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LEGISLATIVE COUNCIL

REPORT TO THE

COLORADO GENERAL ASSEMBLY

COMIC BOOKS

RESEARCH PUBLICATION NO. 19

November, 1956



LEGISLATIVE COUNCIL

REPORT TO THE

COLORADO GENERAL ASSEMBLY

COMIC BOOKS:

RELATED MATTERS AND PROBLEMS

Colorado Legislative Council

Research Publication No. 19

November, 1956

LETTER OF TRANSMITTAL

November 1, 1956

The Honorable Palmer L. Burch, Chairman
Colorado Legislative Council
Denver, Colorado

Dear Representative Burch:

Transmitted herewith is the Report of the Legislative Council Committee on Comic Books, appointed pursuant to the terms of Senate Joint Resolution No. 14 (1955). This report covers the studies of your committee into the matter of comic books and the problems related thereto.

Sincerely yours,

/s/ Clifford J. Gobble

Senator Clifford J. Gobble
Chairman
Committee on Comic Books

CJG:ak

FOREWORD

This study of publications commonly known and referred to as comic books, and of matters and problems related thereto, was undertaken by the Legislative Council under the terms of Senate Joint Resolution No. 14, passed at the First Regular Session of the Fortieth General Assembly. A copy of Senate Joint Resolution No. 14 appears on the next page of this report.

The Legislative Council appointed the following members of the General Assembly to the Comic Book Committee:

Senators

Clifford J. Gobble, Chairman
Vernon A. Cheever

Representatives

William F. Chenoweth
Robert E. Holland.

Elaine C. Homan, Research Assistant on the Legislative Council staff, was assigned the primary responsibility for the staff work on the study.

After considerable preliminary review of the comic book problem on a nation-wide, state-wide, and local basis and a thorough study of regulatory measures adopted elsewhere, the committee conducted a public hearing on April 20, 1956, to which were invited representatives of various interested organizations as well as of the wire services and press. The conclusions listed in Part VI of this report were formulated largely as a result of the information, opinions, and testimony presented at that hearing.

SENATE JOINT RESOLUTION NO. 14

BY SENATORS GILL,
BROTZMAN, MOLHOLM,
ROGERS, CHEEVER, LOCKE, NICHOLSON, STRAIN, GOBBLE, DANKS, KNOUS,
BENNETT, BENTLEY, ELLIFF, SKIFFINGTON, and CARLSON, also
REPRESENTATIVES SELLENS, CALABRESE, ALLEN, DAVID CLARKE, SLATTERY,
CONKLIN, HARDING, BURK, MOORE, STEWART, BECK, JOHNSON, BELL,
KELLEY, WILLIAMS, KANE, SIMPSON and RUTH CLARK

WHEREAS, Widespread public discussion has been occasioned on the subject of publications, commonly known and referred to as comic books; and

WHEREAS, Appropriate allegations have been made that such publications of a type which may tend to provoke acts of juvenile delinquency or crime, or which are otherwise inherently objectionable should be made unlawful, where not already so, or should be so regulated as to eliminate their evil; and

WHEREAS, There is presently legislation introduced pertaining to this subject in the Colorado Senate, but it is a considered opinion of the judiciary committee of the Senate that this proposed bill does not enlarge or improve the existing law on this subject; and

WHEREAS, It is essential in the public interest, and particularly in the interest of the children and youth of the state, that a study be made of the problems involved in connection with the subject of such publications and that such appropriate remedial legislation as may be found necessary or desirable, without in any way restraining or abridging the liberty of the press, be recommended to the legislature; now, therefore,

Be It Resolved by the Senate of the Fortieth General Assembly, the House of Representatives Concurring herein:

1. That the Legislative Council is hereby instructed to make a thorough study and survey in connection with the entire subject of publications commonly known and referred to as comic books, and of matters and problems related thereto, including but not limited to the extent to which such publications may offend against accepted standards and the public interest, the dangers and evils which may tend to be or in fact are or have been engendered by such publications, the efficacy of existing statutes which may be utilized in preventing or punishing unlawful acts and practices in connection therewith, the necessity or desirability of any new or additional remedial legislation, including a study of measures proposed at the current session of the legislature. The Council may request and shall receive from all public officers, departments, and agencies of the State and its political subdivisions such assistance and data as will assist it in carrying on its duties;

2. The Council shall report its findings to the First Regular Session of the forty-first General Assembly;

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2. The Council shall report its findings to the First Regular Session of the forty-first General Assembly;

3. Any and all necessary travel and subsistence expenses incurred by the members of the Council, pursuant to the study of the matter contained in this resolution shall be paid from the appropriation made to the Legislative Department by House Bill 14, enacted by the Fortieth General Assembly, approved by the Governor January 18, 1955, all expenditures shall be approved by the chairman of the Council, and shall be payable by warrants drawn as provided by law;

4. A copy of this resolution shall be transmitted to the Director of the Legislative Council.

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COMIC BOOKS: RELATED MATTERS AND PROBLEMS

INTRODUCTION

History and Circulation

A comic strip, "Yellow Kid," which appeared in the New York World in 1896, was the forerunner of what has mushroomed into one of the bigger publishing industries in the United States, the comic book industry. The first publication devoted entirely to comics was developed in 1911 by the Chicago American; however, the pattern for present-day comic books was set in 1935, when New Fun, a 64-page collection of original material printed in four colors, was put on the newsstands.

While comic strips in their present form first appeared in the late nineteenth century as a newspaper feature, there has been, in the past twenty years, great expansion in their publication, with an increasing emphasis on the comic book form and on non-comic subject matter. The circulation of comic books can only be estimated since some publishers furnish no sales figures, and pass-on and re-sale distribution are sizeable.¹ A conservative estimate in 1940 established the number of comic book titles at 150 and the industry's annual revenue at over \$20 million. A decade later, the number of titles and the annual revenue had doubled, and by 1953, there were 650 titles on the newsstands, with gross sales amounting to about \$90 million. Average monthly circulation jumped from close to seventeen million copies in 1940 to sixty-eight million in 1953.

It is impossible to determine how many of the comic book titles published monthly fall into the crime classification, but estimates indicate that the figure has increased manyfold since the end of World War II.² It has been estimated that of the approximately one billion copies sold annually, about one-fifth are of the crime and horror variety. According to another estimate, the percentage of crime, horror, and sex comic books increased from ten per cent in 1946-47 to over fifty per cent in 1949 and to a vast majority in 1954.³ More conservative guesses give such comics about twenty-five per cent of the total. It has been reported that comic books reach 91 to 95 per cent of the children between six and eleven years of age, and 81 to 87 per cent of those between twelve and seventeen years.⁴

An article which appeared in the February, 1956, issue of the Reader's Digest stated, "Annual sales, close to \$100 million two years ago, are less than half of that today." Thus, it appears that, for the time being, volume of sales is on the wane, a situation which can undoubtedly be attributed to the controls set up through citizens' action prompted by a rise of indignation and concern over such wide distribution of the crime and horror type of comic book.

¹Wertham, Frederick. Seduction of the Innocent, (1954), p. 307.

²Feder, Edward. Comic Book Regulation. University of California (1955), p.1.

³Wertham. Seduction of the Innocent, p. 30.

⁴McNiclee. "Policing the Comics." Editorial Research Reports 223, 225 (1952).

Steps in the Publication and Distribution of Comic Books

In order to give the reader a better understanding of the process through which a comic book travels from initiation to completion and distribution, we have outlined briefly the steps involved as outlined in U.S. Senate Report No. 62 of 1955:

1. Publisher and editor establish the general theme and tone of particular number.
2. Writer prepares script; editor reviews and revises; artist prepares drawings.
3. Three or four stories are grouped together to form comic book of thirty-two pages. (Some space is utilized for advertising and short stories.)
4. Layout is sent to printer. Minimum print is 300,000 copies.
5. Copies are shipped to local wholesaler, according to instructions supplied by distributor, who is a sort of bookkeeper. (There are thirteen national distributors within the Continental United States.)
6. The wholesaler then supplies the retailer, from whom the public buys, with a mixed bundle of publications made up on the basis of previous sales. The retailer is charged for the entire bundle but receives credit for unsold copies. The distributor and publisher complete their accounting on the basis of returns, and payment is made to the publisher for copies sold. (There are about 950 independent wholesalers in the country; in addition, the American News Company maintains over four hundred company-owned and operated branches.)

Distribution in the Denver Area

The two major wholesalers of comic books in the Metropolitan Denver area are the Morton News Company and the Colorado News Company. Both Mr. Morton, manager of the former, and Mr. Newmark, who operates the Colorado News Company, were interviewed early in June, 1956, in an effort to obtain first-hand information regarding distribution of comic books in the Denver area.

Mr. Morton stated that his company serves about three hundred retail outlets in Denver and its suburbs. During the month of May, 1956, a total of 98,500 comic books were distributed to these outlets. It was estimated that of this total, thirty to forty per cent would be returned (average return based on records of previous months), so that actual sales would approximate 60,000 copies. Mr. Morton said that his company handles two hundred titles, all approved by the Comics Code Authority of America. The volume of distribution to the news companies is set by the comic book publishers, most of whom are located in the East,

principally in the city of New York and its environs. The distributor establishes the number of publications to be shipped to wholesalers, and the wholesaler, in turn, based on records of previous receipts and returns, determines amounts and types of publications to be passed on to retailers.

