

Chapter 5

"THE FIFTH HORSEMAN": THE FEDERAL INVESTIGATIONS

As early as 1948, the Nevada legislature petitioned the Federal government for national action on the question of objectionable comic books.¹ Frustrated by the unwillingness or inability of states to successfully enact statutory controls, individual critics such as Fredric Wertham also pleaded for "a Teddy Roosevelt with the courage to campaign for a pure food and drug law for comic books."² Removed from the more immediate pressures which operated on their state counterparts, however, the federal legislature acted more tentatively and languidly. By 1950, the mounting total of state and local initiatives and investigations dictated a national response. Armed with ever more ominous delinquency statistics, an unamused Congress gravely prepared to investigate children's comic books.

On May 18, 1950, Senator Estes Kefauver announced the Special Senate Committee to Investigate Organized Crime in Interstate Commerce would inquire into possible violations of postal laws by the publishers of comic books. Kefauver, the committee chairman, had considered nineteen suggestions for subjects of scrutiny but expressed a personal concern for the problems of delinquency. Because of his concern and doubts about the inclusion of juvenile

¹See pp. 61-62 above.

²Wertham, "What Are Comic Books?" p. 18.

delinquency in a probe of organized crime, the senator conferred with Fredric Wertham, who had been recommended by "several high officials" in Washington.³

In his recollection of their meeting four years later, Wertham recalled that he overcame Kefauver's uncertainties with an account of "'a strong organized force in our society . . . provides unwholesome recreation, . . . claims that many children will go wrong whatever influences they are exposed to, . . . and leads them to believe that crime is normal.'"⁴ The force was "'the crime-comic-book industry.'"⁵ Wertham also emphasized the lack of accurate statistics on the industry. Accurate knowledge of the number of comics which glorified crime, he assured Kefauver, would justify an interstate commerce law to regulate their distribution.

As a result of the conference, Wertham was appointed psychiatric consultant to the Crime Committee. Before he accepted the position, however, Wertham proposed and Kefauver agreed to several conditions. Under Wertham's terms, the committee would investigate industry propaganda, tie-in sales, juvenile drug addiction and childhood prostitution, and the recruitment of children by adult gangs. In addition, Kefauver consented to the use of comic book illustrations in the committee's report.⁶

Whatever assurances Kefauver had offered Wertham, the committee soon wound itself in a web of sensational revelations of organized crime and corruption which dwarfed Wertham's "'organized force.'" In the chaos and

³Wertham, Seduction of the Innocent, p. 340; William Howard Moore, The Kefauver Committee and the Politics of Crime, 1950-1952 (Columbia: University of Missouri Press, 1974), p. 77; and Memphis Commercial Appeal, May 19, 1950, p. 1.

⁴Wertham, Seduction of the Innocent, pp. 340-341.

⁵Ibid., p. 341.

⁶Ibid., p. 342; and New York Times, June 1, 1951, p. 15.

publicity which followed, the ten-cent comic book was easily overlooked. Wertham's contributions to the investigations were telephone conferences with Kefauver and direct conferences with committee aides to outline preliminary procedures.

Instead of direct testimony, a questionnaire was distributed to sixty-four public officials, eight child guidance experts, and ten comic book publishers. Seven questions were posed: Had delinquency increased since World War II, and was there a similar increase after World War I; did the increase tend to more violent crimes; to what was the increase attributed, and was it related to crime comics; were there specific examples of a connection; and would there have been an increase if there had been no crime comics? Because there was no data available on the post-World War I period, one questions was immediately eliminated.⁷

The responses both contradicted and affronted Wertham's accusations. FBI Director J. Edgar Hoover expressed doubt that a decline in delinquency would result if comic books were not available to children and suggested that children be given guidance so that they might distinguish the bad comics from the good. The responses in general repeatedly stated that no single cause was responsible and that a course which attributed the increase to a single cause was more harmful than helpful in reaching a solution. Although the incidence of delinquency was found to be high, the consensus was that it had leveled off since the peak period of the war. The majority of those polled also rejected the averred connection between juvenile delinquency and crime comic books.⁸

⁷Wertham, Seduction of the Innocent, p. 342; New York Times, November 12, 1950, p. 1; and Estes Kefauver, Crime in America, edited and with an introduction by Sidney Shalett (New York: Doubleday and Company, 1951), pp. 12-18.

⁸"Not From the Comics," Newsweek, November 20, 1950, p. 29; New York Times,

When he was informed that the committee intended to issue the questionnaire results without further investigations, Wertham refused to submit a statement for inclusion in the report. Instead, he informed the committee that "such a hasty publication without investigation was certainly not in the interests of the public."⁹ Wertham was incensed when the report was "published without comment, without analysis . . . and with only a minimum of editing" despite his objections.¹⁰ He charged that replies unfavorable to the industry were omitted, while statistics compiled by the publishers and opinions contributed by their paid consultants were included. The report, Wertham proclaimed, bristled "with all the clichés and platitudes that have ever been uttered in defense of comic books."¹¹

Following the publication of the committee findings, an aide to Kefauver assured Wertham that the senator intended to continue his investigation in the direction the doctor had outlined earlier. "That was the last I ever heard," Wertham later recalled.¹² He wryly claimed to have benefited from the report, however. It taught him "that the comic books are really a test of the reaction of a society not only to children's literature but to children themselves."¹³ The committee's lack of interest in what Wertham believed was a contributing factor to the child's welfare and health reflected a lack of interest in the

November 12, 1950, pp. 1, 61; and Ibid., November 14, 1950, p. 30.

