

# Illustrated, Incitive, and Indecent

## Comic Censorship and the Effort to Stem Youth Corruption

Kristin R. Moore

Today, one would be hard-pressed to find a child, teen, or adult in the United States who has not been exposed to comic culture in some sense—a cultural element we share with those Americans from almost a century ago. Comic magazines (hereby referred to as comics) were a staple of American youth culture from the late-1930s to the mid-1950s. According to Paul Lopes, a 1944 study found that nearly every American between six and seven years old read comics, and Shawna Kidman estimates that prior to the comic book crash beginning in 1954, there were around 70 million American comic readers—a number which not only exceeded the US Census Bureau’s estimate of nearly 60 million Americans under age 20, but made up roughly 40% of the American population.<sup>1</sup> In other words, around two in five Americans were comic readers at the time. In fact, comics were so popular that to promote literacy among soldiers, the US military even used specialized editions of popular comics, such as Action Comics’ Superman stories, which contained simplified language and quizzes titled “How well did you read?”<sup>2</sup> It is clear that the medium was recognized to have engaged readers in all different parts of life, but if comics were so well read among Americans youths and adults alike, why did their popularity decline?

For many, the answer is said to lie with Fredrick Wertham, the chosen scapegoat for comic censorship, and his 1954 publication of *Seduction of the Innocent*.<sup>3</sup> But, as will be seen below, comics had come under scrutiny—and legislation—for potentially increasing, if not directly causing, the rate of juvenile delinquency in the US and beyond long before the publication. *Seduction of the Innocent* was merely a catalyst for, but not the cause of, comic legislation.

But what were these comics, and why were they considered so dangerous to American youth? Namely, what were crime and horror comics? In 1955, the US Congress described these as short, illustrated, and detailed lessons on committing any “form of crime, degeneracy, bestiality, and horror.”<sup>4</sup>

This definition then expanded to include comics with even the implication of violence or the inclusion of the supernatural. The report even cited Superman due to his superhuman abilities in fighting criminals. Evidenced by court cases in which children reported inspiration from crime comics and incidents of children injured trying to fly, there was the belief that these comics could incite at-risk children to commit crimes or cause confusion between fiction and reality.<sup>5</sup> For many Americans, this potential threat to youth safety and morality meant that comics, especially crime comics, needed to be purged from the newsstands.

### Foreign Precedent

The United States was not alone in experiencing comic culture, nor the fears surrounding it. As soon as comics began to rise, various countries across the globe enacted legislation to censor them for a variety of reasons and at various levels.

### Europe

Federico Zanettin explains how mainland Europe censored comics even before World War II. Under Adolf Hitler, who rose to power in 1933, Germany banned comics nearly entirely. It wouldn’t be until post-WWII that comics would begin to re-enter West Germany, and those that did were censored, with an official commission against comic violence later forming in 1954. Meanwhile, under Benito Mussolini, Italian legislation against comics steadily increased before culminating in a ban of all foreign or foreign-inspired comics but Disney comics in 1938. And for those countries receiving comics, including France, Spain, and Italy (when not banned), those imported and translated tended to be altered to meet the country’s modesty and moral requirements.<sup>6</sup> Additionally, in France, Richard I. Jobs explains that the post-war period saw a rise in juvenile delinquency and fears of the Americanization of French youths—the blame of which went to American comics,

particularly crime comics. This resulted in the Law of 16 July 1949 on Publications for Young People passing to form a commission “to oversee juvenile publications,” determine if materials were for children or adults, as well as ban the selling of adult materials to minors.<sup>7</sup> These actions were largely taken to avoid American influence on youth, and helped to maintain control of fascist regimes, but also to stem perceived moral corruption of youth, and in the case of France, juvenile delinquency.

Off the mainland, the United Kingdom had concerns closer to the United States than that of mainland Europe. These concerns came to a head at the same time as they did in the US, and on May 6, 1955, the UK Parliament signed the Children and Young Persons (Harmful Publications) Act. This banned the making and selling of crime and obscene comics in England, Scotland, and Wales, and banned the importation of those comics or their printing supplies across the entire UK.<sup>8</sup>

### Australia

Like in France, Browyne Lowe explains that in Australia and New Zealand there were concerns over imported American comics, both due to their content and fears of the Americanization of youth. These concerns, along with wartime conditions, prompted the Australian government to temporarily ban the importation of foreign comics during WWII, only to have the panic return once the ban was lifted and eventually develop into calls to ban entire genres of comics—and not just American crime comics.<sup>9</sup>