The Colorado News Company handles only comics approved by the Comics Code Authority of America, with the exception of the Dell Comics which has a strict code of its own. A total of 60,000 to 70,000 copies, representing two hundred titles, are distributed monthly in the Denver Metropolitan area, with a fifteen to twenty per cent return likely. This would approximate sales in the neighborhood of 50,000 copies. Combined with the sales of the Morton News Company, it can be estimated roughly that 110,000 copies of comic books are purchased monthly from the Denver area newsstands, through these two wholesalers in the Denver area.

Wholesalers in other parts of Colorado were not contacted because it was felt that the Denver Metropolitan area, with its comparatively larger potential market, would be the most likely outlet in the state for undesirable comic books. Finding that the situation appeared to be well in hand in Denver, further check into outlying areas was not considered necessary.

THE PROBLEM

Statement of the Problem

The question raised on the comic book situation, as applied to the state of Colorado, is, "Are the state laws regarding the sale and distribution of 'horror' and 'crime' or objectionable comic books adequate?" There are other facets which might be considered, but they can be tied to the adequacy of existing laws.

Approach to the Problem

It is necessary to examine closely Colorado's existing legislation under which it is possible to prosecute individuals who are guilty of dealing in the distribution of objectionable publications. (See Appendix A.) While the term "comic book" does not appear as such, one may construe its inclusion in the phraseology of Chapter 40-9-17, C.R.S., 1953, "...or which publishes by pictures or descriptions, indecent or immoral details of crime, vice, or immorality calculated to corrupt public morals, or to offend common decency, or to make vice and crime, immorality and licentiousness attractive...." It does not appear that addition of the term "comic book" to Article 9, OFFENSES RELATING TO MORALS, is necessary; the statute as it reads appears quite adequate to punish violators guilty of distribution of objectionable comic books.

However, critics will argue that the approach to a solution of the comic book problem is not one of punishing violators after the resulting damage but, rather, to preclude such violation by pre-censorship, which calls for legally established literature review boards. The other side of the picture is the stand taken by volunteer

citizens' groups who feel that the answer to the comic book problem lies in an active and continuing education of parents and children and the general public in an attempt to boycott publishing of objectionable material and to substitute constructive literature. More complete treatment of the alternate approaches to the problem appears elsewhere in this report.

Correlation Between the Reading of Comics and Juvenile Delinquency

With the expansion of the comic book industry and the publishing of an increasing number of the crime and horror variety, there has occurred a corresponding increase in the rate of juvenile delinquency. Consequently, many individuals have given credence to a significant correlation between the two concurrent situations. While many statistics on juvenile delinquency are not highly accurate, Congressional studies indicate that juvenile delinquency rose more than forty per cent from 1948 to 1953, only about six per cent being due to population growth.⁵

United States Senate Investigation

Pursuant to S. Res. 89, 83rd Congress, 1st Session, and S. Res. 190, 83rd Congress, 2d Session, a Subcommittee to Investigate Juvenile Delinquency was appointed to make "a full and complete study of juvenile delinquency in the United States," including its "extent and character" and "its causes and contributing factors." During the ensuing months, the subcommittee received a vast amount of mail from parents expressing concern regarding the harmful effect upon their children of certain mass media. This led to an inquiry into the possible relationship of these media to juvenile delinquency.⁶

Two distinct schools of thought exist relative to the influence exerted by crime and horror comics. There are those who feel that there is a definite relationship between this medium and juvenile delinquency, such as Dr. Frederick Wertham, consulting psychiatrist, Department of Hospitals, New York. Dr. Wertham maintains that it is primarily the "normal" child upon whom the comics have their greatest detrimental influence, and thus, it is this type of individual who is "tempted" and "seduced" into imitating the crime portrayed in the story.⁷ Although stating that he does not adhere to a single factor theory of delinquency causation, Dr. Wertham does attribute a large portion of juvenile offenses to the comics.

Others argue that the effect of comic book reading is minimal upon any child except an oversusceptible one. Dr. Harris Peck, Director of the Bureau of Mental Health Services for the New York City Court of Domestic Relations, indicates in

⁵Clendenin. "Why Teenagers Go Wrong," U.S. News and World Report, September 17, 1954. p. 80.

⁶Senate Report No. 62, 84th Congress, 1st Session. p. 1.

⁷Senate Report No. 62, Comic Books and Juvenile Delinquency (1955), p. 12.

his testimony before the Senate Subcommittee that there is a possible relationship of crime and horror comic books to juvenile delinquency through appealing to, and thus giving support and sanction to, already existing anti-social tendencies. He stated that it should not be overlooked that certain comic books may aid and abet, as it were, delinquent behavior which has been set in motion by other forces already operating on the child. Professor Frederic M. Thrasher, in an article entitled "The Comics and Delinquency: Cause or Scapegoat," asserted that Dr. Wertham's observations are not supported by adequate research data; he concludes with this statement: "...It may be said that no acceptable evidence has been produced by Wertham or anyone else for the conclusion that the reading of comic magazines has, or has not, a significant relation to delinquent behavior."⁸

For a more complete record of testimony received by the Senate Subcommittee in response to a request for statements regarding opinions as to the degree of influence that crime, violence, sadism, and illicit sex in mass media have on the behavior pattern of American youth, turn to Appendix B.

Opinions of Colorado County Judges

During April, 1956, a member of the Legislative Council staff visited selected county judges in Colorado in connection with a survey of juvenile court cases. One of the questions put to these judges was whether or not in the conduct of their work with juveniles they had been able to detect any correlation between reading of comics and juvenile delinquency. The opinions of several of the judges are included in this section.

Judge Ashton - Boulder: Judge Ashton, when asked about the influence of comic books on juvenile delinquency, said that to his recollection, he remembered only one case in the last two or three years in which comic books were an important factor in contributing to the delinquency. He feels that they have about the same effect on youngsters as TV crime shows, and that it is very difficult to measure just how great this effect is. He thinks that the greatest influence of this type of medium is that it tends to create a lack of courtesy on the part of youngsters. Judge Ashton believes that the present statute does not cover censorship of comic books of the crime and horror type, and that additional legislation would be needed for this type of literature. He commented further, "I am also of the opinion that certain comic books and TV crime shows carry an affirmative suggestion to certain types of children which could easily produce unfortunate results. While the normal child would not react to such suggestion, I believe there are a few children whose mentality and personality is such that affirmative suggestions might be acted upon, or that the suggestion would lend encouragement to delinquency where the child's overall pattern permitted the suggestion to induce action."

Judge Anderson - Arapahoe: As to the question of whether or not comic books are a factor in delinquency, Judge Anderson indicated that he considered them no factor at all, certainly no worse than television. He stated that we are at present

⁸Senate Report No. 62, Comic Books and Juvenile Delinquency (1955), p. 13.

too close to the situation to really make an evaluation of the effect of this type of literature on juvenile delinquency.

Judge Dooley - Weld: The following quote is taken from a letter, dated October 9, 1956, written by Judge Dooley to the Legislative Council: " I think that the truth is that I have never been able to establish a connection between comic books and delinquency. The truth also is that I deplore the time wasted on something involving at best a very tenuous connection at all, when there are so many things screaming for attention where a connection can be proved."

REGULATORY MEASURES

Advance Censorship

Perhaps the most direct measure of taking action against objectionable comic books would be the statutory establishment of a review board to approve each issue before distribution. Anyone distributing without the board's approval would be subject to criminal liability. This method of advance censorship has the advantage of placing responsibility for complying with the statutory standards for comic books on the distributors and publishers, rather than on the retailers who are less able to evaluate and control the publications they sell. No state has resorted to this extreme measure. Georgia, which has established a State Literature Commission, has empowered that body to make investigations into all sales of literature which they have reason to suspect is detrimental.

Traditionally, censorship in advance of publication has been considered a violation of the freedom of the press guaranteed by the First Amendment and imposed on the state by the Fourteenth. The extent of the danger sought to be averted and the contribution to that danger made by the writing to be suppressed determine the necessity for legal action; on the other hand, the importance of an uncensored press will outweigh all but the most pressing consideration favoring restriction. The Supreme Court has shown a tendency to re-examine the facts of a case before it when there is a question of deprivation of civil liberties.⁹

Even if an individual comic book were found to encourage delinquency, that would not be sufficient to justify regulation of ALL comic books. To include all publications would constitute a disproportionate restriction in comparison with the supposed danger. This method of regulation would keep comic books from all readers, adult or juvenile, and would be subject to objection as limiting expression unduly, since the purpose of the regulation is merely to keep the books from children.

A state might make criminal the distribution or sale of objectionable comic books to minors. On its face, that type of statute would not appear to restrict the

⁹See Watts v. Indiana, 338 U.S. 49 (1940); Cantwell v. Conn., 310 U.S. 296, 307-11 (1940).

availability of comics to adults. In practice, the publisher would submit all comic books for approval. He could still distribute unapproved comic books for adult sale, but unless he could find a sufficient market exclusively among adults, the restraint, in operation, would differ little from a general advance censorship statute. Even though a state were to ban distribution of undesirable comics to minors, such legislation could not control the sizeable volume of pass-on and re-sale distribution to minors.

