, "Cincinnati Rates the Comic Books," pp. 38-39; Idem., "Cincinnati Again Rates the Comics," Parents' Magazine 25 (October 1950): 44, 120; Idem., "How Good Are the Comic Books?" Parents' Magazine 26 (November 1951): 135; Idem., "Annual Rating of Comic Magazines," Parents' Magazine 27 (November 1952): 48; and Idem., "Annual Rating of Comic Magazines," Parents' Magazine 28 (October 1953): 54-55.

Hartford resolution which established a committee in that New England city was part of a ""Cleanup the News-Stand Week"" proclaimed from June 20 to June 27, 1948.⁶⁷ The seven-member committee assisted and advised distributors "'as to what might constitute unfavorable literature, from the standpoint of criminal and sex glorification, especially the types of publishers that command the undivided attention of many pre-teen-age and teen-age youth. . . .'"⁶⁸ Bellingham, Washington, Mayor Don E. Sateerlee appointed a special committee in that city's Censor Board to investigate the problem of comic books. With the cooperation of local distributors, this group employed a positive-negative grading to ban sixty-seven comics. The mayor of Sacramento appointed a nine-woman committee to study means to eliminate undesirable comics, but, surprisingly, it announced there would be no attempt to impose censorship.

Many officials shunned direct or precipitate action and expressed the belief that the industry should devise and impose its own standards. This view was shared by St. Louis Mayor Aloys S. Kaufman and Mayor Hubert Humphrey of Minneapolis. In Providence, a special Mayor's Committee appealed to publishers and distributors to raise their standards because comics then available presented "'a great danger to the moral and educational development of the boys and girls and teenagers.'"⁶⁹

⁶⁷Rhyne, pp. 3-4, 13.

⁶⁸Ibid., pp. 13-14.

⁶⁹Thomas A. Allport, "Comic Book Control Can Be a Success," American City 64 (January 1949): 100; McGuire, pp. 7-13; and "State Laws to Censor Comics Protested by Publishers," Publishers' Weekly, March 12, 1949, p. 1244.

On July 1, 1948, the ACMP announced a long delayed code of editorial standards in response to the flood of public outcry and indignation, diminishing sales on both new and established titles, and official action by some cities. Phil Keenan, general manager of Hillman Periodicals and successor to Delacorte as association president, described the six-point code of minimum standards as "'only the first step in a plan for raising the moral tone of comic magazines.'" ⁷⁰ Under this code, crime could not be glorified, respect should be maintained for government and law officials, and details of crimes could not be depicted. No scenes of "sadistic torture" were to be shown. "Sexy, wanton comics" were not allowed, and no female could be shown in dress more revealing than the common bathing suit. Slang was to be minimized and obscenities were not permitted. Divorce could not be treated as desirable or humorous. And, finally, no ridicule of or attack on any racial or religious group was allowed. ⁷¹ In addition, it was announced that the association was considering the appointment of a commissioner to assure the adherence to the code by subscribing publications and to impose restrictions for non-adherence. A seal which would identify member publications was also promised. Keenan asked that the public not expect immediate results and stated that the effects of the code would be apparent in three months. ⁷²

⁷⁰New York Times, July 2, 1948, p. 23; "Purified Comics," Newsweek, July 12, 1948, p. 56; and Senate Subcommittee, Comic Books and Delinquency, p. 30.

⁷¹Senate Subcommittee, Juvenile Delinquency (Comic Books), p. 70. For the full text of the code, see Appendix 1.

⁷²New York Times, July 2, 1948, p. 23; and "Code for the Comics," Time, July 12, 1948, p. 62.

