

THE AMERICAN COMIC BOOK INDUSTRY, 1936-1954:

CREATIVITY IN AN AGE

OF CONFORMITY

THESIS

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INTRODUCTION

Art in its pure form is the audience-received, unqualified, and highly stylized product of a singular vision realized through technical mastery of an artist's respective mode of expression. There are many shades of gray as to the level of artistry in a particular work, depending upon technical ability, merit of vision, and how heavily qualifying concerns, such as financiers' demand, factor into the production process. In mass culture industries where art is produced for profit, financiers' demands weigh heavily. When industry owners demand production formulae for the sake of assuring profit, the result is often homogeneity of products.

The American comic book industry emerged in the mid to late 1930s as the American mass culture industries began to dominate smaller-scale traditional forms of culture. As a result of the formulaic climate of culture industries, art did not flourish widely in early American comic books. Although many creators exhibited technical mastery, the stories depicted were inevitably largely the products of publishers' demands. Thus, the artists tended to consider themselves as production workers instead of craftsmen, or even artists.¹

¹ Max Horkheimer and Theodore Adorno, *Dialektik der Aufklärung* (Dialectic of Enlightenment) (New York: Herder and Herder, Inc., 1972), 120-167; Michael Denning, *Mechanic Accents: Dime Novels and Working-Class Culture in America* (New York: Verso, rev. ed., 1998), 17-26; Herbert J. Gans, *Popular Culture and High Culture: An Analysis and Evaluation of Taste* (New York: Basic Books, 1974), 20-26; Michael Kammen, *American Culture, American Tastes: Social Change and the 20th Century* (New York: Basic Books, 1999), 162-189.

Not until the late 1960s and early 70s did a number of increasingly artistic and less homogenous products proliferate. Many analyses point to the targeting of niche markets and changes in distribution to explain the liberalization in mass media at that time. While favorable market climates are necessary for the development of any product, such analyses tend to undercount, and even ignore, the role of the creative impulse in the liberalization of mass media content. Be it Francis Coppola and Martin Scorsese in American film, Lou Reed and Johnny Ramone in popular music, Matt Groehning and Mike Judge in televised cartoons, or Will Eisner and Frank Miller in comic books, passionate creators often transform their respective mediums by following their creative impulses despite the conservative forces that govern mass media. In every one of these cases, no creative development would have occurred without the basic creative impulse. Although the liberalizing efforts of comic book creators did not produce lasting results until the mid-1970s, such efforts existed to one degree or another since the industry's inception in 1936.

Much the same as the 1970s was a turning point for the creative climate in comic books, it also was an important period for the place of comic books in academic endeavors. Until the early 1970s, when fans-turned scholars used their newfound cultural authority to validate the American comic book as a literary form and cultural artifact that deserved analysis, the popular stigma against comic books as mere child's distraction explains why academia had overlooked them. The works of fan-scholars found the earliest home in the *Journal of Popular Culture*, first published by Bowling Green State University in 1967. A handful of scholarly books on comic books and comic art

appeared in the early 1970s, but the bulk of scholarly publications appeared in articles of the *Journal of Popular Culture*.

English professors Russel B. Nye and M. Thomas Inge did more than anyone to facilitate comic book scholarship. In 1970, Nye published a book, *The Unembarrassed Muse*, which discusses how elitism in academia had led scholars to overlook artifacts of popular culture such as dime novels, advertising, and comics as fertile sources for scholarly analysis. Nye persuaded librarians at Michigan State University to begin collecting comic books, and other related items. What began as the MSU Special Collections Division that focused on rare books, morphed into the largest popular culture collection in an academic library. Currently, veteran collector Randall W. Scott curates the comic art collection there. At the University of Mississippi, Inge encouraged students to work on comic books, and he persuaded the University of Mississippi Press to publish comic book scholarship, beginning in 1990 with his own work *Comics as Culture*, an edited collection of comic-book-based articles of cultural analysis. The collection at MSU has facilitated the most significant studies of the American comic book to date, while the success of publications from the University of Mississippi Press has inspired other prominent scholarly presses to publish works on comic books.²

Comic book scholarship also owes a huge debt to the popular comic book fan press. The indexing work of countless comic book collectors serves as an essential tool of comic book scholarship while fan magazines provide a wealth of primary source material. By the early 70s, numerous crude fan magazines had evolved into slick-covered, high print-quality publications that featured current news on the comic industry, critical reviews, editorials, and interviews with industry professionals. This study draws

equally from scholarly and popular works to further our understanding of the role of American comic book artists in the industry.