It would be difficult to draft a comic book regulation statute which would not be too vague, whether it imposed a prior or subsequent restraint. The two constitutional objections to such vagueness are that (a) a criminal statute must define crime specifically enough to give potential violators a warning, and (b) a statute which limits freedom of the press must not be so broad that it will tend to restrict expression which cannot be constitutionally punished.¹⁰

Motion picture censorship statutes have been invalidated as too vague where such words as "sacrilegious,"¹¹ "immoral," and "prejudicial to the best interests of the people of (the)...city" were used. A California court has held unconstitutional on the grounds of vagueness a statute aimed at prohibiting the use of drawings or photographs depicting any of a detailed list of crimes in comic books sold to minors.¹²

In view of the recognized legal meaning of such words as "obscene," "lewd," and "lascivious" and the limited protection which the First Amendment gives to the literature these words describe, there is little doubt that regulation of comic books by these standards would be allowable. But should regulation be attempted through advance censorship, the objections to previous restraint would still apply. Since, by their nature, publications containing obscenity evoke disgust and tend to corrupt morality, while having no social value, they are not fully protected by the First Amendment.¹³

A system of advance censorship, since it would make use of an administrative body to determine the facts and the statute's application, might require close surveillance by the courts. In a censorship system, great responsibility would be placed upon the administering official; there might be difficulty in attracting an able administrator rather than an individual who would present an obstacle to any administrative censorship, especially where submission of each publication is required.

¹⁰See notes, 62, Harv.L.Rev., 77, 86 (1948) ("indefiniteness"), 61 Harv.L.Rev., 1208 (1948) ("overbreadth"); Bernard. "Avoidance of Constitutional Issues in the U.S. Supreme Court"; "Liberties of the First Amendment," 50 Mich. L. Rev., 261 (1951).

¹¹Joseph Burstys, Inc. v. Wilson, 343, U.S. 495 (1952).

¹²People v. Dickey, No. CRA 2528, Cal.Supr.Crt., App.Dept., Dec.27, 1949.

¹³See Dunlop v. U.S., 165 U.S. 486, (1897); Near v. Minnesota ex. rel. Olson, 283 U.S. 697, 716 (1931).

License Revocation

In a system which attempts to regulate by revoking the licenses of newsdealers for selling offending publications, there may be a question of whether the licensing official has the authority to revoke when the only statute forbidding sale of objectionable publications is a criminal one which he is not explicitly empowered to enforce. Even if he has been given the express authority to revoke when specific standards are not met, this action may be illegal for other reasons. Revoking the right to sell all publications in the future because of past offenses may, as prior restraint, violate the First Amendment. Even if a licensing system is not invalid on the grounds of prior restraint, it may violate the First Amendment prohibition of "vagueness," because it puts too much discretion in the commissioner to forbid sales on his own, finding that certain magazines do not meet statutory requirements.¹⁴

Informal Government Action

Where public opinion is strong and there is doubt about the constitutionality of legal measures, it appears the moves against objectionable comic books should be taken by public officials acting informally, sometimes in concert with private citizens. Usually, public officials act on their own discretion or on the basis of lists prepared by private groups, by informing distributors and newsdealers of publications considered to be in violation of existing law, and suggesting they be withdrawn from distribution and sale.

An effective method is an organized program by local police to drive objectionable publications from the community. Policemen either canvass newsstands and register complaints as a result of their own examination, or they make use of lists compiled by civic groups as a result of unofficial examination. Dealers, distributors, or both may be pressured by this type of regulation. This method has been very effective in Detroit, where even the list of partially objectionable publications acts as a ban.¹⁵

In Massachusetts, the public prosecutor circulates a list of objectionable books prepared on the recommendation of an unofficial advisory committee established and staffed by the prosecutor. The official sending out the list is empowered to prosecute under the state statutes prohibiting the sale of obscene and crime-inciting literature. A third method is that of Georgia, where a statutorily established advisory board is given legal authority to examine publications and recommend prosecution. A literature

¹⁴See Kunz v. New York, 340 U.S. 290 (1951).

¹⁵In Detroit, periodicals are submitted to the Censor Bureau of the Police Department before they are circulated for sale to the public. Any material so submitted which is deemed to constitute a possible violation of the law is referred to the Wayne County Prosecutor for an opinion. If he proclaims the literature illegal, the publishers are notified. (Report of Georgia Literature Commission (1954), p. 43.)

commission of three persons appointed by the Governor investigates all sales of publications suspected of having been detrimental to public morals. The statute further provides for hearings and open meetings prior to recommendations to the state Solicitor General.¹⁶

Among cities establishing boards of review are Oklahoma City and Quincy, Massachusetts. In Oklahoma City, while the board cannot prosecute, it is given authority "otherwise to take whatever measures it deems advisable to suppress any literature which it believes to be detrimental to minors." In Quincy, police notify dealers not to sell literature condemned by the board and to withdraw it from display. Punishment for non-compliance could be imposed under the state statute forbidding sale of certain publications. The city manager has reported that the "power of suggestion" has kept objectionable material off the newsstands.

These methods of establishing virtual censorships over reading matter by keeping it from reaching the newsstands or withdrawing it afterward have proved highly effective. Dealers usually cooperate to avoid adverse publicity and to escape prosecution; legal proceedings against the foregoing methods are seldom initiated. When a large metropolis, such as Detroit, can effectively curb distribution of objectionable literature, there is a disproportionate effect on what the rest of the country will read, since the publication disapproved may be dropped entirely by the publishers.

We have touched briefly on the statutes relative to the regulation of comic books in the various states. For a compilation of the laws in the other states, see Appendix C.

Control by the Federal Government

Federal power over the mails and interstate commerce provide a type of collateral control which can be very effective. Public Law 95, passed as S. 600 by the 84th Congress, amended Title 18 of the United States Code which deals with the traffic in pornographic material and closed one of the most gaping loopholes in the federal law. The Senate Subcommittee to Investigate Juvenile Delinquency reported favorably on S. 600 at its hearings.

Private Action

There are many civic organizations and groups which have concerned themselves with control of objectionable comic books. Perhaps two of the better recognized groups are the National Organization of Decent Literature and the Committee on Evaluation of Comic Books, Inc., of Cincinnati, Ohio. The former, a Roman Catholic Organization, publishes each month a list of disapproved, as well as recommended publications. Information outlining this organization's work may be obtained by writing Our Sunday Visitor, Huntington, Indiana.

¹⁶Ga. Code Ann. Par. 26-63A (1953).

The work of the Committee on Evaluation of Comic Books is an example of what can be accomplished by citizen action in dealing with the problem of comic books. The Cincinnati committee has been a non-profit group and is not subsidized by the comic book industry. It is composed of public-spirited citizens who have sought to be objective. The committee's evaluations, prepared by a staff of eighty-four trained reviewers, have been widely reprinted and circulated. The Reverend Jesse L. Murrell is chairman of the executive committee of evaluation of comic books. In March, 1955, the committee reviewed 323 comic books, published by eighty-six publishers, according to a list received by the Legislative Council. The committee's findings of 1956 appeared in the July, 1956, issue of Parents' Magazine.¹⁷

Self-Regulation by the Comic Book Industry

As a result of wide-spread indignation over the publication and distribution of crime and horror comics, individual citizens and organized community groups brought pressure to bear upon city and state governments in an effort to remove this type of literature from the newsstands. In the state of New York, a Joint Legislative Committee to Study the Publication of Comics went to work in 1949, and other states followed suit during the next several years.

Few dealers could stand up to the censure of their neighbors and local groups, such as the PTA, the Junior Chamber of Commerce, the American Legion, the General Federation of Women's Clubs, and the Knights of Columbus, to mention several. Comic book publishers, faced with adverse publicity and unable to sell comics, even of the harmless variety, in the volume as heretofore, were hurt in a sensitive spot, their pocketbooks. Realizing that they must take some action of their own, twenty-six publishers of the comic book industry formed, in October, 1954, a new organization, the Comics Magazine Association of America, and appointed a New York City judge, Charles F. Murphy,¹⁸ as Code Administrator. The Code was subdivided under the following headings: General Standards, Dialogue, Religion, Costume, Marriage, and Sex.

The new code expressly forbids "scenes of excessive violence, brutal torture, unnecessary knife-or-gunplay, physical agony, and gory and gruesome crimes." Seduction, rape, and perversion are also taboo. The spirit of the Code can probably

¹⁷Evaluation lists can be obtained for 10¢ per single copy from the Committee, Box 1486, Cincinnati 1, Ohio.