Unfortunately, the members of the industry were no longer united in this effort to police their publications. A mass of defections had occurred since the association was announced in May 1947. Only twelve publishers, which accounted for less than one-third of the total comic book output, now belonged to the ACMP or agreed to adhere to the code while abstaining from membership.⁷³ Dell, Fawcett, Timely-Marvel, Harvey, and nineteen others had dropped out. National, Dell, and others contended that their products were not of the type against which criticism was directed. Helen Meyer, vice-president of Dell, further elaborated that it was the position of her company that the books produced by Dell and marked with the association seal would have served as an "umbrella" beneath which the more questionable type of material could have hidden.⁷⁴

On September 9, Keenan announced that the association members and those who subscribed to the code, now numbering fourteen, had been advised to submit copies of their comics immediately for review so that, because of advance publishing schedules, changes would be apparent as soon as possible. The self-imposed, three-month deadline set by Keenan in July was apparently indefinitely postponed. Henry E. Schultz, a lawyer and member of the Board of Higher Education of New York, was named executive

⁷³"Better Than Censorship," Christian Century, July 28, 1948; and Senate Subcommittee, Juvenile Delinquency (Comic Books), pp. 70-71. The association members or those agreeing to abide by their code on July 1, 1948, were: Ace Magazines, Avon Periodicals, Consolidated Magazines, Famous Funnies, The Golden Willow Press, Hillman Periodicals, Lev Gleason Publications, McCombs Publications, Orbit Publications, Parents' Institute, Premium Service Company, and Superior Comics.

⁷⁴Senate Subcommittee, Comic Books and Juvenile Delinquency, p. 30; and "New York Officials Recommend Code for Comics Publishers," Publishers' Weekly, February 19, 1949, p. 978.

director of the ACMP and supervisor of the screening process. A fee was assessed the publishers for each title reviewed, based upon the number of copies of the title to be circulated.⁷⁵

The announcement of a screening process was described as only the first step in the association's campaign to improve their publications. After a survey and appraisal by Schultz of all member comics, consultations with the publishers were held to discuss compliance with still incomplete standards. By February 1949, the process was still not fully implemented. The roster of the ACMP also remained unstable as three more publishers either joined the group or agreed to abide by its standards and one publisher withdrew.⁷⁶

Although hampered by delays and fluctuations in its membership, the ACMP persisted in its original goal "to maintain standards which will meet public approval."⁷⁷ On December 6, 1948, the association announced the creation of an Advisory Committee which was to offer recommendations to improve comic books. The members of the committee were Dr. John E. Wade, former Superintendent of Schools of New York City; Dr. Ordway Tead, chairman of the Board of Higher Education of New York City; and Dr. Charles F.

⁷⁵Titles with a circulation of over 500,000 were reviewed for one hundred dollars, those with a circulation of 250,000 to 500,000 were charged fifty dollars, and titles with a circulation of less than 250,000 were screened free of charge.

⁷⁶New York Times, September 10, 1948, p. 26; and "New York Officials," p. 978. Educational Comics and Crestwood Publishing joined the association between July and October, 1948. Consolidated withdrew in the same period. This accounted for only thirteen companies, which McGuire listed in October 1948 (p. 41). But, "Fighting Gunfire with Fire," Newsweek, December 20, 1948, p. 54; and McGuire, p. 9, both state that there were fourteen members.

⁷⁷"Comic Publishers Organize to Improve Standards," p. 2941.

Gosnell, New York State Librarian. The goals of the Advisory committee were to improve the vocabulary in the association books by gearing it to the age levels for which the books were intended, to improve the legibility and appearance of art work and lettering, to ensure accurate representation of facts, to place emphasis on the creation of educational values by the use of comics as an educational medium, and to avoid discrimination and the use of stereotypes. The committee also proposed a general study to seek means to improve the comics in all other areas and promoted cooperation with all other groups interested in child welfare. They announced that "'censorship . . . would be a dangerous and an illegal method of dealing with the situation'" and stated that a strengthened process of self-regulation by the industry was "'the way forward.'" ⁷⁸ Progress as represented by the Advisory Committee, however, was tempered by the defection of three more publishers by February 1949. ⁷⁹

In 1949, the ACMP began to display its long promised seal on the covers of member comics which complied with its standards. The seal consisted of a rectangle with "Authorized A. C. M. P." printed in it, set above the top point of a five-pointed star inside of which was printed "Conforms to the Comics Code." Location and prominence of the seal on member comics' covers varied. ⁸⁰ An advertising and promotional page for the ACMP appeared

⁷⁸"Librarian Named on Comics Advisory Committee," Library Journal, January 1, 1949, p. 37; New York Times, September 10, 1949, p. 26; and Ibid., December 6, 1948, p. 12.