Early articles in the *Journal of Popular Culture* aimed “to break down the barriers between so-called high and low culture, and focus on filling in the gaps a neglect of popular culture has left in our understanding of the workings of our society.” In 1971, the summer issue featured a series of articles validating the study of comic books. In “Comics and Culture,” for example, Arthur Berger demonstrates how popular comic strips and comic books can convey cultural values discerned through plot and character analysis. He points to statistics on the ages of the comic audience to argue that many young readers receive their first value lessons from comic strips and books. Thus, he argues, the study of comic strips and books can yield important insights into the values of each generation.³

In the same issue of the journal, Wolfgang Max Faust and R. Baird Shuman provide a case study of how to analyze a comic book. In “The Comics and How to Read Them,” Faust and Baird use the cover of *Action Comics* number 368 to walk readers through how to analyze the text, illustrations, and synergy between them to decode the values and messages conveyed in a comic book. The article demonstrates that comic books require a new form of literacy in which readers must recognize subtle cues, such as the use of perspective, in an illustration to set tones that can qualify the meaning of the text.⁴

²Russel B. Nye, *The Unembarrassed Muse. The Popular Arts in America*, (NY: Dial Press, 1970).

³<http://www.blackwellpublishing.com/journal>, Arthur Berger, “Comics as Culture,” *Journal of Popular Culture*, vol. V (Summer 1971), 164-178.

⁴Wolfgang Max Faust and R. Baird Shuman, “Comics and How to Read Them,” *Journal of Popular Culture*, vol. V (Summer 1971), 195-202.

Another article in the 1971 summer issue of the *Journal of Popular Culture* that pointed to the potential for scholarly analysis of comic books was J. Edward Mira's "Notes on a Comparative Analysis of American and Spanish Comic Books." Mira compares and contrasts the development of Spanish and American comic books in their respective cultural and political contexts to provide a window into the roots, current status, and new directions of popular culture in the United States and Europe.⁵

The first wave of articles engendered successive works that used comic books as tools for a variety of cultural analyses, including decoding the role of superheroes in American culture as postmodern myths and exploring the socio-political themes related to the social upheavals in the United States during the 1960s, Latin American socialism, superheroes as political vehicles, and gender-based assumptions found in American comic books. In "Icons of the Alternate Culture: The Themes and Functions of Underground Comix" (1975), Clinton R. Saunders dissects the anti-establishment and other countercultural values found in underground "commix," as well as their place as entertainment for a niche audience. A year later, Allen L. Woll studied comic books as sources for the expression of capitalist propaganda in the United States and of socialist propaganda in Chilean political culture in his article, "The Comic Book in Socialist Society: Allende's Chile, 1970-73." The works of Salvatore Mondello as well as those of Andrew and Virginia Macdonald likewise call attention to the socio-political values of comic book superheroes in their respective articles, "Spider-Man: Superhero in the Liberal Tradition" (1976), and, "Sold American: The Metamorphosis of Captain America" (1976). The Macdonalds argue that while critics dismiss comic books as a

⁵J. Edward Mira, "Notes on a Comparative Analysis of American and Spanish Comic Books," *Journal of Popular Culture* vol. V (Summer 1971), 203-220.