¹⁸On October 1, 1956, Mrs. Guy Percy Trulock was appointed to succeed Judge Murphy as Code Administrator when the latter resigned to return to private law practice. Mrs. Trulock, a nationally prominent civic leader, is a former president of the New York City Federation of Women's Clubs and holds offices and directorships in many civic and community organizations, including that of Vice-president of the Women's Press Club. (See letter, John Goldwater, President, Comics Magazine Authority of America. October 11, 1956.)

be better appreciated from a statement made by Judge Murphy on May 23, 1955, at the Decent Literature Day luncheon in Rochester, New York:

"Comic book detective fiction can be just as wholesome, and my staff and I are determined to keep it so. While it is too unrealistic to rule out fatalities altogether, we demand they be kept at a minimum. Victims are never shown in any final throes, and there are no gory views of the remains. Unique weapons or methods are automatically out, and we are strict in deleting knives, bludgeons and holds suggesting mugging. In fights, the fist alone can be used, but low punches or excessive pummeling are never permissible. Language, too, we carefully screen. The lingo of the lawbreaker is no longer tolerated, and taunts or threats to authorities are always taboo. It goes without saying that in the end the wrongdoer never wins. But we also see to it that they are not shown enjoying even a temporary life of luxury, and that their downfall is no accident but the direct consequence of the able and efficient work of the authorities."

In cleaning up the comics, Judge Murphy and his staff faced a formidable task, for there are some four hundred comic books printed by members of the association. He and his five assistants, as of January, 1956, had checked over five thousand stories, rejecting five hundred and fifty outright, effecting major revisions in some four thousand more, and changing some 17,650 pictures. Advertisements must be screened, too, for the Code forbids advertising of "art" pictures, books on sex instruction, knives, fireworks, and guns. Judge Murphy has banned nineteen ads and revised another forty-four.

In his own words, in an article which appeared in the June, 1955, issue of Federal Probation, Judge Murphy comments on the difficulty of passing judgment on comic books:

"In the matter of good taste, I found long before we started our operation that good taste is a delicate question. It means many different things to different people. When I did research on the codes of other media and studied 'approved' and 'banned' lists set up by local groups, I was surprised to learn that a book which was objectionable to one group was passed with flying colors by another. Yet, both groups of people might be of the same state, sometimes of the same community. It was confusing, to say the least."

In the same article, Judge Murphy also recounted the steps of the Code Authority operation:

1. Books are usually submitted on what is called 'boards.' This means that they are the basic drawings from which plates or engravings are made.
2. The entire book is read; then the art, text, and advertising are examined, page by page, from cover to cover. If corrections

are to be made, they are noted on a special worksheet, and it and the entire book go back to the publisher for revision.

3. When the book is returned to my office, it is checked again to see that all requested changes have been made; then each page is stamped 'approved.'

4. Now for our records, each page is photographed on microfilm so that it may be compared with the printed book.

5. With everything in order, my office sends out letters to both publisher and printer, telling them that they may print the book with our Seal of Approval on its cover. As is customary for magazines, books approved by our office as having conformed with the Code appear on the newsstands two or three months after they are processed."

ATTEMPTS AT COMIC BOOK REGULATION IN COLORADO

Senate Bill No. 14 (1955)

Senate Bill No. 14 was introduced at the First Regular Session of the Colorado Fortieth General Assembly (1955), to amend the existing statute, Chapter 40-9-16 and 17, C.S.A., 1953, by inserting the term "comic book" following "obscene book" in 40-9-16, and in two different places in 40-9-17. Also, Subsection 40-9-17 (1) was added, which would penalize violators of tie-in sales, provided "obscene, lewd, indecent or lascivious" literature or articles were involved. (See Appendix D for proposed legislation.)

Senate Judiciary Hearings

The bill was referred to the Senate Judiciary Committee before which hearings were held. Leading proponents for enactment of comic book legislation in Colorado were members of the Junior Clubs of the Federated Women's Clubs, and Mrs. Paul Chase, Director of Junior Clubs in Colorado, participated as their spokesman at the hearings. As a result of these hearings, the committee decided that the comic book situation in Colorado needed further study before the General Assembly was in a position to pass legislation. Consequently, Senate Joint Resolution No. 14 was passed, instructing the Legislative Council to make a thorough study in connection with the subject of comic books.

Legislative Council Study

The Council's first step in its approach to the comic book study was to contact representatives of other state governments, the federal government, and various organizations, to request available literature and information on this nation-wide problem. One of the principal contributors to such reference material was the U.S. Senate Committee on the Judiciary, commonly referred to as the Kefauver

Committee, which was conducting an investigation of juvenile delinquency in the United States and had gone into the analysis of comic books as one of the media which might possibly contribute to such delinquency.

The Council of State Governments furnished copies of "Suggested Legislation," which had been prepared as an answer to considerable agitation which had arisen over the comic book situation throughout the country. However, the Council made it quite clear that it was not recommending this type legislation by injecting the following remark in its introductory statement:

"...It is felt, however, that if a state is considering the adoption of legislation in this general field, the following may perhaps serve as a guide..." (Appendix E contains suggested legislation by the Council of State Governments.)

A continuing correspondence was maintained with Judge Charles F. Murphy, Code Administrator of the Comics Magazine Association of America, and he mailed to the Council periodically articles, releases, reports, and other material which he felt had merit.

The Council also contacted Mrs. Paul M. Chase, Director of Junior Clubs of the Colorado Federation of Women's Clubs, to consolidate the benefit of her thinking with its work, since the Colorado Federation had been the first group in Colorado to stand publicly against the continued publication of crime comics. As has been noted, Mrs. Chase had attended the initial hearings of the Colorado Senate Judiciary Committee during the 1955 session of the General Assembly and was also present at the Legislative Council hearing on April 20, 1956.

Because of concern with tie-in sales, Mr. Hugh Henry, Attorney for the Colorado Pharmacal Association, was interviewed regarding this aspect of comic book distribution. Also contacted were the various county judges who offered opinions relative to correlation between reading of comics and juvenile delinquency. Results of this assembly of facts, opinions, and information were presented at a hearing held by the Legislative Council Committee on Comic Books on April 20, 1956.

Legislative Council Hearing, April, 1956

Judge Mitchel Johns, Superior Court of the City and County of Denver, was invited to appear before the committee on Comic Books to review the study he has devoted to the subject of crime and horror comic books. The judge stated most succinctly his opposition, and that of the members of the legal profession, to measures of regulation which support censorship in any form; he proposed instead a continuation of self-regulation by the industry as the best corrective measure. His evaluation of the work accomplished by The Comics Magazine Association of America under the administration of Judge Murphy can best be determined by reading the following excerpt from Judge Johns' paper:

"Whether the Code Administrator or the Comics Magazine Association has achieved the objectives and prohibitions of the Code, and whether the comic book type of publication now on the market has removed the deleterious substances complained of is, in the last analysis, a question which can be answered only by the public. If the components of the viewing and reading public were individually polled, it is evident that many views could be expressed, and, of course, of necessity many would be diversified....I know of no specific polls which were taken throughout the country relative to the improvement or acceptance of the approved type of comic book, except that which was conducted by the American Legion for the nation as a whole. That poll may not be reflective of the nation, since the questionnaires were sent only to the Child Welfare chairmen of each state. To question No. 8 of the questionnaire, which read, "So far as your personal experience and observation are concerned, how would you rate present comic book offerings as compared with a year ago?" of the three answers from which to choose, namely "much improved," "some improved," and "about the same," thirty-six of the chairmen marked the answer "much improved," twenty seven marked the answer "some improved," whereas only one thought they were "about the same," and one other gave a qualified answer that some were "worse."

"The American Legion was one of the protagonists to remove the horror type of comic book from circulation, and in its 1954 convention it passed a resolution to that effect. At its next convention on October 8, 1955, the consensus of the convention was obvious to an effect that an improvement had been made, for it passed a resolution recording its approval of improvements in the comic book publications since the establishment of the Comic Books Code and commended Judge Murphy for the work of his organization.

"In addition to the vote of confidence given by the American Legion, other organizations have also extended their approval of the publications bearing the Seal of the Code Authority. These organizations, to name only a few, are the New York City Federation of Women's Clubs; the Massachusetts Legislature; The Citizens' Committee for the Promotion of Good Literature of Columbia and Florence, South Carolina; the City Council of Kearney, Nebraska; the Greensboro County Council; the Students of John Carroll High School, Birmingham, Alabama, and many others.

"In my opinion, the only method of evaluating the Seal-Approved (Comics Magazine Association of America) comics with those which were published before the Code Administrator was appointed and able to effectuate his program, is by placing the old with the new in juxtaposition and comparing them. This I have done, and as a matter of personal evaluation only, it is my opinion that the approved comic books have greatly improved over the old-time horror comic books which were in existence previous to the appointment of Judge Murphy as Code Administrator.

"One of the principal objections to the former type of comic was its manner of depiction of the human being, animal, monster, or thing that was the subject of the tale. The display of the object was usually out of all proportions to what it normally would have appeared to be. The features were mutilated and distorted so as to be presented in a grotesque setting or likeness. The pattern which seemed to be established in those productions also was to decry peoples of a non-caucasian race, such as the negro or yellow, by casting the physiognomy in its most horrendous light.

"This type of pictorial display has disappeared from the Code-approved productions. People and animals are shown in their normal forms and structures.