⁷⁹Parents' Institute, Superior Comics, and an unidentified publisher withdrew between October 1948 and February 1949. "New York Officials," p. 978.

⁸⁰The seal on EC comics was located on the upper right side of the cover. Weird Science, 4 vols. (West Plains, MO: Russ Cochran, n.d.), vols. 1 and 2; Tales

in some EC comics and extolled the editorial virtues of "decency and good taste" and declared that the seal would be affixed to "only the best comics." By its cooperation with "Parent-Teacher Associations, educational groups, welfare organizations, women's clubs, religious organizations of every faith, and others interested in the American way of life," the ACMP pledged to pursue the dual goals of entertainment and information.

Self-regulation was extolled as the solution to the problems faced by comic books, and children were urged to show the ad to their parents "so they too will understand what the better comic magazine publishers are doing to raise standards." In the event of discussion about comics within their community, young readers were also encouraged to ask interested parties to write directly to the association for information."⁸¹

The ACMP also brought its case directly to the public. Ruder and Finn, a public relations firm, was retained to discredit anti-comic book activists, especially Wertham. In an address before the National

from the Crypt, 5 vols. (West Plains: Russ Cochran, 1979), vols. 1 and 2; and Two-Fisted Tales, 4 vols. (West Plains: Russ Cochran, 1980), vols. 1 and 2. On Orbit's Wanted Comics, no. 26 (May 1950), it was located in the extreme upper left corner and was printed about half the size of that on the ED covers. Lev Gleason's Crime Does Not Pay, no. 105 (December 1951), also printed the seal on the left side of the cover, but about one-third of the way down from the top and in a larger size than either EC or Orbit.

⁸¹The information in the above paragraph was from "Look for This Seal . . .," an ad for the ACMP which was printed in most or all of EC's comics during 1950-1951. Issues consulted were Weird Science no. 14 (September-October 1950)-no. 9 (September-October 1951), reprinted in Weird Science, vols. 1 and 2; and Crypt of Terror no. 19 (August-September 1950)-Tales from the Crypt (formerly Crypt of Terror) no. 24 (August-September 1951), reprinted in Tales from the Crypt, vols. 1 and 2. Both Weird Science and Tales from the Crypt stopped carrying the ACMP ad the same issue the ACMP seal stopped appearing on their covers. Two-Fisted Tales continued to run the seal until issue 26 (March-April 1952). Two-Fisted Tales, vols. 1 and 2.

Conference of Social Workers, ACMP Counsel Schultz charged that critics of comic books sought only publicity and their attacks on comics were "'without credible evidence . . .'"⁸² In a letter to the New York Times, publisher Lev Gleason expressed his concern about the "insidious effort in some quarters to set up an intellectual dictatorship over the reading habits of the American people."⁸³ He stated that 40-60 percent of all comics were bought by adults and action against comics would only serve to dictate their reading tastes. Gleason, who served as ACMP president in 1950-1951, also wrote in Today's Health that "the strict code of ethics" established by the ACMP had resulted in the elimination of "brutality, sex, sadism and cruelty . . ."⁸⁴ He defended the comic book as a new medium which was still in the process of maturing. Until the process was completed, parents had to recognize that a child whose powers of discrimination were undeveloped could not select the good comics from the vast numbers available. He advocated parental selection, which would enable children to develop selective judgment and, by their buying power, force the publishers to continue their efforts at improvement.⁸⁵

Even as efforts to rally support to the ACMP and combat continuing criticisms were mounted, defections from the group crippled it. Two publishers, EC and Avon, resigned rather than conform to code standards.