### Canada

In Canada, the concern was more with juvenile delinquency than Americanization. On February 2, 1949, Edmund Davie Fulton, a member of parliament, first brought his concerns regarding crime comics and juvenile delinquency to the House of Commons with Bill No. 9, which set out to add comics to the list of media covered by section 207 of the Criminal Code, which provides penalties for the publishing and distribution of obscene materials. After not meeting the time limit of the session, it was reintroduced later in the year on September 28, 1949, as Bill No. 10 and passed on December 5, 1949.<sup>10</sup>

## The United States

### Obscenity Precedent

The line between the informing and the entertaining is too elusive for the protection of that basic right. . . . What is one man’s amusement, teaches another’s doctrine.—  
Justice Stanley Reed in *Winters v. New York*<sup>11</sup>

On March 29, 1948 in *Winters v. New York*, the US Supreme Court ruled to invalidate a previous New York statute due to vagueness, along with stating the quote above.<sup>12</sup> This not only set the precedent for requiring states’ obscenity statutes to have clear definitions of what was obscenity and what types of material could count as obscene, pointed states to the need to include not only comics, but types of comics and their depictions, in later legislation, but also presented the ideology that would fuel legislators from the local to federal. Further, the issue of obscene materials was no stranger to the US courts, even before being written into United States law itself. According to Donna Dennis, in the early 19th century, the courts in some states began to rely on English law to prosecute obscenity, which differed from blasphemy and was typically associated with sexuality, charges, while in 1850 the issue of prosecuting moral nuisances made it into the law with the ruling of *Phalen v. Virginia* and in 1873 obscene literature was federally banned from the mail.<sup>13</sup> These changes to US federal and state laws throughout the nineteenth century would prove the basis for legislation against comics in the mid-twentieth century, while *Winters v. New York* would encourage its refinement.

### Comics at the Federal Level

At various points between 1950 and 1954, the US Congress heard from and received messages from law enforcement members, child experts, and comic publishers from across the country regarding their thoughts on the link between comics, the content of comics, and juvenile delinquency. The results from the responses were heavily mixed, but nearly all showed concern regarding juvenile delinquency, even if the individual respondents did not believe crime comics were the culprit.<sup>14</sup> And in 1955, the US Congress Committee on the Judiciary would release its interim report on comics and juvenile delinquency. In this, they determined that it was primarily the responsibility of the comic industry, and less so distributors, to censor publications, rather than that of individual sellers. While the report did not urge Congress to undertake any specific legislative action, citing a new effort at self-censorship of the comics industry (known as the Comics Code Authority), it did emphasize the importance of mass action needed from parents and organizations across the country.<sup>15</sup>

On October 26, 1954, The Comics Code Authority published a set of rules, known as the comics code, to regulate the content of comics in response to public outcry and the threat of federal intervention. These rules ranged from regulating how and what crimes could be portrayed, to banning the inclusion of vampires and profanity, to requiring “respect for parents, the moral code, and honorable behavior shall be fostered.”<sup>16</sup> As

explained by Amy Kiste Nyberg, the code was enforced by having publishers seeking the seal of approval submit each issue to a review by the Comics Code Authority, where administrator Judge Charles F. Murphy and five women would review them for approval or rejection and make or suggest edits to ensure that the comics abided by the code.<sup>17</sup>

While the US Congress did not enact any legislation aiming to exclusively censor comics, leaving the matter up to the states and the industry itself, it did decide to enact legislation and make decisions to validate and assist states in enforcing their regulations. On June 28, 1955, the US Congress passed S.B. No. 600, which amended the standing statute banning the mailing of any “obscene, lewd, lascivious, or filthy book, pamphlet, picture, film, paper . . . or other article capable of producing sound or any other matter of indecent or immoral character” between states, or between the US and another country, to meet the description for obscene comics with violations punishable with a fine up to \$5000 or 5 years of imprisonment.<sup>18</sup> This regulation would help to prevent the importation of obscene comics into states that prohibited their sale altogether. Further, on June 25, 1957, in *Roth v. United States*, the US Supreme Court ruled that obscenity is unprotected by the First Amendment, and thus that obscenity statutes were constitutional. Additionally, the case defined obscenity in the law as referring to as being “utterly without redeeming social importance,” with social importance excluding those that “encroach upon the limited area of more important interests.”<sup>19</sup> The court decided upon this definition despite stated worries that it was too broad, with fears that it would either allow infringement upon people’s First Amendment rights or that it would be too broad to allow for prosecution.<sup>20</sup>

## Legislation Passed in the States

There were three main types of legislation passed in the states:

1. Those that banned the publishing and selling of obscene and crime comics to anyone.
2. Those that banned the publishing and selling of obscene and crime comics to minors.
3. Those that banned distributors from requiring dealers to accept tie-ins, or bundles of publications ‘tied together’ in their delivery to vendors, containing obscene and crime comics.