"The text of the new publications has also been greatly improved; there has been a swing from disrespect of the law and law enforcement officers to respect for and enhancement of them. The language has changed for the better, too. The smart-alec, dreg-inspired speech has given way to language that is inoffensive.

"Further enumerations would be merely cumulative. Suffice it to say that Judge Murphy has in the period of time since his appointment performed his function with satisfaction. It must be remembered that before Judge Murphy could bring to the consuming public the periodicals screened by himself and his staff, some four or five months elapsed. This was due to the fact that the publications go to press four or five months before they appear on the market.

"As I have previously stated, this before-and-after evaluation is my own, and I strongly urge any person who desires to become familiar with this problem to make an actual inspection of the books before an analysis is drawn."

Invitations to the hearing had also been extended to representatives of the wire services, the Colorado Press Association, the Denver Post, the Rocky Mountain News, and the Civil Liberties Union. Members of this group who attended the hearing discouraged consideration of additional legislation as a solution to the publication and distribution of comic books. Mr. Robert Chase of the Rocky Mountain News considers the present Colorado statute adequate and added, "Any defining of literary material under the law can be left only to judicial determination in the individual cases concerned." Mr. Vince Dwyer, Managing Editor of the Rocky Mountain News, believes in voluntary control rather than "nailing" provisions into the law.

A Civil Liberties Union statement, presented by Mr. Harold Knight, local representative, attacked censorship of comic books as unconstitutional and recommended in place thereof parental control over the reading habits of their children; continued work by school, religious, and community groups; additional study of

the relationship between juvenile delinquency and their reading of comics; and proper invoking of obscenity laws.

Mr. Hugh Henry's observations regarding tie-in sales in the Denver area were reviewed for the committee since, as legal representative for the Colorado Pharmacal Association, Mr. Henry probably comes in contact with the majority of the retailers of comics in Denver. Mr. Henry stated that the situation in Denver seems to be "pretty well in hand." The druggists manage to keep undesirable publications more or less out of sight and reportedly have no trouble in returning such publications to the wholesaler, without penalty and for full refund, when the time limit has expired. They are not in a position to refuse to accept publications initially. It cannot be overlooked, said Mr. Henry, that the retailers are limited as to time which can be devoted to censoring publications. Also, he added that the real problem is that of the paper-bound pocket volumes over which little or no censorship is exercised.

According to local dealers, the problem is not one which calls for additional legislation but, rather, self-regulation at a higher level, since the retailer is in the least influential position to effect improvement. Mr. Henry concluded by saying that, even though legislation is on the books relative to objectionable literature, one of the biggest difficulties is that of deciding what constitutes "lewd" and "indecent" printed matter, because of the strictly individual definitions which are forthcoming from the various authorities. Examination of Webster's definitions of the two terms often used to describe objectionable literature clearly demonstrates this.

- "Obscene
1. offensive to taste; foul; loathsome; disgusting
 2. offensive to chastity of mind or to modesty; expressing or presenting to the mind or view something that delicacy, purity and decency forbid to be exposed; lewd; indecent; as, obscene language, dances, images; b. characterized by or given to obscenity; as, an obscene mind or person.

Indecent Not decent, specif. a. unbecoming or unseemly; indecorous
b. uncomely; ill-looking; c. morally unfit to be seen or heard;
offensive to modesty and delicacy, as, indecent language."

Mrs. Chase stated, in answer to Senator Gobble's question relative to improvement in the comic book situation, that she felt that there had been some improvement in the local situation as compared with several years previous; she added, "If we keep the subject before the public, there will be more improvement."

Local Groups and the Comic Book Problem

Little more need to be said concerning the approach of the members of the legal profession to the solution of the comic book problem. Consider the remarks of Judge Johns when he stated, "Self-regulation by the industry, which is, of course, the best corrective measure that can be used, has already been touched upon. Other types are precensorship or laws which make it penal to sell or distribute matters considered to be undesirable by lawmakers. In my

opinion, precensorship is the worst type of regulation that can be used, and it has been stricken down time and time again by our courts." These remarks are typical of expressions which have been made throughout the United States by members of this profession.

We quote Marilyn Berenbein, Denver Chairman of the Freedom to Read Committee, from a letter to the Director of the Legislative Council, dated May 1, 1956:

"Four national women's organizations, together with the American Library Association, have joined in one aspect of the freedom campaign, called the "Freedom to Read." The purpose of this project is to acquaint more people with their public libraries and to inform them about their privilege of reading what they please. The United Church Women, National Council of Negro Women, National Council of Jewish Women, and the Y.W.C.A. believe that all forms of book censorship are objectionable, and (they) would prevent labeling, burning, or removing them from circulation."

In a letter, dated December 5, 1955, written by Mrs. Chase, Director of Junior Clubs in Colorado of the Federated Women's Clubs, addressed to Mrs. Walter Magee, General Federation Community Affairs Chairman, the following comment appeared: "To-date, I have received four reports only (from Junior Club presidents in Colorado), but it is interesting to note that in each case the chairmen do report that the comic books are improved and all carry the seal of approval."

Both Mr. Morton and Mr. Newmark, the two principal wholesalers of comic books in the Denver metropolitan area, remarked that people are not buying "junk" anymore, and that sales of some of the more desirable comics are not only holding their own but are accounting for increased sales. Both emphasized that it is to their benefit financially to ward off returns, since this constitutes one of the more expensive operations in handling magazines and comic books.

The delegates to the 30th Annual Convention of the Denver Archdiocesan Council of Catholic Women, held on May 8, 1956, passed among other resolutions one which recognized that a "great advance has been made toward ridding our newsstands of objectionable literature" by a policing code of comic book publishers.¹⁹

ALTERNATE WAYS OF MEETING THE PROBLEM: EDUCATION AND PARENTAL CONTROL

While approximately one-third of the states have enacted specific statutes of varying degrees of regulation regarding the distribution and sale of objectionable comic books, many admittedly report that solution by means of such governmental control experiences tough sledding when tested in the courts. Attention is being directed more largely to other types of control, that of continued self-

¹⁹"Teenage Delinquency Blamed on Parents," Rocky Mountain News, May 9, 1956.

regulation by the industry itself, brought about by persistent public demands for improvement, and an educational program aimed at the general public, whereby educational, religious, and social welfare groups concentrate their efforts on constructive programs which can serve as a substitute for those media which are detrimental to the welfare of our youth. The latter approach was supported un-animously by the Colorado committee.

We quote Mrs. Paul Chase, from a letter to Senator Gobble, dated April 24, 1956:

"I feel that the Denver Post, April 21, 1956, page 3, reported the Friday (April 20) meeting concisely, clearly, and fairly. Point four, 'The legis-lature should direct its attention to education of both youth and parents ...' seems to me a fine decision on the part of the Legislative Council of the state of Colorado. My only hope is that such efforts on their part will not decrease in the years to come so long as we are confronted with this and related problems."

At the National Conference on Juvenile Delinquency, held on June 28-30, 1954, in Washington, D.C., upon the invitation of the Secretary of Health, Educa-tion, and Welfare, the question of education versus censorship of comics came in for much discussion. Some members of the group felt that education was "too slow" and often did not reach parents whose children needed protection from un-wholesome influences or were in danger of becoming delinquent.

The chairman pointed out that the history of improvement in the quality of motion pictures in the late twenties and early thirties had implications of im-proving the quality of radio and television programs and comic books. Two lines of approach were open: Organized groups of parents might approach producers and distributors about the quality of these media and, thus, encourage industry-wide codes and self-censorship by the industry. At the same time, parents in organized groups could develop their own standards through group discussions and exploration of the problems.²⁰

The Special Commission of the State of Rhode Island to study comic books made, among others, these comments in the closing remarks of its report:

"The issue is not censorship but one of self-defense."

"There is also a definite responsibility on our citizenry and parents to be alert to the reading material to which our children are exposed. This, we believe, is our strongest weapon which can be wielded against such publications. A vigilant citizenry can strike hard at the exploiters of our boys and girls."

²⁰ Report, National Conference on Juvenile Delinquency, U.S. Department of Health, Education, and Welfare (1954), pp. 15-16.

"We can do little other than urge the publishers or producers to clean house, as stated, since they are not located within the State of Rhode Island. To assist our citizens and parents to achieve a concerted, continuous attack on this problem, we suggest and recommend that a permanent commission be appointed with necessary personnel to educate the public concerning such publications, to canvass the state for any violations of Chapter 610, Section 13 of the General Laws of 1938..."

J. Edgar Hoover supplied this observation to the Special Senate Committee investigating crime:

"A sharp distinction should be drawn between the crime comic book which may have a harmful effect on receptive minds, and the type of presentation which may have a real educational value. Certain types of children may be harmed by unrealistic crime comic books. It is doubtful, however, that an appreciable decrease in juvenile delinquency would result if crime comic books of all types were not readily available to children.