⁸²"The Comics as 'Whipping Boy,'" Recreation 43 (August 1949): 239; and David Finn, The Corporate Oligarch (New York: Simon and Schuster, 1969), pp. 174-175.

⁸³New York Times, February 5, 1949, p. 44.

⁸⁴Leverett Gleason, "In Defense of Comic Books," Today's Health 30 (September 1952): 41.

⁸⁵*Ibid.*, pp. 41, 52, 54.

By 1951, according to General Counsel Schultz, the association was so depleted that it no longer existed as a regulatory or review body, but only as a fact-gathering and dispensing organization. In 1954, the ACMP employed only two persons, a general secretary and Schultz, with a budget of only \$15,000 a year. The three remaining publisher members applied the code seal to their comics at their own discretion.⁸⁶ The Senate Subcommittee to Investigate Juvenile Delinquency denounced the practice of using the seal in this manner as "highly questionable and . . . calculated to mislead the parents of the children buying such comic books."⁸⁷ According to the subcommittee, the ACMP failed in its attempt at self-regulation because their code was not clear in its limitations or standards. The public was also not made aware of or convinced of the need to restrict purchases to those books which carried the seal and was not sufficiently educated in the meaning of the code or the purpose of the organization. Schultz attributed the failure of the association solely to the defection of the larger publishers. The subcommittee agreed that, by their action, the industry leaders permitted other less reputable publishers "to hide behind the skirts . . . of the reputable publisher."⁸⁸ Because the majority of publishers refused to adhere to the code, the

⁸⁶Senate Subcommittee, Juvenile Delinquency (Comic Books), pp. 71-72; and *Idem.*, Comic Books and Juvenile Delinquency, p. 31. The three publishers who were members of the ACMP in 1954 were Famous Funnies and Lev Gleason Publications, both members since its inception, and Atlas, which had joined about 1952. Although the association still had about a dozen members, the remainder were distributors, printers, and engravers.

⁸⁷*Ibid.*, Comic Books and Juvenile Delinquency, p. 31.

⁸⁸*Ibid.*, pp. 31-32.

organization became meaningless. Finally, there was not sufficient enforcement machinery to implement the code or impose sanctions for nonadherence and the association was too closely tied to the publishers it sought to police.⁸⁹

Dissatisfaction with the ACMP and its code was widespread. Wertham attributed the announcement of the code on July 1, 1948, directly to the publication of his research conclusions. He labeled it further proof of the conspiracy to confuse and misinform parents by paid experts and defenders. The entire attempt at self-regulation was dismissed as a failure and Wertham claimed that, under the ACMP, objectionable comics had actually increased. James V. Bennett, director of the Federal Bureau of Prisons, criticized the code as too broad and ridiculed the point which dealt with women's wearing apparel. Their clothing could not be more revealing than the ordinary bathing suit, "'but they can be dressed in bathing clothes, although in a cornfield, building or any place else.'"⁹⁰ Both Bennett and the U.S. Conference of Mayors pronounced any association which failed to represent 75 percent of an industry ineffective. Dorothy Barclay of the New York Times found comic books with the code seal "as filled with violence as any of their predecessors."⁹¹ On January 21, 1949, the Long Island Federation of Women's Clubs announced that comic books had not improved. Delegates were urged to write their Congressmen to demand that

⁸⁹Senate Subcommittee, Comic Books and Juvenile Delinquency, pp. 31-32.

⁹⁰Washington Post, October 31, 1948, p. 12; Wertham, Seduction of the Innocent, pp. 27, 305-306; and New York Times, January 18, 1949, p. 26.