⁹Wertham, Seduction of the Innocent, p. 342.

¹⁰Ibid., pp. 344-345.

¹¹Ibid.

¹²Ibid., p. 345.

¹³Ibid., p. 346.

child. Disillusioned, he confessed he "had become a little skeptical of investigating committees. Superman always seemed to get the best of them."¹⁴

Although the Crime Committee report tacitly endorsed the conclusion that comic books and crime were unrelated, few of the most active critics altered their conviction that some comics were harmful. Already well-established patterns of resistance persisted and the issue remained only slightly less volatile, sustained by the Cincinnati committee and other citizen activity and the New York Joint Committee. The crime investigations failed to resolve the issue of crime provoking comic books to any degree. Defenders could only point wanly to a report which lacked a conclusion and a consensus, an uncompleted framework for an investigation which never materialized.

The deficiencies of the Crime Committee inquiry armed the most vocal critics with additional verification of the insidiousness, corrupting and concealing, of the forces they confronted. Frustrated at every turn by indifference, opposed by an aroused and defensive industry, and unable to persuade legislators of the need for official restraints, Wertham was now convinced that a conspiracy, guided by the lesser robber barons of the comic book and magazine distribution industries, acted malevolently to subvert the will of the majority of parents.

His view was not widely shared, however, and investigators preferred to concentrate on the comic book publishers, printers, and distributors as reapers of a lucrative, if morally questionable, windfall of unsuspecting children's dimes. Big business as exploiter remained the persistent theme.

Interest on the national level subsided only briefly following the unsatisfactory Crime Committee hiatus before popular suspicion and discontent

¹⁴Ibid.

rekindled legislative reaction. On February 7, 1952, the question of the influence of comic books was peripherally revived in House Resolution 520, sponsored by E.C. Gathings of Arkansas. As originally proposed, the resolution called for a select committee investigation of "offensive and undesirable books and radio and television programs."¹⁵ Specifically targeted were those which contained "immoral or otherwise offensive matter or place improper emphasis on crime, violence, and corruption."¹⁶

On April 3, Gathings and Edward H. Rees of Kansas submitted identical resolutions, 596 and 597, which duplicated the intent of House Resolution but substituted comic books and magazines for radio and television programs as subjects of investigation. The House approved the amended House Resolution 596 on May 12, 1952, and \$25,000 was appropriated for the investigation.¹⁷ In addition to Gathings, who served as chairman, and Rees, the House Select Committee on Current Pornographic Materials included Reva Beck Bosone of Utah, Emmanuel Celler and Katherine St. George of New York, Louis E. Graham, Francis E. Walter, and Carroll D. Kearns of Pennsylvania, and George P. Miller of California.

To allay fears that the committee investigations would infringe on freedom of the press, Gathings elaborated on and justified its intentions as the five days of hearings opened. Only materials whose content was "believed

¹⁵U.S., Congress, House, 82nd Cong., 2d sess., February 7, 1952, Congressional Record 98:945.

¹⁶Ibid., March 28, 1952, Congressional Record 98:3138.

¹⁷Ibid., April 3, 1952, Congressional Record 98:3462; Ibid., May 12, 1952, p. 5069; Ibid., June 16, 1952, p. 7329; and Ibid., July 7, 1952, p. 8939. On April 4, Chauncey A. Reed of Illinois offered House Resolution 598, which had wording identical to those resolutions submitted by Gathings and Rees. Ibid., p. 3567.

to exercise a debasing and degrading influence on susceptible youth" and were available through conventional markets were included in their inquiry.¹⁸ As earlier investigators had, the committee professed an attitude of sorrowful reluctance to perform their chosen task. They asserted the hope that their review of objectionable publications would result in a voluntary housecleaning by the industries involved and that local officials would be informed to action by their findings. Finally, investigation was intended, according to Gathings, to reveal to "'a militant public opposition'" abuses which would "'precipitate action against the producer or distributor of obscene materials.'"¹⁹

The hearings which opened on December 1 and continued through December 5 followed preparations begun in June and raced an end of the year deadline for expiration of the committee's life. Once again, in the press of more sensational and expedient revelations, the still ambiguous menace of the comic book was relegated to a minor part of the committee proceedings. Committee indignation instead focused on the thriving trade in more easily definable adult magazines and the newer phenomena of paperbacked, pocket-sized books, especially that portion considered objectionable because of suggestive covers or contents.²⁰

¹⁸House Select Committee Hearings, p. 2.

¹⁹New York Times, December 28, 1952, p. 39; Ibid., November 30, 1952, p. 77; Will Oursler, "Books on Trial," Library Journal, February 1, 1953, pp. 173-178; and House Select Committee Hearings, p. 47.