"Guidance by parents in the reading habits of boys and girls is the best defense against possible addiction to certain 'horror' stories. The love for this type reading may reveal a lack of balance not only in reading habits but in the child's environment at home, in the school, and in the neighborhood. The answer may lie not in wiping out objectionable crime comics, but in substituting restrained presentations which will allow the child under guidance to logically set up standards as to what type of crime comics are good or bad."²¹

The U.S. Senate Report on Comic Books and Juvenile Delinquency has this to say on the matter of responsibility for the comic book problem:

"It is during childhood that the individual's concepts of right and wrong and his reactions to society's standards are largely developed. Those responsible for the operation of every form of the mass media of communication, including comic books, which cater to the education or entertainment of children have, therefore, a responsibility to gear their products to these special considerations.

"Standards for such products, whether in the form of a code or by the policies of individual producers, should not be aimed to eliminate only that which can be proved beyond doubt to demoralize youth. Rather the aim should be to eliminate all material that potentially exert detrimental effects.

"To achieve this end, it will require continuing vigilance on the part

²¹ Frank, Josette, "Comics, TV, Radio, Movies - What Do They Offer Children?" Public Affairs Pamphlet No. 148 (February, 1955), p. 3, and Censorship of Comic Books: Statement in Opposition on Civil Liberties Grounds. American Civil Liberties Union (May, 1955), p. 3.

of parents, publishers, and citizens' groups. The work that has been done by citizens' and parents' groups in calling attention to the problem of crime and horror comics has been far-reaching in its impact.

"The subcommittee notes with surprise that little attention has been paid by educational and welfare agencies to the potential dangers, as well as benefits, to children presented by the growth of the comic book industry. As spokesmen in behalf of children, their responsibility requires that they be concerned for the child and the whole world in which he lives. The campaign against juvenile delinquency cannot be won by anything less than an all-out attack upon all conditions contributing to the problem.

"The interest of our young citizens would not be served by postponing all precautionary measures until the exact kind and degree of influence exerted by comic books upon children's behavior is fully determined through careful research. Sole responsibility for stimulating, formulating and carrying out such research cannot be assumed by parents' or citizens' groups. Rather it must also be assumed by the educational and social welfare agencies and organizations concerned.

"In the meantime, the welfare of this Nation's young makes it mandatory that all concerned unite in supporting sincere efforts of the industry to raise the standards of its products and in demanding adequate standards of decency and good taste. Nor should these united efforts be relaxed in the face of momentary gains. Continuing vigilance is essential in sustaining this effort." ²²

It is noted that special mention is made of educational and social welfare agencies. While most state child-welfare agencies concern themselves with the physical well-being of the child, there are few which are set up to carry this responsibility over into a preventive type of program which would ward off delinquency. Examples of this type of constructive program are to be found in those states which have seen fit to establish youth authorities which take into consideration the entire scope of juvenile problems.

²²U.S. Senate Report No. 62, Comic Books and Juvenile Delinquency (1955), p. 33.

CONCLUSIONS OF THE COLORADO STUDY

1. The Committee is of the opinion that governmental censorship is totally out of keeping with our basic American concepts of a free press operating in a land of free people.
2. Examination of Chapter 10-9-17 and 18 indicates that the present Colorado statute is adequate to punish violators who would be guilty of distributing comic books which fall into the crime and horror or objectionable categories.
3. With regard to "tie-in" sales, interviews with local news dealers have failed to bring forth any evidence that local pressure is brought to bear upon either wholesalers or retailers. Therefore, it is not deemed necessary or advisable to introduce legislation on this subject.
4. It is apparent from testimony produced both on the national and local level that self-regulation by the comic book industry itself has had a salutary effect upon the type of publication now found on the news stands.
5. It is also apparent that the majority of those people who have devoted time and thought to the study of the deleterious effects of objectionable comics--psychiatrists, members of the legal profession, legislators, educators, child welfare agencies, as well as many civic and community leaders--are of the opinion that adequate control of the comic book problem involves a two-fold approach: (1) Continuing vigilance on the part of parents and organized groups within each community, and (2) maintenance of a militant educational program against this type of literature.

APPENDIX A

Chapter 40, Article 9, C.R.S., 1953 OFFENSES RELATING TO MORALS

40-9-16. Importing obscene books or prints - penalty.- If any person shall bring or cause to be brought or imported into this state for sale, or shall sell or offer to sell any obscene book, pamphlet, or print, every such person, on conviction shall be fined not less than one hundred dollars nor more than two thousand dollars and imprisoned in the county jail for not less than one month, nor more than one year.

40-9-17. Exhibiting or selling obscene books - penalty.- Whoever exhibits, lends, gives away, sells, or offers to exhibit, lend, give away, or sell; or in any manner publishes, or offers to publish, or has in his possession, for any such purpose, any obscene, lewd, or indecent, or lascivious book, pamphlet, paper, drawing, print, picture, writing, advertisement, circular, or other representation, figure, or image, on, or of paper or other material; or any cast, instrument, or other article of an immoral or indecent nature; or any drug or medicine or instrument for procuring abortion, or for self-pollution, or for preventing conception; or any newspaper or magazine, containing pictures of nude men or women, or pictures of men or women in indecent attitudes or positions, or which publishes, by pictures or descriptions, indecent or immoral details of crime, vice or immorality, calculated to corrupt public morals, or to offend common decency, or to make vice and crime, immorality and licentiousness attractive, or advertises the same for sale; or writes, or prints, or causes to be sold, or written, or printed, any card, circular, letter, handbill, book, pamphlet, advertisement, or notice thereof, of any kind; or gives information orally, or otherwise, stating when, where, how, or of whom or by what means any of the articles or things hereinbefore can be purchased or otherwise obtained, or are manufactured or published; or manufactures, draws or prints, or in any wise makes, with intent to exhibit, sell, lend, or give away, or have exhibited, sold, loaned, or given away, any such articles or things, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than one hundred dollars nor more than two thousand dollars with costs of court, and imprisoned in the county jail for not less than one month, nor more than one year. Nothing in Sections 40-9-17 to 40-9-19 shall be construed to affect teaching in regularly chartered medical colleges, or the publication, sale and use of standard medical books, or the practice of regular practitioners of medicine, or druggists in their legitimate business.

APPENDIX B

The following excerpts were taken from replies made by members of the Medical Correctional Association and the Academy of Forensic Sciences in answer to requests sent by the U.S. Senate Sub-committee to Investigate Juvenile Delinquency. The sub-committee asked for statements regarding opinions based on work with delinquents, as to the degree of influence that crime, violence, sadism, and illicit sex in mass media have on the behavior patterns of American youth.

"D. E. Alcorn, Victoria, British Columbia: "I have collected the material faithfully for some time, but have yet to find a case who took any of his ideas for crime out of this collection, or for that matter out of any crime magazine, with one exception....In short, so far as my experience in our own Victoria goes, I have found no clear-cut evidence of any positive association between any particular type of literature or movies and delinquency....I contrast to this, I certainly found a fairly high correlation with broken homes, rejection by the parents, conflict of cultural patterns...."

Edmund Bergler, M.D., New York: "I believe that criminosis--of which delinquency is a part--results from neurotic elaboration of unconscious conflicts stemming from earliest childhood. It therefore follows that all later influences, such as motion pictures, television shows, reading matter, can act only as catalysts bringing to the fore what has already been formed. On the other hand, one cannot fully absolve the mass media of responsibility. Oversensationalism, undue stress on cruelty, and ignorance of the true interconnections are damaging to a certain extent."

Otto Billig, M.D., Associate Professor of Psychiatry, Nashville, Tennessee: "My clinical experience has led me to believe that television, movies, comics, etc., have a very limited influence on the child or juvenile....The well-adjusted personality can resist them without difficulties....A very occasional case was triggered into some delinquent act and possibly received specific ideas on how to carry out a crime. But only the emotionally disturbed and insecure individual appears susceptible to outside forces. We need to focus our efforts on the principal causative forces rather than on surface appearances. Our clinical experience has shown us that insecurities in the individual family play a major part in juvenile delinquency."

Nathan Blackman, M.D., St. Louis, Missouri: "I frankly cannot visualize any specific legislation that could remedy a problem as vast as the one under study by you. Stress on the community devoting itself more fully to the problems of the growing crop of children is definitely worth emphasizing at the Senate hearings...."

Frank E. Coburn, M.D., Psychopathic Hospital, University of Iowa:

"The primary and most important factor in the production of juvenile delinquency in my opinion, is a disturbed family relationship in the home of the child who is considered a delinquent....I am not in favor of governmental censorship as I believe an acceptance of this philosophy can be extended to other media with the loss of freedoms which we must carefully protect."

Sara G. Geiger, M.D., Director, Milwaukee County Guidance Clinic:

"Crime, violence, sadism, and illicit sex in mass media have deep meaning for an unfavorable influence on a small proportion of our youth...."

Samuel R. Kesselman, M.D., Neuropsychiatrist, Newark, N.J.:

"The acting out of hostility on the part of our youth based upon literature and television programs they have viewed occurs only in youth that are so disposed based on faulty parent-child relationship and represents just part of the total problem which is multidisciplinary in its structure. It is my feeling that this literature on these programs serve a positive purpose in permitting the child or youth to live through emotionally, in a vicarious manner, his aggressive needs....If the disturbed child or youth who acts out his hostility in a violent manner were not exposed to these media, some other environmental influence would tend to provoke this hostility."