⁹¹New York Times, January 18, 1949, p. 26; Washington Post, October 31, 1948, p. 12; and New York Times, November 25, 1948, p. 50.

comic books be kept off the market until publishers complied with promised standards. Dr. Hilde L. Mosse, acting physician in charge of Harlem's Lafargue Clinic and a colleague of Wertham, contended that the association was a "'smoke screen,'" that crime comics were unaffected by the code and, together with jungle comics, continued "'to propagate race hatred and sadism.'"⁹² The New York State Joint Legislative Committee to Study the Publication of Comics found that "many of the worst" comics were approved under the code,⁹³ which was described as "ineffectual, unworkable."⁹⁴

Some publishers not members of the ACMP reacted independently to the charges leveled by Wertham and others. The Marvel Comics Group,⁹⁵ in a special editorial, dismissed Wertham's allegation that crime comics contributed to delinquency and inverted the critics' most persuasive argument. Because millions of children who read comics committed no crimes or acts of delinquency, comics were credited as a constructive influence. As proof of their value to children, readers were referred to the endorsement by Dr. Jean Thompson, of the Child Guidance Bureau of the Board

⁹²New York Times, January 24, 1950, p. 28; and Ibid., January 22, 1949, p. 16.

⁹³New York State Joint Legislative Committee to Study the Publication of Comics, Report of the New York State Joint Legislative Committee to Study the Publication of Comics, Legislative Document No. 15, 1951, p. 13. Hereafter cited as Joint Committee Report (1951).

⁹⁴Ibid., Legislative Document no. 64, 1952, p. 14. Hereafter cited as Joint Committee Report (1952).

⁹⁵The Marvel Comics Group was the collective title used for several companies which were actually under the same editorial management and were owned by the same individuals, a practice used throughout the industry. Marvel was previously known as Timely and, from November 1951 to September 1957 as Atlas, a name applied collectively to fifty-one companies. Overstreet, "Preface," pp. A-3, A-4, in Overstreet.

of Education of New York City, which appeared on the first story page of Marvel's comics.⁹⁶ In advertisements in the Saturday Review of Literature and the Saturday Evening Post, National Comics also defended comics as a moral force. Because comics catered to a youthful audience, National argued the necessity of the maintenance of the child's code of a clear distinction between good and evil and the triumph of good. This publisher characterized "publishing [as] a public franchise . . . with the obligation to publish nothing harmful to the sensibilities and moral values of young readers."⁹⁷ No sane person, they continued, accepted comics as a substitute for supervised education, religious instruction, discipline, or home training. National did not attempt to defend all comics, however, and agreed that publishers who failed to impose "proper restrictions in publishing for the young audience" deserved criticism.⁹⁸

The pressure of public and official opinion upon publishers was supplemented by concerned wholesalers, who often refused shipments of some comics. Complaints from wholesalers about EC publications became so acute that their distributor, Michael Estrow, president of Leader News Company, compelled publisher William M. Gaines⁹⁹ to submit his comics to censorship.

⁹⁶"Marvel Comics Group," Lawbreakers Always Lose, no. 6 (February 1949).

⁹⁷"A Million Young People Will Be Better Citizens . . . Because of a Comics Magazine Character!" Saturday Review of Literature, September 11, 1948, p. 4; and Ibid., Saturday Evening Post, August 14, 1948, p. 73.

⁹⁸Ibid.

⁹⁹EC was originally the Educational Comics group founded by M.C. Gaines. In 1947, on Gaines' death, his son, William, assumed control of EC. William Gaines retained his father's Educational line of comics as reprints, but concentrated upon the development of an Entertaining line, with such titles as The Crypt of Terror and The Vault of Horror, both begun in 1950. Jacobs, p. 74.

Michael Estrow's son, Stanley, an attorney, served as censor for several years following EC's withdrawal from the ACMP in 1950 or 1951.¹⁰⁰

Reaction to comic books continued to increase despite the efforts of the ACMP and the unaffiliated publishers to placate their critics. In September 1948, the powerful and prestigious National Congress of Parents and Teachers launched an attack on what they regarded as the sources of juvenile delinquency--absence of responsible guidance, criminal influences within the community, and the preponderance of "'overstimulating radio programs, motion pictures, and comic books.'" Mabel W. Hughes, president of the Congress, conceded the benefit of fantasy as a stimulus to the imagination, but she warned that "'fantasy rooted in cheapness will bring forth cheapness; fantasy rooted in evil will bear an evil harvest.'"¹⁰¹