²⁰New York Times, November 30, 1952, p. 77. For a history of the paperback and the contents of those books considered by the Gathings Committee, see D.S. Tillson, "What About the Paperback," Religious Education 49 (November-December 1954): 589-593. For a discussion of the types of newsstand material which prompted the committee investigation, see Margaret Culkin Banning, "Filth on the Newsstands," Reader's Digest 61 (October 1952): 115-119, reprinted in House Select Committee Hearings, pp. 146-149. Banning also testified before the committee on

Only five of the thirty-one witnesses who appeared before the committee offered testimony or statements on the connection between delinquency and comics.²¹ Joseph F. Carlino, the current chairman of the New York State Legislative Committee to Study the Publication of Comics, offered the only testimony devoted exclusively to comic books, a review of the organization of his committee and the progress of its investigations. Carlino regretfully informed the House members that the New York committee had been unsuccessful in its efforts to prove that comics and juvenile crime were related. Their only conclusion was a "general feeling . . . that the reading of this type of literature . . . was bad, was very bad, for children."²²

Although Carlino described 75 percent of all comics as unobjectionable and the unacceptable ones the work of a "fringe number" of publishers, he offered little hope that the industry or the public would force an improvement in the quality or emphasis of comics. In a pessimistic appraisal of the state of the nation, he explained that comics served as entertainment to "people in the . . . average education level, it being what it is, and the intellectual level in the country being what it is."²³ The problem, as well as the solution, transcended state boundaries, a fact which he assured the House committee his

the same subject. Ibid., pp. 145-171.

²¹One major voice in the crusade against comics was conspicuously absent from the proceedings. Wertham's only contribution to the House Select Committee hearings was a letter which condemned Irving Schulman's The Amboy Dukes, a novel of teenage gangs in Brooklyn, for its detrimental effect "not only on sick and maladjusted personalities, but on any normal impressionable people." House Select Committee Hearings, p. 330. Predictably, he compared the endorsements contained in advertising for Schulman's book to endorsements of comic books by educators and child welfare groups. Ibid., p. 331.

²²House Select Committee Hearings, pp. 232-233.

²³Ibid., p. 233.

own group understood but would reluctantly continue to challenge if the national government did not act.²⁴

Despite the virtual abandonment of self-regulation as a viable option by the New York Assemblyman, the question of its advisability and practicality dominated the testimony of the remaining witnesses. Inspector Herbert W. Case, of the License and Censor Bureau of the Detroit Police Department, detailed his city's official and unofficial efforts to limit the distribution of crime comics,²⁵ efforts which successfully incorporated voluntary cooperation by distributors and publishers. David C. Cook III, president of the David C. Cook Publishing Company, a major publisher of religious periodicals, viewed self-regulation as a part of the industry's responsibility to "literally millions of parents concerned lest their children's minds be corrupted by smutty literature."²⁶ Should the publishers fail to recognize this responsibility, he urged the enactment of a law which would establish and require compliance with minimum standards or a prohibition on the sale of crime comics to children under fifteen.

In the strongest statement of dissent, the executive director of the American Civil Liberties Union, Patrick Murphy Malin, relayed that group's constitutional objections to any solutions imposed on the publishers or distributors. A consistent foe of the New York Joint Committee's regulatory proposals, the ACLU also opposed Gathings's encouragement of citizen censorship groups and the establishment of any publishers' groups which would

²⁴Ibid., pp. 233-234.

²⁵See pp. 38-39 above.

²⁶House Select Committee Hearings, pp. 248-251.

limit writers' free expression. Although Malin conceded the acceptability of a voluntary code of good standards, he reminded the committee that "censorship is abhorrent to Americanism" and pleaded with it to err, if at all, on the side of free expression.²⁷

The responsibility and conscience of the distributor was the theme of the testimony of Samuel Black, an independent wholesale distributor in Springfield, Massachusetts, and vice-president of the Atlantic Coast Independent Distributors' Association. While most testimony in the Gathings' and other investigations centered on control of what was often regarded as the malevolent will of the publisher, Black proposed an alternative. Although he refuted all allegations that comics and similar publications were the primary cause of delinquency, Black nonetheless admitted personal and economic reservations about the "blood-and-thunder" and "gory type" of comic books. In defense of the profits and image of the hapless distributor and wholesaler, he placed blame for objectionable comics squarely on the publishers. His solution was a concession to public pressure, the formation of a self-regulatory group of the seventeen national distributors to intercede between irresponsible publishers and the public to halt the flow of "this junk."²⁸

After nineteen days of preparation, galleys of the committee report were leaked to the press on December 27. Committee proposals included legislation to forbid interstate and foreign transport of certain "obscene, lewd, lascivious, or filthy" items, including books and pamphlets, and to empower the Postmaster General to impound mail addressed to persons engaged in the sale

²⁷Ibid., pp. 248-251 and 347-348.

²⁸House Select Committee Hearings, pp. 43-53.

of such items.²⁹ As during the course of the hearings, comic books received little direct attention. The committee proclaimed that the "'flagrantly misnamed comics'" exerted an adverse influence upon delinquents and were a threat to the social structure.³⁰ However, the committee recommendation was mild contrasted with their apprehension of the dangers of such publications. The representatives cautioned publishers of comics and other literature to "recognize the growing public opposition to that proportion of its output which may be classified as 'borderline' or 'objectionable.'" If the publishers declined to act on their own to eliminate them, dissonance threatened to increase "to the point where the public will demand governmental action."³¹

Opposition to the report surfaced immediately, with the bitterest criticism leveled from within its own ranks. Celler, Graham, Miller, and Walter were not present at any of the five days of hearings, and Celler, Walter, and Miller refused to endorse the committee draft. Miller, who was absent from the country during the investigation, declined to comment on the committee findings, but Celler and Walter issued a strongly worded condemnation of the proceedings and conclusions. Although in agreement with the criticism of obscene and pornographic publications, their minority report dismissed the committee's judgments as a simplistic treatment of a complex problem and a blunder "'into the area of literary criticism.'"³² Outraged by what they

²⁹"Gathings Committee Proposals," in Walter M. Daniels, ed., The Censorship of Books, The Reference Shelf, vol. 26, no. 5 (New York: H.W. Wilson Company, 1954), pp. 62-63; and Oursler, p. 173.