George M. Lott, M.D., Psychiatrist, University of Penns.: "In 25 years of practice, which includes 10 years majoring in juvenile and adult court work, I have never been able to pin down a definite major fundamental causal influence between crime, violence, etc., as depicted in movies, cartoons, books, or TV, and the offensive behavior encountered in delinquency. This is not to say there is no such connection but to point up the fact that we may be being misled and distracted from the more important causal or preventive factors."

M. R. King, Superintendent, California Medical Facility, Dept. of Corrections: "I think that practically all religious, social, and psychiatric workers concede that the behavior patterns of American young people are largely conditioned and determined by radio and television programs, moving pictures, literature, and the examples set forth for them by their elders."

Edward Podolsky, M.D., Brooklyn, N.Y.: "It has been my experience that presenting crime, violence, sadism, and illicit sex in an attractive and adventurous form in the mass media of the movies, television, radio fiction, and the comics has a very definite and decided effect in quite a few cases of initiating and sustaining a social and criminal activity in juveniles and adolescents....It is my opinion that some degree of control should be exercised over these media in an attempt to curb delinquent behavior."

Gilbert J. Rich, M.D., Director, Roanoke Guidance Center: "My opinion based on many years of experience, is that the harm done by the various mass media is greatly overrated. The remarkable thing is not the number of children who are led into delinquent behavior by these things, but rather the great majority who are not led into delinquent behavior. It is this that illustrates my point best of all, because it shows that the normally happy, well adjusted, and not too frustrated child is immune to these influences."

Hector J. Ritey, M.D., N.Y., N.Y.: "In my opinion, the deep causes for the appalling increase in the number of cases of juvenile delinquency are tied to a complicated interaction of social, historical, and psychological factors. Mass media are a ring in a vicious circle. Program directors of radio and television, and the publishers of cheap popular literature, take advantage of an existing condition to increase their popularity and their financial gains by catering to a morbid emotional appeal whose roots stem from the above-mentioned causes."

Philip Q. Roche, M.D., Philadelphia, Pennsylvania: "The claim of a one to one correlation between mass media and juvenile delinquency does not appeal to me. The ready acceptance of this "comic book-delinquency" explanation permits to to seize upon a scapegoat object and in so doing we will more than likely compound the delinquency....Save for the exceptional instances such media are more to be condemned on the score of their neglect in communicating to the child what the world is in terms of our scientific knowledge of it and more cogently in terms of a moral and rational order. Worse still, such mass media tend to corrupt the learning process....Lastly, my hope is that the wiser course of legislation will not be in the direct suppression of such mass media, but instead will be the liberal underwriting of better mass media in the educational field and that in good time the bad will languish and the good will increase."

The following is from a letter by Dr. Roche to Arthur J. Freund of the American Bar Association, January 10, 1950; Dr. Roche stated in a letter dated June 8, 1955, that these comments are still pertinent.

"There exists no data of sufficient scope, either on the basis of clinical firsthand experience or on theoretical grounds, to enable qualified investigators to draw valid conclusions, either that these media are harmful or beneficial....Emotionally healthy children can readily assimilate mass media portrayals of crime and render them innocuous....Any suppression of mass media places a spurious premium on them, not unheeded by those likely to gain....If gratification in fantasy is withdrawn, the need may find resolution is disguised and disingenuous forms less desirable socially."

Sam I. Stein, M.D., Director, Psychiatric Department, Cook County Juvenile Court, Chicago, Illinois: "After nearly 15 years of full time service at the Cook County Juvenile Court, wherein I have personally examined by scientific-psychiatric method approximately 12,000 children, I am convinced that the main cause of juvenile delinquency is a relative degree of emotional immaturity or neuroticism which will be found in the individual offender....Ostensibly a larger source-area for deviant ideas to this type attention-seeking or to this group of potential delinquents is the violent, asocial, amoral, and unethical themes which are found in some books, magazines, comics....Removal of these hyperstimulatory, morbid themes from the experience of the child will not cure or resolve the basic cause of delinquency but it should reduce the delinquency type of tendency from developing in some emotionally deprived children, or perhaps decrease the incidence of severe or serious delinquent acts. Even for these relatively limited psychiatric reasons and also since such regressional themes contribute no positive educational advantages to the child, they should be removed from the child's experience....Although I am in favor of removing the above-described undesirable experiences from the life of the child, I am not optimistic that this maneuver will make any large change in the whole story of juvenile delinquency."

Leon A. Witken, Senior Surgeon, (R) USPHS, Chief Medical Office, U.S. Penitentiary Hospital, Lewisburg, Pennsylvania: "It is interesting that penitentiary inmates almost unanimously believe that lurid comics, books, movies, and television are major causes of crime, but it is my feeling that this attitude is merely a mechanism for justifying their own criminal behavior. It seems to me too facile and ingenious a conception that human behavior is so easily influenced and I believe that we must probe much more deeply to find the motors for delinquency."

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APPENDIX C

CHARACTERISTICS OF SPECIFIC COMIC BOOK LEGISLATION
IN OTHER STATES

State	Year Passed	Bans Sale to Minors	Bans Sale Outright	Creates Comm. or Review Bd.	Prohibits Tie-In Sales	Provides Hearing	Provisions of Enforcement and Penalties
Connecticut	1955	X					\$500 max. fine; 6 mos. imprisonment, or both. East publication constitutes separate offense.
Georgia	1953			X		X	Comm. will notify Solicitor-General of circuit in which sales were made & recommend prosecution under criminal laws of the state. Offending party is given 30 days' notice.
Idaho	1950				X		Fine not exceeding \$5,000, imprisonment not exceeding 1 yr., or both.
Illinois	1955				X		Violation is misdemeanor for each publication. Provides for fine of from \$10 to \$100. Each publication constitutes a separate misdemeanor.
Kentucky	1956	X					State attorney, county attorney, or citizen may enjoin publication and distrib., trial held within one day. Court order, within 2 days of trial, may direct guilty to surrender articles to county sheriff. Person selling may receive max. fine of \$500, 6 mos. imprisonment, or both.
Maryland	1955	X			X		Offense is misdemeanor. Fine of \$25 to \$200, imprisonment of 10 days to 6 mos., or both. each publication constitutes separate offense.

State	Year Passed	Bans Sale to Minors	Bans Sale Outright	Creates Comm. or Review Bd.	Prohibits Tie-in Sales	Provides Hearing	Provisions of Enforcement and Penalties
Montana	1955		X		X		Offense is misdemeanor; jail sentence is mandatory for second and subsequent offenses.
Nevada	1955	X	X				Bans sale of immoral & obscene "comic" books to everyone; prohibits sale of crime & horror "comic" books to minors. Violators are guilty of gross misdemeanor. Each publication & each day of violation constitutes separate offense.
New York	1954				X		Chief legal officer of city may bring proceedings to enjoin sale & distrib. Minimum fine is \$150.
New York	1955	X					Also makes publication & distrib. a misdemeanor.
N. Carolina	1955		X				Makes violation a misdemeanor. Guilty are fined or imprisoned at discretion of Court.
Ohio	1955	X			X		Violators fined not more than \$1,000, imprisoned not more than 6 mos., or both.
Oklahoma	1955	X			X	X	Confers jurisdiction upon any court of record, to enjoin sale or distrib. to minors; authorizes chief exec. of city to maintain action to enjoin; sets time for hearing; provides for disposition of material; makes tie-in sales a misdemeanor.
Oregon	1955				X		Violation is misdemeanor.

State	Year Passed	Bans Sale to Minors	Bans Sale Outright	Creates Comm.or Review Bd.	Prohibits Tie-in Sales	Provides Hearing	Provisions of Enforcement and Penalties
Texas	1955				X		Imprisonment of not more than six mos. in county jail, fine of not more than \$1000, or both. District courts and judges thereof shall have full power, authority, and jurisdiction (upon application by any district or county attorney within their respective jurisdictions) to issue restraining orders, injunctions, etc...
Washington	1955	X			X	X	Provides for licensing of wholesaler at \$100 and retailer at \$1. First violation is misdemeanor; 2nd, gross misdemeanor; 3rd, felony. Penalty for sales violation is identical to licensing violation. Supervisor of Children & Youth Service may suspend or revoke license for cause; 1st offense-to 1 year; 2nd-6 mos. to 2 years; 3rd-1 to 3 years; 4th-permanently revoked. Provides that Supervisor of Children and Youth Service be supplied with 3 copies of any comic book by wholesaler within 10 days after distrib. Supervisor shall enforce act with advice and guidance of Council for Children & Youth and adopt reasonable rules and regulations.

APPENDIX D

(Proposed changes are underlined.)

SENATE BILL NO. 14

BY SENATORS GILL AND
TAYLOR

A BILL

for

AN ACT CONCERNING CRIMES, AND TO AMEND THE LAW RELATING
THERE TO.

Be It Enacted by the General Assembly of the State of Colorado:

SECTION 1. 40-9-16, Colorado Revised Statutes, 1953, is hereby amended
to read as follows:

40-9-16. Importing obscene books, comic books, pamphlets, etc. - penalty. If any person shall bring or cause to be brought or imported into this state for sale, or shall sell or offer to sell, any obscene book, comic book, pamphlet or print, every such person, on conviction shall be fined not less than one hundred dollars (\$100.00) nor more than two thousand dollars (\$2,000.00) and imprisoned in the county jail for not less than one month, nor more than one year.