More localized and less formal responses against comic books reflected a measure of general public attitudes. On December 10, 1948, most of the 560 students of St. Patrick's Parochial School in Binghamton, New York, were dismissed from classes to burn about 2,000 comics and other magazines which depicted crime and sex. The students had collected the publications in a house-to-house canvas. On December 22, students of

¹⁰⁰Stanley Estrow was apparently most concerned with the covers of EC comic books, upon which the wholesalers could most conveniently base their judgments, rather than contents. Two covers ordered revised by Estrow were for The Vault of Horror no. 32, which deleted from the original illustration, as well as the interior story pages, a meat cleaver protruding from the head of a walking corpse, and Tales from the Crypt no. 38, which deleted from the original illustration various bodily parts and organs strewn from an open coffin which a maniac was assailing with an ax. "Graveyard Goodies," E.C. Classic Reprint no. 5 (1973); and Boatner, A-73.

¹⁰¹"Attack on Juvenile Delinquency," NEA Journal 37 (December 1948): 632.

Saints Peter and Paul Parochial School in Auburn, New York, burned similar books. Students in St. Cyril's Parish in Chicago also staged a book burning. In January 1949, Cub Scouts in Rumson, New Jersey, announced a plan to tour their town in a fire truck gathering "'comic books portraying murderers and criminals'" and burn them in a portable incinerator. Awards were promised to dens which collected the most books.¹⁰² When opposition arose to book burning within Rumson, however, the scouts donated the books already collected to the Salvation Army as scrap paper.¹⁰³

Local official reaction peaked near the end of 1948 as Terre Haute, Indiana, and Los Angeles County, California, became the first localities to specifically ban by ordinance certain types of comic books.¹⁰⁴ The Los Angeles County Board of Supervisors noted the increase in "illustrated crime books . . . designed in form so as to resemble closely those devoted in substance to matters of humor and adventure and published primarily for sale to children. . . ." ¹⁰⁵ Their response was an ordinance designed to meet the objections the Supreme Court offered to part of the New York Penal Law in the Winters decision. Passed September 22, the ordinance prohibited the sale of any publication to children under eighteen "in which there is prominently featured an account of crime, and which depicts by the use of

¹⁰²New York Times, January 7, 1949, p. 3; Ibid., December 11, 1948, p. 18; Ibid., December 23, 1948, p. 22; and "Fighting Gunfire with Fire," p. 54.

¹⁰³New York Times, January 16, 1949, p. 59.

¹⁰⁴Rhyne, p. 12. By the end of the year, similar bans were in effect in Dubuque, Iowa; San Francisco, California; Indianapolis, Indiana; Detroit, Michigan; and Birmingham, Alabama. "Fighting Gunfire with Fire," p. 56.

¹⁰⁵Rhyne, p. 12.

drawings or photographs the commission or attempted commission of certain crimes of force, violence or bloodshed."¹⁰⁶ Such pictures and stories, it was asserted, often stimulated susceptible and impressionable children to commit crimes. Violation of the ordinance was a misdemeanor punishable by imprisonment in the county jail for not over six months or a fine of \$500 or both. Effective only in unincorporated areas of the county, the ordinance affected about one million of the four million inhabitants. Within ten days of its passage, the Board of Supervisors reported that no objectionable comics were on sale in the proscribed areas.

Comic book publishers regarded the Los Angeles action as a dangerous precedent for other localities and quickly began efforts to overturn the ordinance. Several unaffiliated publishers allied with the ACMP to challenge the statute in a civil suit, but their injunction was denied. The ACMP then obtained two criminal convictions under the provisions of the ordinance as a test case. On December 28, 1949, the Appellate Department of the Superior Court ruled that the ordinance was unconstitutional, despite the presentation of an affidavit and twenty-nine exhibits by Fredric Wertham in support of the prosecution. The wording of the ordinance was described in the decision as so vague that textbook descriptions of the assassination of Abraham Lincoln might also be banned under it.¹⁰⁷

¹⁰⁶Rhyne, p. 13; and New York Times, September 23, 1948, p. 38. The depiction of the following crimes was prohibited by the Los Angeles County ordinance: Arson, assault with caustic chemicals or a deadly weapon, burglary, kidnapping, mayhem, murder, rape, theft, or voluntary manslaughter.