³⁰New York Times, December 28, 1952, p. 39; and Oursler, pp. 174-176.

³¹"Gathings Committee Proposals," p. 65.

³²New York Times, January 1, 1953, p. 21; and Oursler, pp. 173-178.

regarded as a defiance of Supreme Court guarantees of freedom of the press, Celler and Walter characterized their colleagues' program *proposals?* as "'dangerously close to book burning.'"³³

The second federal inquiry into the effects of comic books was as inconclusive as the illusory Kefauver investigation. Hampered by vague boundaries, an ill-defined emphasis, and a purpose which was apparently a mystery even to its members, the House Select Committee served only as an aimless diversion.³⁴ In a sense, its failure was more abject than that of the earlier Crime Committee's. By the inclusion of a diverse range of materials and because of reticence to concentrate on their effect on youth, the committee denied the mandate of the inquiry. The hearings did serve to introduce the machinery and process of distribution as a vital element in the dissemination of printed mass media. They also reaffirmed the growing conviction that self-regulation was the only acceptable and expedient solution. Purposeful action, however, awaited a more clearly conceived assault.

On March 4, 1953, less than three months after publication of the Gathings Committee proposals, Senators Estes Kefauver and Robert C. Hendrickson introduced identical resolutions which resulted in the third federal inquiry

³³New York Times, January 1, 1953, p. 21.

³⁴Hillman Periodicals denied that the Gathings investigation was responsible for the cancellation of their comic book and detective magazine lines at the end of 1952. Instead, they announced, the eleven titles were dropped because of the market glut of both types of product--about 500 comic book titles were available by September 1952--and the subsequent decline in sales through the industry. Readers of EC comics were similarly informed that the comic industry had experienced a collapse, its first since 1950. "The field is filled with rumors of publisher after publisher either going out of business or dropping titles! "Combat Correspondence," Two-Fisted Tales, no. 32 (March-April 1953), in Two-Fisted Tales, vol. 3; and "Newsreel: Staff Report," Printers' Ink, January 9, 1953, p. 9. Hillman Periodicals had experienced returns on comics of 40-42 percent, a figure which was still estimated at below the national average. Advertising Age, January 5, 1953, p. 1.

into the connection between delinquency and crime comics. Senate Resolutions 88 and 89, sponsored by Kefauver and Hendrickson, respectively, provided for "a full and complete study of juvenile delinquency in the United States."³⁵ The proposed investigation ambitiously encompassed a study of the extent, character, causes, and contributing factors of delinquency; the adequacy of existing laws which dealt with delinquents; the nature of sentences and other corrective measures imposed on juveniles; and juvenile violations of federal narcotics laws.

Both Senators, Kefauver, a Tennessee Democrat, and Hendrickson, a Republican from New Jersey, vividly evoked the magnitude of the problem of delinquency and appealed for nonpartisan support by their presentation of identically worded resolutions. Impelled by an increase in the number and violence of juvenile crimes, at its highest point since World War II, Kefauver expressed the hope that an investigation of delinquency "will lead us to the root causes of crime--the social conditions which breed crime. . . ."³⁶

Hendrickson's justification was more immediate. The New Jersey Republican described delinquency as the "single problem which plagues our home front and which touches many a forgotten family . . . the fifth horsemen of doom. . . ."³⁷ On June 1, the Senate approved Senate Resolution 89 and created the Senate Judiciary Subcommittee to Investigate Juvenile Delinquency. In addition to Hendrickson, who served as chairman, and Kefauver, *vice-chairman?*,

³⁵U.S., Congress, Senate, 83rd Cong., 1st sess., March 4, 1953, Congressional Record, 99:1608.

³⁶Ibid.

³⁷Ibid.

the subcommittee included Thomas C. Hennings Jr. of Missouri, and William Langer of North Dakota, chairman of the parent Judiciary Committee.³⁸

In debate on the resolution authorizing the subcommittee, Hendrickson defined the purpose of the study as "primarily to furnish leadership in this field so as to stimulate some activity in the States."³⁹ To accomplish this goal, the subcommittee conducted a nationwide series of hearings on conditions which incited over one million juveniles in 1953 to become delinquent. As the subcommittee searched for causes for the 45 percent increase in delinquency since 1949, it was confronted with "witness after witness [who] stressed the dangers inherent in the multimillion-copy spate of lurid comic books. . . ." ⁴⁰ Impressed by expert testimony which attributed "some of the more violent and incredibly vicious youth crimes" to the comics, the subcommittee decided to devote a special phase of their investigations to the problem.⁴¹

In spite of the allegedly impulsive nature of the investigation, the results were well coordinated. Once again, the investigators rejected suggestions that governmental censorship was their intent. The function of the study, the chairman asserted, was informative only, an inquiry into one of the many factors which contributed to delinquency within "the framework of

³⁸U.S., Congress, Senate, 83rd Cong., 1st sess., June 1, 1953, Congressional Record, 99:5801.

³⁹Ibid., p. 5800.

⁴⁰Hendrickson, pp. 194-195.