## State Action: A Chronology by First Action

### Oregon

On November 5, 1948, following the ruling of *Winters v. New York*, the Attorney General of Oregon, George Neuner stated

that the standing Oregon Statute regarding obscenity, 23-924 of the Oregon Compiled Laws Annotated, should still be valid and constitutional and to consider it applicable to comics. Later, however, 23-924 would not be enough, and as an emergency act on May 13, 1955, Oregon would pass S.B. 173 to ban the sale of obscene comics with immediate effect.<sup>21</sup>

### Wisconsin

On December 14, 1948, Attorney General Thomas E. Fairchild ruled that a new ordinance allowing local governments, in particular Milwaukee county, to create advisory boards regarding comic obscenity censorship did not violate any standing statutes, but also noted the problem that people could continue to purchase obscene materials from counties that had not banned them. Despite noting this problem, it would be nearly a decade before there would be state-wide action. On August 15, 1957, Wisconsin approved S.B. No. 19, for publication on August 31, banning the selling of crime comics to minors.<sup>22</sup>

### North Dakota

On March 5, 1949, assembly member A. C. Langseth filed House Concurrent Resolution M, which encouraged law enforcement to enforce current statute 12-2107 authority on comic books. Just short of six years later, Langseth along with members Martin E. Vinje, Leland Roen, Adam Gefreh, T. E. Schuler, Lee F. Brooks, and Brynhild Haugland would propose H.B. No. 825 on March 1, 1955. The bill would go on to remove 12-2107, ban the selling, making, or display of obscene materials with additional punishment for those under twenty-one, ban tie-in sales, and explicitly recommend that law enforcement and judges consider the Comic Code Authority guidelines and stamp when deciding if a comic was obscene.<sup>23</sup>

### New York

The report, delivered February 15, 1950, determined that there was insufficient evidence that crime comics were directly correlated, but wished to investigate the matter more and elected to provide a more detailed report to the next session. However, it wouldn’t be until April 15, 1954 that New York would pass three laws that went into effect July 1, 1954, including adding comic books to the list of materials under the jurisdiction of section 22-a of the criminal code, which deals with obscene materials; increasing the fine for allowing minor employees to sell or handle obscene materials; and banned the condition for dealers to accept tie-in sales of obscene materials from distributors. Additionally, on April 29, 1955, New York passed an act to make publishing, distributing, and selling obscene comics a misdemeanor, going into effect July 1, 1955.<sup>24</sup>

### *Idaho*

On March 19, 1951, Idaho approved S.B. No. 60 to prohibit dealers from having to accept tie-ins. Later, on March 13, 1957, the passage of H.B. No. 64, taking immediate effect, extended the law to include banning the sale and production of obscene comics to all.<sup>25</sup>

### *Montana*

On March 5, 1955, Montana approved an act to amend sections 94-3601 and 3602 of the Montana Revised Code, banning the selling of obscene comics to minors, the employment of minors to handle those comics in any manner, and requiring dealers to accept tie-ins.<sup>26</sup>

### *Washington*

S.B. 420 was enacted on March 18, 1955, banning the sale of any comics viewed to be obscene, requiring a license to sell comics, and for distributors to send several comics of each issue to the supervisor of children and youth services for review while retail dealers must do the same for any purchased outside of Washington. The licensure section, however, was ruled unconstitutional in *Adams v. Hinkle* on February 27, 1958, by the Washington Supreme Court, and on March 11, 1959, H.B. 92, and on March 29, 1959, H.B. 106 were approved to replace previous statutes.<sup>27</sup>

### *Alaska*

On March 28, 1955, Alaska approved H.B. 95, banning the sale of obscene comic books to anyone, with specific descriptions of horror, crime, and sexually indecent comics, as well as depictions of what constituted brutality.<sup>28</sup>

### *Nevada*

Assembly Bill No. 243, introduced by William Swackhamer, approved March 29, 1955, amended section 10144 of Nevada Compiled Laws (1929), and prohibited selling obscene materials, with a specific mention of comic books, including a note that each day of display would count as a separate violation.<sup>29</sup>