“shallow and simplified” genre, Americans are much more aware of Captain America than of historian Richard Hofstadter, for example. In “An Inquiry into Love Comic Books: The Token Evolution of a Popular Genre,” Bruce Bailey discusses the hegemony of masculinity in American comic books. He observes that romance comic books have changed little over the years. Thus, romance comic books reinforce traditional gender norms even as superhero comic books tackle all sorts of socio-political themes.⁶

While other scholars worked to find cultural reflections in comic books, a few began writing scholarly histories of the American comic book industry and its artists. M. Thomas Inge, who had served as chair of the Popular Culture Association’s 3rd National Meeting in 1973 and led a panel on the emerging comic book scholarship, wrote an article in the March 1979 issue of *The Journal of Popular Culture* in which he introduces readers to comic books with a narrative time line, demonstrating the divergence of comic books from comic strips and the evolution of comic books as a peculiar medium. That same year, Robert Levitt Lanyi focused on individual comic book creators such as underground artist Trina Robbins in his article, “Trina, Queen of the Underground Cartoonists.” Lanyi’s subsequent work includes similar biographical sketches and interviews with creators such as Don Rico, Jack Kirby, and Steve Englehart.⁷

⁶ Andrew and Virginia Macdonald, “Sold American: The Metamorphosis of Captain America,” *Journal of Popular Culture*, vol. X (June 1976), 254; Clinton R. Sanders, “Icons of the Alternate Culture: The Themes and Functions of Underground Comix,” *Journal of Popular Culture*, vol. VIII (March 1975), 836-852; Allen L. Woll, “The Comic Book in a Socialist Society: Allende’s Chile, 1970-73,” *Journal of Popular Culture*, vol. IX (March 1976), 1039-1045; Salvatore Mondello, “Spider-Man: Superhero in the Liberal Tradition,” *Journal of Popular Culture*, vol. X (June 1976), 232-238; Andrew and Virginia Macdonald, “Sold American: The Metamorphosis of Captain America,” *Journal of Popular Culture* vol. X (June 1976), 249-258; Bruce Bailey, “An Inquiry into Love Comic Books: The Token Evolution of a Popular Genre,” *Journal of Popular Culture* vol. X (June 1976), 245-248

⁷ M. Thomas Inge, “Introduction,” *Journal of Popular Culture*, vol. XII (March 1979), 631-639; Trina Robbins, “Trina, Queen of the Underground Cartoonists,” interview by Robert Levitt Lanyi, *Journal of Popular Culture*, vol. XII (March 1979) p. 737-754

As the number of articles analyzing American comic books proliferated in *The Journal of Popular Culture*, book-length scholarly endeavors on the subject remained quite rare through the 1970s and 80s. In 1971, Ariel Dorfman led the way with *How to Read Donald Duck: Imperialist Ideology in the Disney Comic*, first published in Chile and later with an English translation by David Kunzle in 1975. Dorfman provides a critique of capitalism as represented in the greed values and asexuality found in the characters surrounding Walt Disney's Donald Duck. When the book first appeared in Chile, it proved especially poignant amid the socialist fervor of President Salvador Allende's administration on the eve of a CIA-backed coup that overthrew him in 1973.⁸

European comic books, which enjoyed a much more positive popular and scholarly reception than American versions, developed without the childish stigma that shaped American comic books. With an adult audience embracing comic books, European comic artists found a market for mature content much sooner than their American counterparts.

By the same token, European scholars turned their eyes to comic books much sooner than American scholars. In 1972, Reinhold Reitberger and Wolfgang Fuch's *Comics. Anatomy of a Mass Medium* appeared in America. Reitberger and Fuch, who developed a unique perspective by coming of age as comic book fans in West Berlin, provide a thorough analysis of industry dynamics, cultural values, and aesthetic techniques at work in American comic books. Lastly, and most ambitiously, David Kunzle produced the first volume of his unfinished three-volume work based on his dissertation at the University of London, which included the history of the comic strip

⁸ Ariel Dorfman and Armand Mattelart, translated by David Kunzle, *How to Read Donald Duck Imperialist Ideology in the Disney Comic* (N.Y.: International General, 1975).

and later the comic book. In *History of the Comic Strip Volume 1: The Early Comic Strip, Narrative Strips and Picture Stories in the European Broadsheet from c.1450 to 1825*, Kunzle identifies the deepest roots of comic art in the religious propaganda of 15th Century Europe and tracks the development from the Reformation to the emergence of comic satire and caricature in the 18th Century. Kunzle's second volume, which appeared in 1990, covers the emergence of the comic strip in the nineteenth century. Kunzle successfully identifies a fluid progression of the comic strip from religious propaganda, to political cartoons, to comic strips. His first two volumes, thoroughly researched and lavishly illustrated, have raised expectations for his forthcoming third volume, which will take his work up through the emergence and refinement of the comic book over the course of the twentieth century.⁹