⁴¹Ibid., p. 195; and Richard Clendenen and Herbert W. Beaser, "The Post Reports on Juvenile Delinquency: The Shame of America," Saturday Evening Post, January 8, 1955, p. 17. Clendenen and Beaser were the Executive Director and Chief Counsel, respectively, of the Subcommittee to Investigate Juvenile Delinquency. Beaser succeeded the original counsel, Herbert J. Hanoach, on May 1, 1954. Senate Subcommittee, Juvenile Delinquency (Comic Books), p. ii.

the total community climate."⁴² On April 21 and 22, 1954, two days of hearings were conducted in which testimony was received from psychiatrists, child welfare experts, publishers and their representatives, cartoonists, and the counsel for an association of newsdealers.

Topics ranged from the mechanics of distribution to the benefits of fantasy and vicarious aggression. The presentations comprised, purposely or accidentally, a summary of the nearly fourteen years of controversy which preceded the deliberations of the subcommittee. As such, they were often contradictory and few witnesses were in agreement on the nature or effect of comics.

Psychiatric opinion on the effect of comic books on children represented the divergence which had confronted previous investigations and continued to resist accommodation. Dr. Harris Peck, director of the Bureau of Mental Health Services for the New York City Court of Domestic Relations, protested that he was not an expert "in the field of comic books" and conceded that his professional judgment on the subject was "middle of the road."⁴³ In guarded and often qualified responses, Peck acknowledged that comic books might influence juveniles, but only where other, more debilitating factors were present.

Dr. Laretta Bender, senior psychiatrist at Bellevue Hospital in New York and a member of the Editorial Advisory Board of National Comics, was more assertive in her deposition. She discounted fears of child identification with comic book characters and situations in all but the most apparent

⁴²Senate Subcommittee, Juvenile Delinquency (Comic Books), p. 2; and Hendrickson, p. 195.

⁴³Senate Subcommittee, Juvenile Delinquency (Comic Books), pp. 64 and 67.

circumstances. For example, in reference to an EC comic book in which a little girl committed three murders, Bender commented that a child "would only identify itself with such a child . . . if there had been 3 murders in the child's family. . . ."⁴⁴ Children, Bender informed the subcommittee, were innately grounded in reality and enjoyed an understanding of fantasy more complete than adults were willing to credit.⁴⁵

The centerpiece of the April 21-22 hearings was the appearance of Fredric Wertham. Denied a forum on the earlier Crime Committee study, his accumulated accusations formed the basis of much of the investigation by the delinquency subcommittee and its staff. Following a summary of his well-publicized findings in a lengthy, largely uninterrupted monologue, Wertham presented his most complete attack on the conspiracy which he concluded opposed all efforts to achieve regulation of harmful comic books. As a consequence of his efforts to inform parents of the dangers comics represented, he had been confronted with "threats, by libel suits, of damages . . ."⁴⁶

The faceless industry barons also threatened to seek libel damages against Rinehart and Company, publisher of Wertham's expose of comic book horrors, Seduction of the Innocent, and against the publishers of Wertham's earlier exposes, such as National Parent-Teacher.⁴⁷ Lawsuits were only the

⁴⁴Ibid., p. 153.

⁴⁵Ibid., pp. 66-67 and 153.

⁴⁶Ibid., p. 92.

⁴⁷Wertham article in National Parent-Teacher, "What Are Comic Books?" described a scene from Fawcett Publications' Tom Mix comic book in which "an insane killer . . . hacks off people's hands, with the bloody details fully illustrated." Wertham, "What Are Comic Books?" p. 16. According to Wertham, legal representatives of Fawcett asserted his article resulted in the loss of one million dollars a year to their company. They contended the comic was not "'representative'" and threatened the editor of National Parent-Teacher with a

most direct exercise of their malevolence. Through their multiple roles as publishers, distributors, and printers, Wertham continued, the repressive power of the comic book industry extended to all publications, including magazines and newspapers. In their pleas to reject censorship of what children read, Wertham accused the publishers of hypocrisy. "It is the comic book which at the present moment tries to censor what the parents read."⁴⁸ The ultimate targets of this monolithic conspiracy were children, and the most injurious effect was instillation of race hatred. "I think," Wertham asserted, "Hitler was a beginner compared to the comic-book industry."⁴⁹

Wertham's book, published on the first day of subcommittee hearings, was in fact the object of considerable opposition by comic book publishers. Prior to its publication, an excerpt from Seduction of the Innocent appeared in the November 1953 issue of Ladies' Home Journal, published by Curtis Publishing Company. Henry Schultz, executive director of the ACMP, referred to the publication of Wertham's "'current grievance'" as "'a signal disservice to the publishing industry'" and another attempt to gain "'headlines or personal publicity.'"⁵⁰

libel action unless "'a public retraction and correction'" was published. In response, Wertham wrote a letter which described the Tom Mix story in detail and labeled it "'a bloody crime story disguised as a 'Western' totally unfit for immature mines.'" Their threat of legal action was dismissed as one of "'the methods by which the comic-book industry continues the corruption of children's minds.'" When the editor informed Fawcett she would publish Wertham's comments if they pressed their suit, they withdrew it. Wertham, Seduction of the Innocent, pp. 323-325.

⁴⁸Senate Subcommittee, Juvenile Delinquency (Comic Books), p. 92.

⁴⁹*Ibid.*, pp. 93-96.

⁵⁰Advertising Age, November 23, 1953, p. 1.