### *Rhode Island*

Approved a commission to investigate the impact of crime comics on juvenile delinquency on April 7, 1955, with the deadline for the report being February 15, 1956. The report, printed February 21, 1956, would not only recommend legislation against comics, considering it the government's duty due to their sale in public areas, but also recommend government-sponsored education for parents and applied pressure on publishers and distributors to not make or sell obscene comics. Less

than two months later, on April 9, 1956, Rhode Island passed S.B. 182 with immediate effect, banning the sale of obscene comic books.<sup>30</sup>

### *Michigan*

On April 17, 1958, Michigan approved Public Act No. 126, which directed local governments and law enforcement to prohibit people from selling or distributing obscene material and to determine their punishment according to their own jurisdiction.<sup>31</sup>

### *California*

On April 20, 1955, California approved the addition of section 16603 to the state's business and professions code, which banned distributors from requiring dealers to accept horror comic tie-ins, and the law went into effect on September 7, 1955.<sup>32</sup>

### *Maryland*

On April 28, 1955, and going into effect on July 1, 1955, Maryland approved H.B. No. 594, adding a section to the Annotated Code of Maryland (1951) to prohibit the sale of crime comics and obscene materials to minors and to prohibit distributors from forcing dealers into tie-ins that included those products.<sup>33</sup>

### *Texas*

April 29, 1955, Texas passed H.B. No. 23 under emergency approval to go into effect in September 1955. Citing the failure of standing statutes to prevent the sale of obscene comic books, the bill prohibited the making, distribution, and selling of obscene comics to all and banned tie-in requirements.<sup>34</sup>

### *North Carolina*

On May 23, 1955, North Carolina approved H.B. 1085 to go into effect July 1, 1955, amending G.S. 14-189 to ban the sale of crime and obscene comics to anyone.<sup>35</sup>

### *Oklahoma*

On May 24, 1955, Oklahoma approved under emergency H.B. 887, prohibiting the sale of obscene comics to minors, granting law enforcement permission to dispose of those deemed obscene in court, and prohibiting tie-ins.<sup>36</sup>

### *Illinois*

On June 29, 1955, Illinois approved S.B. No. 118, which prohibited distributors from requiring dealers to accept tie-ins with obscene material, with a penalty of up to \$100 per violation.<sup>37</sup>

### Ohio

As part of H.B. 712, approved July 6, 1955, and going into effect October 6, 1955, amended the Ohio Revised Code to include 2903.10, which banned the sale of crime or obscene comics to minors, and section 2905.341, which prohibited tie-ins of obscene material.<sup>38</sup>

### Connecticut

On July 18, 1955, in Connecticut, § 3293d went into effect to ban the sale of obscene materials, with a large emphasis on comic books, to minors.<sup>39</sup>

### Virginia

On March 31, 1956, Virginia approved H.B. No. 171 to add section 18.113.1 to the Code of Virginia, banning the sale of obscene or crime comics to minors, and tie-in requirements of obscene material.<sup>40</sup>

### Pennsylvania

On June 1, 1956, Governor George M. Leader, despite the statement that the relationship between crime comics and juvenile delinquency was “not capable of statistical demonstration,” signed Act No. 670 to go into effect in July, banned the sale of obscene comics to minors and tie-in requirements.<sup>41</sup>

### Minnesota

On April 6, 1957, Minnesota approved H.F. No. 791, banning distributors from requiring dealers to accept tie-ins with obscene material.<sup>42</sup>

### Florida

On June 20, 1957, Florida approved H.B. 728, to go into effect October 1, 1957, prohibiting the sale of obscene literature (including comics) to anyone, with additional penalties to minors, and prohibiting tie-in requirements.<sup>43</sup>

### South Dakota

On March 1, 1961, South Dakota approved H.B. 705, banning the distribution through the mail, including imposing charges for those mailing the content in from other states, and set out how to report mail believed to contain obscene materials.<sup>44</sup>

### Mississippi

On June 1, 1962, Mississippi approved with immediate effect H.B. No. 913, to be known as the ‘Mississippi Law on Obscenity’, banning the importation or exportation of obscene materials into or out of Mississippi, and the making and selling of obscene materials in the state. Four years later, on May 26,

1966, with an effect of July 1, Mississippi approved H.B. No. 97 to bar tie-in requirements.<sup>45</sup>

### New Jersey

To go into effect October 18, 1962, New Jersey passed an act to supplement New Jersey Statute Title 2A, banning the selling or distribution of obscene materials to all, citing the effect that the materials had on minors and contributed to Juvenile delinquency.<sup>46</sup>