¹⁰⁷New York Times, October 4, 1948, p. 29; Ibid., December 29, 1949, p. 28; Wertham, Seduction of the Innocent, pp. 303-305; and Schultz, p. 222.

Most municipalities and counties continued to presuppose that certain types of comic books had a deleterious effect on children. The first official systematic study and analysis of comic books to determine the validity of this assumption was prepared by Dave McGuire, director of public relations for the City of New Orleans. In the fall of 1948, Mayor deLesseps S. Morrison ordered the study to provide the New Orleans Commission Council with information sufficient to arrive at a judgment on an ordinance before the council to ban the sale of crime comics. For his examination of "a social problem of increasing concern to all municipal governments,"¹⁰⁸ McGuire examined 500 copies of 200 titles available in New Orleans.¹⁰⁹

McGuire found a maze of complexities in his attempt to arrive at a judgment on the merits of comic books. Because of the frequently wide variations among publishers and even among different titles by the same publisher, he conceded that each comic could only be judged individually. In general, however, he estimated that one-third of all comics were completely acceptable, one-third were "borderline," and one-third were completely objectionable. While McGuire did not attempt to prepare a list of graded titles, as had the Cincinnati committee, he did categorize nine types of comic books: western, crime, jungle, superman, general adventure, animal characters, miscellaneous newspaper funnies, teen-age, and religious, classic, and true comics. By groups, he found most general adventure, animal characters, newspaper funnies, and teen-age comics to be inoffensive. The best of the comic books were the religious, classic,

¹⁰⁸McGuire, p. 1; and New Orleans Times-Picayune, February 2, 1949, p. 1.

¹⁰⁹Ibid., pp. 1-5.

and true comics. He was critical of the undemocratic ideals portrayed in some superman comics, although he found Superman mild and relatively harmless.

Crime comics, which McGuire defined in a narrower sense than did Wertham, received the most attention and harshest criticism in his report. He further divided crime comics into two types, with those which emphasized crime fighters such as "Dick Tracy" and "Kerry Drake" considered generally inoffensive. The majority, however, presented "under the guise of fighting crime . . . a distorted view of the lives of gangsters and law. . . . These murderous things are the abominations of the printing trade and the dead-end kids of the comic magazine industry."¹¹⁰ These comics, he concluded, were largely responsible for the widespread opposition to comic books. "You can't miss these bad boys of the publishing industry. They leap out at you--and your kids in colorful lurid type and bared bosoms."¹¹¹ At best, such comics were "too high powered and unnatural excitement for young folks. At worst, they may have inspired teen-age boys into crime and brutality."¹¹²

McGuire ranked jungle comics as second only to crime comics in offensiveness. He described them as "more violent and inferior imitations of Tarzan. . . . With few exceptions, they are a green hell goulash of the very worst features of comic books. . . ."¹¹³ One of the worst features

¹¹⁰McGuire, pp. 14, 31-32.

¹¹¹Ibid., p. 15.

¹¹²Ibid., p. 18.

¹¹³McGuire, p. 18. The crime and jungle comics of Fox Publications were

was the frequent depiction of kidnappings of females by apes and gorillas. McGuire believed these scenes were emotionally disturbing and suggestive to children.¹¹⁴

The public relations director concluded that comic books did have an emotional impact beyond that of more conventional literature, especially on preadolescents. But he labeled as unjustified accusations that they were the sole cause of delinquent or criminal actions. Instead, McGuire surmised, crime comics were only one of a variety of causes but had been exploited by the more intelligent delinquents and their defenders, who often sought only publicity by their stand. All causes of delinquency, he stated, originated in the home and the only solution was its restoration "to its former status as a place of guidance, learning, and companionship."¹¹⁵ McGuire recommended that reliance be placed on the pressure of informed public opinion and on individual parents and civic groups, not on the easy solution of new ordinances, to solve the problem of objectionable comics. To this end, he suggested that the New Orleans Commission Council reject the proposed ordinance and instead appoint an advisory board to review comics distributed in the city.