Response by the largest publishers to Wertham's book was more contentious. Dell Publications resigned from the Magazine Publishers Association, announced it would no longer advertise in the Saturday Evening Post, also published by Curtis, and placed the question of the Journal excerpt "'into the hands of its attorneys.'⁵¹" National Comics conferred with its attorneys about Wertham's charges, although they denied legal action was contemplated.⁵²

Both Wertham's book and his publisher's promotion of it also drew industry condemnation. The Rinehart and Company ad campaign, which proclaimed Seduction of the Innocent "the most shocking book of 1954 . . ."⁵³ prompted an angry response from Lloyd E. Smith of Western Printing and Litho Company, which produced the Dell line of comics. Smith denounced the promotion, as well as the book, as "irresponsible . . . to put it mildly" and "a flagrant example of sensationalism." He challenged the ad's claim that Wertham's book contained "the startling truth about the 90,000,000 comic books American children read every month."⁵⁴ To obtain such a total, Smith protested, all comics, "the good as well as the bad," had to be included.⁵⁵ Wertham responded

⁵¹Ibid.

⁵²Ibid., p. 86.

⁵³"The Most Shocking Book of 1954 is Seduction of the Innocent," Publishers' Weekly, March 6, 1954, pp. 1225-1226; also in Library Journal, April 15, 1954, pp. 635-637.

⁵⁴"Protest Against Ad For Wertham Book," Publishers' Weekly, March 20, 1954, p. 1399; and "The Most Shocking Book . . ." p. 1227.

⁵⁵"Protest," p. 1399.

with the assertion that "what is 'sensational' is not Rinehart's advertisement but the facts."⁵⁶

In his testimony before the subcommittee, Wertham suggested an experiment to the Senators as a measure of the power of the comic book industry. On March 4, 1954, Rinehart and Company contracted with the Book-of-the-Month Club to distribute Seduction of the Innocent as an alternative selection of that club. However, Wertham remained skeptical. "Will this book be distributed," he asked the Senators, "or will the sinister hand of these corrupters of children . . . prevent distribution?"⁵⁷

On June 25, Meredith Wood, president of the book club, agreed to pay Rinehart and Company the stipulated advance against royalties and the contract was cancelled. To Wertham, the conspiracy was again affirmed. "This should be a lesson for every thoughtful person who believes that the Book of the Month Club is an American institution beyond the reach of Superman."⁵⁸

Industry representatives who appeared before the Senate investigators were defensive but divided in all but their rejection of censorship as a solution. The failed shadow of the ACMP, which functioned only as a reporting agency at the time of the subcommittee hearings, was revived in the testimony of Henry E. Schultz, executive director of the former regulatory body. Bitterly, Schultz accused publishers of the debasement of "a wonderful and

⁵⁶Wertham, "Wertham Replies to Criticism of Ad," Ibid., May 1, 1954, p. 1889.

⁵⁷Senate Subcommittee, Juvenile Delinquency (Comic Books), p. 93; and Letter, Edward E. Fitzgerald (President, Book-of-the-Month Club), September 4, 1980.

⁵⁸Fitzgerald; and Wertham, "The Curse of the Comic Books: The Value Patterns and Effects of Comic Books," Religious Education 49 (November-December 1954): 403-404.

vital thing" and neglect of "their duty to mothers."⁵⁹ William K. Friedman, publisher of Story Comics, grudgingly agreed to adhere to the ACMP code "after hearing the testimony and hearing the good Senators say that they believe a certain code might answer the problem . . ."⁶⁰

The business manager of the Marvel Comics Group, Monroe Froehlich Jr. rejected any solution but "enlightened self-regulation resulting from full public discussion and resulting open competition."⁶¹ Representatives of Dell, vice-president Helen Meyer and editor Matthew Murphy, wreathed their company in an aura of sanctity. The publisher of one-third of all comic books appeared before the subcommittee to demonstrate "that by publishing good comics, we not only outsell all other publishers of comics of all kinds, but that we have parental acceptance . . ."⁶² But, in implicit rejection of self-regulation, the Senators were reminded that Delacorte's firm had withdrawn from the ACMP because "Dell didn't need a code set down by an association."⁶³

William Gaines, publisher of Entertaining Comics, presented the most belligerent opposition to suggestions of governmental control. In his appearance as a self-appointed spokesman for the industry, Gaines reasoned that

⁵⁹Senate Subcommittee, Juvenile Delinquency (Comic Books), p. 75.

⁶⁰Ibid., p. 148.

⁶¹Ibid., p. 170.

⁶²Ibid., p. 199. Dell actively cultivated parental acceptance by a series of what it termed "assurance-to-parents" ads. Advertising Age, April 13, 1953, p. 20. The ad campaign, conducted in the Saturday Evening Post, assured parents that Dell was "constantly aware of the great responsibility we bear to you and your children. . . . Every story, every situation in a Dell comic is a happy reading experience for your child." When children read Dell comics, the ad continued, "there's always peace in your home . . . and peace in your mind . . ." "Good Friends For Him . . . And Mother, Too . . . In Dell Comics," Saturday Evening Post, January 10, 1953, p. 91.

⁶³Senate Subcommittee, Juvenile Delinquency (Comic Books), p. 198.

censorship of comic books must inevitably lead to censorship of "everything."⁶⁴ Gaines, a graduate of the School of Education of New York University, confessed the only restriction on his decision to publish materials was "the bounds of good taste, what I consider good taste."⁶⁵ Kefauver seized Gaines's admission to confront the publisher with a copy of Crime Suspense Stories, published by EC:

SENATOR KEFAUVER. Here is your May 22 issue. This seems to be a man with a bloody ax holding a woman's head up which has been severed from her body. Do you think that is in good taste?

MR. GAINES. Yes, sir; I do, for the cover of a horror comic. A cover in bad taste, for example, might be defined as holding the head a little higher so that the neck could be seen dripping blood from it and moving the body over a little farther so that the neck of the body could be seen to be bloody⁶⁶.