### State Inaction

Despite this widespread action taken across the nation, not all states decided to take direct action on comics for a variety of reasons, including opting to rely on standing regulations, believing it could be dealt with without legislation, or that any action would not hold legally. Massachusetts, for example, in wake of the comic industry deciding to work on a self-censoring policy, opted to send standing obscenity legislation to law enforcement officials and spoke with comic dealers in major cities about the issue rather than enacting additional legislation at some point between July 1953 and July 1954, while Vermont resolved to do the same June 10, 1955.<sup>47</sup> Some, like Nebraska on January 22, 1955, while indicating the desire to draft stricter legislation against crime comics, determined that it would be best to rely on existing obscenity legislation rather than risk new regulations likely to be ruled unconstitutional, citing the decision of *Winters v. New York*.<sup>48</sup> Others initially introduced legislation but ultimately weighed against passing it. For example, on January 14, 1955, in Utah, D.E. Hammond and Orval Hafen proposed S.B. No. 31, which intended to ban distributors requiring dealers to accept tie-ins, but withdrew the bill on March 10.<sup>49</sup>

### State Reports

Some states, like the federal government, performed formal reports to study the situation of crime comics and juvenile delinquency in their own state and determined not to enact legislation. For example, Colorado in 1955, with the support of thirty-four assembly members, and Tennessee on March 21, 1955, resolved to have a commission report on the link between crime comics and juvenile delinquency. Colorado delivered its report in November of 1956 and determined that no additional legislation was necessary due to standing obscenity statutes, nor desired due to freedom of the press. Tennessee never saw legislation arise following the approval of the report, though it is of note that Tennessee senator Estes Kefauver was a member of the federal subcommittee investigations, and in December of 1956 stated to the juvenile delinquency subcommittee that the comic situation had improved with public pressure.<sup>50</sup>

## The Effects

Even if not every state invoked comic legislation, the effect on the comics industry, as one could imagine, was massive. According to Kidman, comic sales dropped by half between 1954 and 1955, and publishers by 1956, while monthly issue titles decreased from around six hundred to around two hundred.<sup>51</sup> This meant a severe loss of diversification among comics aside from the censorship of surviving comics. The code itself limited how crime, criminals, and law enforcement could be presented, entirely banned “terror,” “horror,” and supernatural creatures, dictated what type of language could be used (including promoting good grammar), and banned even references to homosexuality.<sup>52</sup> This restricted not only creative writing and artistic freedom, but placed blanket bans on entire concepts without regard to how they were presented in individual comics. The enforcement of the code itself was also contentious and subject to the reviewers’ individual opinions developed within pre-Civil Rights Movement America. For example, one of the regulations of the code was that “ridicule or attack on any religious or racial group is never permissible,” but in 1956, an issue of *Incredible Science Fiction* by Entertainment Comics depicted a black astronaut whose race was not revealed until the end of the story, which prompted Comics Code Authority administrator Judge Charles F. Murphy to reject the comic for depicting a black astronaut.<sup>53</sup> Additionally, what constituted a crime comic in some states could, in theory, include the depiction of characters breaking segregation laws as a positive thing—the banning of even implied homosexuality certainly explicitly opposed the LGBTQ civil rights movement.

But the situation would not stay the same forever. On June 21, 1973, the US Supreme Court in *Miller v. California* elected to develop a new definition of obscenity that better aligned with the First and Fourteenth Amendments. This new definition replaced the previous “social importance” factor with evaluating if “the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.”<sup>54</sup> While this change wouldn’t get rid of censorship completely, especially with the comics code in place, it was much less reliant on personal opinion than the previous method of deciding if something was obscene—marking the start of a new beginning for the comics industry.

## Present Day

While the situation of comics has drastically improved since the 1950s, attempts at censorship are far from over, with the battle shifting from newsstands to our schools and libraries. One of the most recent examples reflecting the crime comic censorship is that of *Assassination Classroom*, a popular Japanese

manga series by Yusei Matsui from the 2010s intended for high school-age adolescents. In this series, a class of middle school students are tasked by the Japanese Government with assassinating their alien-octopus teacher under threat of the end of the world: all while trying to do their best in school to get into their top choice of high school. Reportedly, at least four states (Florida, North Carolina, Virginia, and North Carolina) as of April 13, 2023, have received calls to remove the series either from schools and/or public libraries. And the main reason people are calling for its removal? Fear that it will incite students to kill their teachers amid the most recent wave of gun violence.<sup>55</sup>

**Kristin R. Moore** (krm22f@fsu.edu), Florida State University.

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