A number of scholarly books and dissertations on the American comic book appeared in the late 1990s as presses became more receptive and as comic book fans who had grown up in the comic book renaissance of the late 70s to mid 80s came of age to enter academia. In an unpublished dissertation, *Beyond Bang! Pow! Zap!: Genre and the Evolution of the American Comic Book Industry* (1997), Mark Christiancy Rogers discusses the history of the comic book industry from a top-down perspective. With an emphasis on economics and production models, Rogers describes the histories and analyzes the conservative forces of the comics code, distribution systems, industry structure, and fan culture.¹⁰

⁹ Rheinhold Reitberger and Wolfgang Fuch, *Comics Anatomy of a Mass Medium* (Boston: Little, Brown, 1972); David Kunzle, *History of the Comic Strip Volume 1. The Early Comic Strip, Narrative Strip, Narrative Strips and Picture Stories in the European Broadsheets from c.1450 to 1825* (Berkeley: University of California Press, 1973); David Kunzle, *The History of the Comic Strip Volume 2 The Nineteenth Century* (Berkeley: University of California Press, 1990)

¹⁰ Mark Christiancy Rogers, "Beyond Bang! Pow! Zap!: Genre and the Evolution of the American Comic Book Industry," (PhD dissertation, University of Michigan, 1997)

As part of a Studies in Popular Culture series edited by Inge, Amy Kiste Nyberg produced *Seal of Approval: The History of the Comics Code* (1998), which will likely remain the definitive study of the comics code authority for some time into the future. The rise of the code, EC Comics, and MAD Magazine have long been a favorite topic of popular and scholarly literature on comic books as well as a source for mass culture at large. Nyberg fits her narrative of the U.S. Senate's Kefauver hearings of 1953 and the creation of the Comics Code in 1954 into the broad context of society's attempts to control youth culture. Her work proved essential to this study for understanding the sources and roles of conservative cultural forces that have shaped the content of American comic books. Nyberg concludes that the continued liberalization of comic book content depends upon the small size of the modern comic book audience. Were the audience larger, as it had been in the early 1950s, she argues, conservative forces would once again limit the range of content in comic books.¹¹

William W. Savage's *Commies, Cowboys, and Jungle Queens: Comic Books and America, 1945-1954* (1998) focuses on the vitality of socio-political messages in comic books from 1945 to 1954, immediately before the rise of the Comics Code. Savage discusses gender, race, nuclear anxiety, communism, and the face of war as they appear in post-war, pre-code comic books. Perhaps the most apt portion of Savage's work for this study concerns his passages on the pre-code war comic books of Harvey Kurtzman. Savage observes that the war comic work of Kurtzman and other World War II veterans shows a gritty horror in the human experience of war not seen before or after in American comic books until very recently. Savage calls for studies of the effects of such comic

¹¹ Amy Kiste Nyberg, *Seal of Approval. The History of the Comics Code* (Jackson, Miss.: University of Mississippi Press, 1998).

books on readers with the possibility of discovering a correlation between the readership and members of the anti-war and counterculture movement. While methodology for such a study presents a serious challenge, testimonials from the underground artists of the counterculture definitely support Savage's hypothesis.¹²

As a contribution to the American Popular History and Culture Series edited by Jerome Nadelhaft, Mila Bongco focuses on the changing form of superhero comic books in her book, *Reading Comics: Language, Culture, and the Superhero in Comic Books* (2000). Bongco's discussion includes the place of comic books as an essential artifact in cultural studies that critical and scholarly communities have long discounted. She studies the impact of comic books on society and vice-versa, the technical aspects of comic storytelling, and superhero archetypes. Based on her discussion of archetypes, she analyzes the apocalyptic impulses present in current superhero forms. For Bongco, the political, social, and moral values reflected in Frank Miller's *Dark Knight Returns* represent the epitome of apocalyptic impulses in comic books. Bongco finishes with a survey of the modern comic book industry, emphasizing the breadth of offerings, and most importantly for this study, she discusses the liberalizing factors at work in the mainstream comic book industry. Bongco casts the roles of fan-audiences, fan-artists, direct distribution, and independent presses much the same as I cast them in this study. The liberalizing role of an individual creator's artistic impulse marks the key difference between my study and Bongco's. She neglects the role of the individual creator's artistic