SECTION 2. 40-9-17, Colorado Revised Statutes, 1953, is hereby amended
to read as follows:

40-9-17. Exhibiting or selling obscene books, etc. - penalty. Whoever exhibits, lends, gives away, sells, or offers to exhibit, lend, give away or sell; or in any manner publishes, or offers to publish, or has in his possession, for any such purpose, any obscene, lewd, or indecent, or lascivious book, comic book, pamphlet, paper, drawing, print, picture, writing, advertisement, circular, or other representation, figure, or image, on, or of paper or other material; or any cast, instrument, or other article of an immoral or indecent nature; or any drug, or medicine or instrument, for procuring abortion, or for self-pollution, or for preventing conception; or any newspaper, comic book, or magazine, containing pictures of nude men or women, or pictures of men or women in indecent attitudes or positions, or which publishes, by pictures or descriptions, indecent or immoral details, of crime, vice or immorality, calculated to corrupt public morals, or to offend common decency, or to make vice and crime, immorality or licentiousness attractive, or advertises the same for sale;

or writes, or prints, or causes to be sold or written, or printed, any card, circular, letter, handbill, book, pamphlet, advertisement, or notice thereof, of any kind; or gives information orally, or otherwise, stating when, where, how, and of whom, or by what means any of the articles or things hereinbefore mentioned can be purchased or otherwise obtained, or are manufactured, or published; or manufactures, draws, or prints, or in any wise makes, with intent to exhibit, sell, lend, or give away, or have exhibited, sold, loaned, or given away, any such articles or things, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than one hundred dollars (\$100.00) nor more than two thousand dollars (\$2,000.00) with costs of court, and imprisoned in the county jail for not less than one month, nor more than one year. Nothing in Sections 40-9-17 to 40-9-19 shall be construed to affect teaching in regularly chartered medical colleges, or the publication, sale and use of standard medical books, or the practice of regular practitioners of medicine, or druggists in their legitimate business.

SECTION 3. 40-9-17, Colorado Revised Statutes, 1953, is hereby amended by the addition of a new sub-section 40-9-17 (1) to read as follows:

40-9-17 (1) Tie-in sales - penalty. No person, partnership, or corporation shall as a condition to a sale or delivery for resale of any book, comic book, magazine, pamphlet, paper, periodical, or publication, or of any of the articles or things named in section 40-9-17, require that the purchaser or consignee receive for resale any other book, comic book, magazine, pamphlet, paper, periodical, publication or article reasonably believed by the purchaser or consignee to be obscene, lewd, indecent or lascivious. Any person, partnership, or the officers of any corporation, violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than one hundred dollars (\$100.00) nor more than two thousand dollars (\$2,000.00), and imprisoned in the county jail for not less than one month, nor more than one year.

SECTION 4. Constitutionality Clause. If any provision of this act, or the application thereof to any person or circumstances, is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 5. Safety Clause. The General Assembly hereby finds, determines and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

APPENDIX E

The Council of State Governments

Suggested Legislation
1957

COMIC BOOKS

Explanatory Statement

During the 1955 legislative sessions throughout the country there was very considerable agitation in a number of states for more stringent regulation of the sale of "comic books" to minors. Bills were introduced for this purpose in most of the legislatures and there were enactments in many states. Special study committees were also created to study the problem in a number of jurisdictions. There is no doubt that many so-called "comic books" are filled with materials that should not be available at the nearest newsstand for consumption by youngsters. The problem, however, is fraught with difficulty since censorship is distasteful to the American people. Moreover, ill-considered regulation of publications of any kind moves very close to an unconstitutional invasion of freedom of the press.

In preparing the attached suggested legislation, care was given to avoidance of any type of advance censorship by public officials. Rather, an effort was made to develop tools which might be utilized by law enforcement officials and the courts in keeping clearly undesirable articles from the hands and eyes of children under eighteen years of age. It is felt that legislation of this nature, coupled with adequate self-regulation by the publishing industry, will be sufficient to protect the public interest without infringing upon the important basic freedoms of our system of government.

Section one of the suggested legislation contains a declaration of legislative findings, felt to be essential for proper court interpretation of this type of enactment. Section two makes it an outright offense to publish or distribute for resale any "comic book" whose contents are made up of terror, violence, crime, and the like. Section three outlaws the sale to children of such publications. This section also (1) makes display of such article presumptive evidence of intent to sell, (2) makes possession of six or more articles of this type presumptive evidence of a violation, and (3) provides appropriate penalties. Section four prohibits "tie-in sales" whereby a retailer is forced to take objectionable publications in order to receive his regular supply of desirable publications. Section five endows jurisdiction on an appropriate state court, upon the maintenance of an action by a local official, to enjoin the publication, distribution or sale of articles prohibited by the act.

The Committee on Suggested State Legislation does not necessarily suggest that states should enact this type of legislation; in fact, the Committee is convinced that private self-censorship by the publishing industry should be the major

first step in cleaning up objectionable reading matter for minors. However, if it is determined by a state that such voluntary action is not sufficient, and if such state is considering appropriate remedial legislation, the following may perhaps serve as a useful guide.

Suggested Legislation

(Title should conform to state requirements.)

(Be it enacted, etc.)

Section 1. (It is hereby declared to be the policy of the legislature to restrain the publication of publications, and to restrain the sale and distribution to minors of publications, specifically including but not limited to comic books, which are devoted to crime, terror, physical violence, or flagrant flouting of sex. It is found that such contributions are a contributing factor to juvenile crime and a basic factor in impairing the ethical and moral development of our youth.)¹

Section 2. No person, firm or corporation shall publish or distribute for resale any book, pamphlet, magazine or other printed paper consisting of narrative material in pictorial form, colored or uncolored, and commonly known as comic books, the content of which is devoted to or principally made up of pictures of accounts of methods of crime, terror, physical violence, or flagrant flouting of sex. Whoever violates any provision of this section shall be fined not more than (\$1,000) or imprisoned not more than (1 year) or both. This section shall not be construed to apply to those pictures or factual accounts of crime, terror, physical violence, or flagrant flouting of sex which are part of the ordinary and general dissemination of news, nor to legitimate historical accounts of crime or crimes.

Section 3. (a) No person, firm or corporation shall (knowingly)² sell, lend, give away, show, advertise for sale or distribute commercially to any person under the age of 18 years or have in his possession with intent to sell, lend, give away, show, advertise for sale, distribute commercially or otherwise offer to any person under the age of 18 years any publication as described in Section 2 hereof.

(b) (For the purposes of this section, "knowingly" shall mean having knowledge of the character and content of the publication or failure to exercise reasonable inspection which would disclose the content and character of the same.)²

¹Some states may wish to eliminate a special section on policy declaration and findings; others may find it desirable to augment or change considerably the language shown here. This is a matter for determination by the individual enacting state.

²Those states that use the word "knowingly" should define the word in a manner that would avoid placing unusual obstacles in the way of successful prosecution. Please refer to Section 3 (b) as an example.

(c) If any publication as described in Section 2 hereof is displayed at any newsstand, book store, drug store, market or other mercantile establishment where such publication may be seen by any person under the age of 18 years, such display shall be presumptive evidence that the person owning or in charge of such establishment was exhibiting the same and intended to sell, offer for sale, display for sale or distribute the same commercially to persons under the age of 18 years in violation of subsection (a) of this section.

(d) The possession by any person, firm, or corporation of (six or more) identical or similar articles coming within the provisions of subsection (a) of this section shall be presumptive evidence of a violation of this section.

(e) Whoever violates any provision of this section shall be fined not more than (\$500) or imprisoned not more than (six months) or both. If more than one article prohibited under subsection (a) of this section is sold, given away, advertised for sale or distributed commercially in violation of the provisions of this section by the same person, each such sale, gift, advertisement or distribution shall constitute a separate offense.

Section 4. No person, firm, or corporation shall, as a condition to a sale or delivery for resale of any book, paper, magazine, periodical, or other publication require that the purchaser or consignee receive for resale any article the publishing, sale or distribution of which is prohibited by this act. Whoever violates any provision of this section shall be fined not more than (\$500) or imprisoned not more than (six months) or both.

Section 5. The (designate appropriate state court) shall have jurisdiction to enjoin the publication, distribution or sale of articles prohibited by this act pursuant to an action maintained by the (chief executive officer or legal officer) of any political subdivision of this state. The person, firm or corporation sought to be enjoined shall be entitled to a trial of the issues within one day after joinder of issue and a decision shall be rendered by the court within two days of the conclusion of the trial. In the event that a final order of injunction is entered in favor of such political subdivision and against the person, firm or corporation sought to be enjoined, such final order shall contain a provision directing the person, firm or corporation to surrender to (the county sheriff) any of the articles prohibited by this act and such (sheriff) shall be directed to seize and destroy the same.

Section 6. (Insert severability clause.)

Section 7. (Insert effective date.)