singled out by McGuire as "probably the worst of all comic book magazines sold in New Orleans . . ." (McGuire, p. 16) Two Fox comics which McGuire objected to were Crimes by Women and Women Outlaws. Victor Fox was the publisher of Fox comics, which also included such titles as Western True Crime, My Love Secret, and Zegra, Jungle Empress. Fox had begun publishing comics in 1939, withdrawn in the mid-forties, and returned a few years later. Most of his objectionable titles were short lived, beginning in 1948 and lasting only until 1949 or 1950. Fox again withdrew from comic book publishing in 1950 or 1951, and did not return. Robert Jennings, "The Blue Beetle and the Case of the Murdered Mysteryman," Comic World 1 (September 1978): 7-8, 32-35, 42.

¹¹⁴McGuire, pp. 19-20.

¹¹⁵McGuire, pp. 8, 27.

In a motion passed unanimously on February 1, 1949, the New Orleans Advisory Committee was created. It was empowered to review all comic books distributed in the city, which the distributors volunteered to supply. The distributors were to be notified of all comics which failed to meet standards which the committee would establish. They were further directed to cooperate in the removal of those objectionable publications from display and sale within fourteen days. Should the distributors fail to comply, the council might then consider a corrective ordinance.¹¹⁶

The variety of measures and codes in widely scattered communities presented almost indecipherable difficulties for publishers, according to ACMP Counsel Schultz. For the dealer they were "not only burdensome and unfair but unrealistic and impractical."¹¹⁷ By October 1948, nearly fifty cities had imposed some form of restrictions on comic books, with the majority acting through censorship committees. By the end of the year, over 100 communities had considered proposals for control, though not all were passed. Thirty-two bills or resolutions were introduced in the legislatures of sixteen states. Twenty-seven died in committee and the remaining five failed to pass at some later stage. Three resolutions were

¹¹⁶Ibid., pp. 28-38. The membership of the New Orleans Advisory Committee was set as one representative of each of the following: The District Attorney, the Superintendent of Police, the New Orleans Librarian, the P-TA, the President's Co-operative Club, the American Association of University Women, the Council of Catholic Cooperative Clubs, the Diocesan School Board, Guidance Center, Junior Chamber of Commerce, Juvenile Court, Mayor's Office, New Orleans Council of Churches, New Orleans Council of Jewish Women, Orleans Parish School Board, Young Men's Business Club, and the Young Women's Christian Association. Three members of the local comic book distribution agencies were also included and the committee was chaired by a judge of the Juvenile Court. "Motion," p. 1, in McGuire, p. [50].

¹¹⁷Schultz, p. 218.

adopted, however. A North Dakota resolution requested stricter enforcement of existing statutes which encompassed comic books. The Nevada legislature asked Congress for national comic book legislation. The third resolution, adopted by New York, created the Joint Legislative Committee to Study the Publication of Comics.¹¹⁸

Despite publishers' complaints of growing restrictions and declining sales, the comic book industry continued to thrive. In October 1948, it was estimated that they accounted for at least one-fourth of all newsstand magazine sales. Circulation figures for the major groups were also staggering, although exact totals were rarely revealed by the publishers. The total circulation of Dell, the industry leader, reached ten million each month, followed by National and Timely-Marvel with eight million each, Archie with 3.5 million, and Hillman with 1.6 million. In contrast, the ACMP, which did not include any of the above groups in 1948, represented a monthly circulation of only fifteen million.¹¹⁹

¹¹⁸Ibid., pp. 217, 223; and New York Times, October 5, 1948, p. 29.

¹¹⁹"Business Takes Comics Seriously," Business Week, October 9, 1948, pp. 58, 60.