The publications of the self-styled creator of the horror comic had been the object of official criticism prior to the confrontation with Kefauver. In 1953, the Massachusetts Attorney General, George Fingold, banned the first issue of Panic in that state. Fingold charged that the comic book satire of the poem "The Night Before Christmas" depicted the holiday in a "'pagan" manner.'" In the comic book version, a divorced Santa Claus piloted a sleigh propelled by reindeer who "'appeared variously as Cupid, a ballet dancer, a horse and a football team.'"⁶⁷

⁶⁴Ibid., p. 100; and Jacobs, p. 106.

⁶⁵Senate Subcommittee, Juvenile Delinquency (Comic Books), p. 103.

⁶⁶Ibid.

⁶⁷New York Times, December 28, 1953, p. 9; and Senate Subcommittee, Juvenile Delinquency (Comic Books), p. 98.

In retaliation, Gaines announced Picture Stories From the Bible, also an EC comic, would no longer be distributed in Massachusetts. The threat proved hollow when it was revealed that the Bible series had been cancelled for five years. New York authorities also acted against another issue of Panic which contained a spoof of Mickey Spillane's I, the Jury. After they purchased a copy of the comic at EC offices, police arrested business manager Lyle Stuart on a charge of selling "'disgusting'" literature. The charge was later dismissed.⁶⁸

Gaines's appearance before the subcommittee was only one instance of his opposition to what he perceived as the purpose of that body. An editorial cartoon entitled "Are You A Red Dupe?" proclaimed "The Group Most Anxious To Destroy Comics Are The Communists!" Accompanied by a quote from the Daily Worker which was critical of the "'brutalizing'" effects of American comics, the editorial warned readers to be wary of criticism of comic books. "We're not saying he [the critic of comic books] is a Communist! . . . It's just that he's swallowed the Red bait . . . hook, line, and sinker!"⁶⁹

The ad, according to Gaines, was composed "'out of devilishness,'" but each time he received a copy of a letter which attacked his comics, Gaines sent the puzzled correspondent a copy of "Are You A Red Dupe?"⁷⁰ Wertham cited the editorial, which appeared in Gaines's comics, as another example of the

⁶⁸Jacobs, pp. 100-102. In his appearance before the Senate Subcommittee, New York Assemblyman James A. Fitzpatrick, chairman of the New York State Joint Legislative Committee to Study the Publication of Comics, cited the Spillane spoof as "complete and utter perversion." Senate Subcommittee, Juvenile Delinquency (Comic Books), p. 206.

⁶⁹"Are You A Red Dupe?" in Ron Barlow and Bhob Steward, eds., Horror Comics of the 1950s (New York: Nostalgia Press, 1971), n.p.; and Senate Subcommittee, Juvenile Delinquency (Comic Books), p. 62.

⁷⁰Jacobs, pp. 104-105.

conspiracy by comic book publishers to discredit their opposition. Although the subcommittee rejected its equation with a conspiracy, they labeled it an attempt to forestall or divert investigation. Gaines also published an editorial directed specifically at the Senate inquiry. It provided the subcommittee's address and urged readers of EC comics to write directly to the Senators if they agreed that "comics are a harmless entertainment. . . ." ⁷¹

Wertham's censure of the paid defenders of comic books was revived by the subcommittee in their examination of Gunnar Dybwad, executive director of the Child Study Association of America. Both the Crime Committee and Wertham had attempted to identify members of the Child Study group and other paid consultants who served on publisher advisory boards since Sterling North's original attack on comics. Wertham contended that their connection with the industry precluded objective judgment on the effects of comics, and he disparaged their efforts to assure parents that most comics were harmless as "misrepresentation." ⁷² The subcommittee agreed and cited three studies of comics published by the Child Study Association from 1943 to 1949 as "a fraud and a deceit to the public . . ." ⁷³

⁷¹"A Special Editorial: This Is An Appeal For Action!" in Barlow and Steward, eds., n.p.; and Senate Subcommittee, Juvenile Delinquency (Comic Books), pp. 59 and 92.

⁷²Wertham, Seduction of the Innocent, pp. 222-225.

⁷³Senate Subcommittee, Juvenile Delinquency (Comic Books), p. 136. The studies conducted by the Child Study Association's Children's Book Committee, supervised by educational consultant Josette Frank, and published in Child Study, the association journal, were: Children's Book Committee of the Child Study Association, "Looking at Comics," Child Study 20 (Summer 1943): 112-118; Josette Frank, "Chills and Thrills in Radio, Movies and Comics," Child Study 25 (Spring 1948): 42-46; and Josette Frank and Katie Hart, "Looking at the Comics--1949," Ibid. 26 (Fall 1949): 110-112.

Published prior to the rise of crime and horror comics, the studies also failed to list the connection of staff member Josette Frank, who supervised the surveys, as an advisor to National Comics. In addition to advisory fees paid to four of its members, the Child Study group reported that Fawcett Publications and National Comics also contributed \$4,000 to the association between 1943 and 1952. This financial support, although minimized by Dybwad, enraged Hennings, who implied that Child Study served as "a front for the publishers of these crime magazines."⁷⁴ In their interim report, the subcommittee concluded that as long as association members served as paid consultants, "it [the association] cannot represent itself as an objective, impartial reporter on reading materials for children."⁷⁵

Only two days of hearings on comic books were originally planned, but the subcommittee scheduled an additional day to receive testimony primarily on the sale and distribution of comics. The June 4 hearing attempted to unravel the unconfirmed abuse of tie-in sales but, again, a maze of conflicting accounts was met. Consistently, retailers reported they were victimized by requirements that they accept crime and horror comics and other undesirable publications in order to obtain best-selling items.

The representatives of the national distributors, such as Harold Chamberlain of Independent News Company, a subsidiary of National Comics, asserted equally consistently "there is no such thing as tie-in sales."⁷⁶ Paralyzed by opposing but equally adamant views, the subcommittee was unable

⁷⁴Senate Subcommittee, Juvenile Delinquency (Comic Books), p. 135; and New York Times, May 19, 1954, p. 28.

⁷⁵Ibid., Comic Books and Juvenile Delinquency, p. 26

⁷⁶Ibid., Juvenile Delinquency (Comic Books), pp. 215-222 and 231.

to render a collective judgment. Despite the example of prohibitive legislation in New York, New Jersey, and Idaho, their strongest suggestion recommended the need for further study by the Attorney General of possible antitrust violations.⁷⁷

An exploration of the limits of the power of the national distributors also occupied a portion of the June 4 hearing. Samuel Black, who had appeared before the Gathings committee, repeated his suggestion that the problem of regulation belonged, not to wholesalers and retailers, but to the publishers and distributors. Testimony by representatives of three of the thirteen distributors who handled comic books confirmed Black's appraisal of their dominion, as well as their reluctance to act in the absence of outside pressures. Their timidity also presented a counterpoint to Wertham's accusations of a vengeful combination.

William A. Eichhorn, executive vice-president of American News Company, the largest distributor, testified that his firm ordered publishers to cancel titles if they inspired official complaints. Harold Chamberlain recounted a meeting between Independent News and several publishers it represented after the subcommittee's first round of hearings. Sensitive to their image and profits, the subsidiary of National Comics preferred "not . . . to be subject to any criticism by this committee, or any other committee . . . in the comic magazines that we distribute."⁷⁸ As a result, the distributor demanded that several comic whose contents were believed to be of the type disapproved of

⁷⁷Ibid., Comic Books and Juvenile Delinquency, p. 24.

⁷⁸Senate Subcommittee, Juvenile Delinquency (Comic Books), pp. 227, 272, and 276-277.

by the subcommittee either be cancelled or their editorial contents altered to emphasize more acceptable material.

The Kable News Company, however, exercised a selective distribution of only those titles in a publisher's line of comics which were clearly nonoffensive, according to president George B. Davis. Publisher compliance was founded in part on their financial dependence on the distributor, who was responsible for achieving the widest possible circulation for their product. The occasional practice of advancing up to 25 percent of the production costs against anticipated sales of publications was only of incidental influence in publisher acquiescence, the distributors assured the subcommittee.⁷⁹

In March 1955, the subcommittee's interim report on its comic book investigations was issued⁸⁰. The document was a familiar excursion through the imprecations and uncertainties which defined the controversy and defied previous investigations. Although the report reaffirmed the subcommittee's resolve that no one cause was paramount in the development of a delinquent, the Senators concluded that, as a portion of the media of mass communications, comic books constituted "a significant factor in the total problem."⁸¹ The continued dissemination of crime and horror comics, they determined, was a "calculated risk" the nation could not afford.⁸² However, the subcommittee

⁷⁹Ibid., p. 229.

⁸⁰Hendrickson served as subcommittee chairman until December 13, 1954, and was succeeded by Kefauver. Hennings and Langer continued as members. In addition, on February 7, 1955, Senators Olan D. Johnston of South Carolina and Alexander Wiley of Wisconsin were appointed to the subcommittee. Ibid., Comic Books and Juvenile Delinquency, p. ii.

⁸¹Ibid., p. 2.

⁸²Ibid., p. 23.

rejected any imposed regulation as "totally out of keeping with our basic American concepts of a free press operating in a free land for a free people."⁸³

The search for a solution involved identification of responsibility for the continued publication of objectionable comics. Dismissing suggestions that it was exclusively the duty of parents to police their children's reading material, the subcommittee assigned unequal blame to all segments of the industry. It was conceded that the position of newsdealers and other retailers, printers, and wholesalers was such that they could not reasonably screen and select the materials they produced and sold. The thirteen national distributors had demonstrated to the subcommittee their selective submission to public will, and the Senators berated them for failure to supervise their products more strictly. To the publishers, however, fell the major blame and the burden to ensure "that the industry's product . . . measures up to its standards of morality and decency which American parents have a right to expect."⁸⁴

Although the Senate Subcommittee was the most thorough of the federal investigations that included comic books, its conclusions were undistinguished and barely discernible. No program of legislation was proposed and criticism of the Gathings committee. National attention was also diverted by the more spectacular Army-McCarthy confrontation, which overshadowed the subcommittee's April hearings. However, an indication of change was cautiously and barely perceived on the final day of hearings. On June 4,

⁸³Ibid.

⁸⁴Senate Subcommittee, Comic Books and Juvenile Delinquency, pp. 27-29.

Hendrickson cryptically observed that "there are signs of movement within the industry in the direction of improving its total product."⁸⁵

⁸⁵Idem, Juvenile Delinquency (Comic Books), p. 202; "Men of Taste," Hartford (Connecticut) Courant, April 23, 1954, in Ibid., p. 307; and John B. Sheerin, "Crime Comics Must Go" Catholic World 179 (June 1954): 161.