¹² William Savage, *Comics, Cowboys, and Jungle Queens: Comic Books and America, 1945-1954* (Norman: University of Oklahoma Press, 1998).

impulse, the main, and only perennial source of liberalization in American comic books.¹³

Bradford W. Wright's *Comic Book Nation: The Transformation of Youth Culture in America* (2001) expands the socio-cultural analyses of Savage to cover the complete history of the American comic book from the New Deal values found in Superman, to changing definitions of patriotism found in Captain America's refusal to fight in or endorse the Vietnam War, and the antisocial tendencies of modern youth demonstrated by the success of anti-heroes such as Wolverine and the Punisher in recent years. Wright frames his analysis in concise yet insightful surveys of the relationship between comic books and American history. His brief treatment of dubious unionization attempts by comic book creators provided the earliest seeds for this study.¹⁴

In *Comics and Ideology* (2001), editors Matthew P. McAllister, Edward H. Sewell Jr., and Ian Gordon collect a wide range of cultural analysis articles on comic books that explore gender issues, the status of myth in light of modern science, homosexuality, and corporate dominance in the comic book industry. In "Ownership Concentration in the U.S. Comic Book Industry," Matthew P. McAllister discusses the conservative tendencies of the American comic book industry of the late 1990s by examining three major comic book publishers. He sees an ebb and flow of conservative and liberalizing tendencies with an overall liberal influence in the American comic book industry since the rise of the independent press. McAllister penned his work in 1999, shortly after Marvel and DC had destructively exploited the speculator's market through plot and

¹³ Mila Bongco, *Reading Comics: Language, Culture, and the Concept of the Superhero in Comic Books* (N.Y.: Garland Publishing, 2000).

¹⁴ Bradford W. Wright, *Comic Book Nation: The Transformation of Youth Culture in America* (Baltimore: Johns Hopkins University Press, 2001).

promotional format gimmicks that did little for the overall quality of American comic books. He concludes his work by speculating that artists who exploited the cracks made by Marvel's near collapse from 1996 to 1998 would produce a liberal tendency in mainstream comic books. In 2000, Marvel's subsequent hiring of Joe Quesada as editor-in-chief brought about the liberalization predicted by McAllister and a level of artistic vitality not seen in mainstream American comic books since before the rise of the Comics Code.¹⁵

Rooted in the works of Harry Jenkins and Patrick Parsons, Jeffery Brown and Matthew Putz crafted studies of comic book fan culture. In his article, "Star Trek Rerun, Reread, Rewritten: Fan Writing as Textual Poaching," (1988) and books, *Critical Studies in Mass Communication* and *Textual Poachers: Television Fans and Participatory Culture* (1992), Jenkins demonstrates how fans shape mass media through their contact with creators and performers at conventions, in letters, and on websites. Parsons applies the principles discussed by Jenkins to explain the evolution of Batman in an article, "Batman and His Audience: The Dialectic of Culture," which appeared in *Many Lives of the Batman: Critical Approaches to a Superhero and his Media* (1991), edited by Roberta E. Pearson and William Uricchio. Also accepting Jenkins's model of an active audience, Putz's *Comic Book Culture: Fanboys and True Believers* (1999) dissects the various species of comic book fans, including, speculating "fan boys," reading fans of mainstream comic books, and an eclectic demographic for readers of "alternative," or non-superhero, comic books for the sake of understanding the forces shaping comic books. Brown makes a more targeted study of fans in *Black Superheroes, Milestone*

¹⁵ Matthew P. McAllister, "Ownership Concentration in the U.S. Comic Book Industry," *Comics and Ideology*, edited by Matthew P. McAllister, Edward H. Sewell Jr., and Ian Gordon, (N.Y.: Peter Lang

Comics, and Their Fans (2001), which analyzes the fans of Milestone Comics, a now defunct DC imprint line created by and for African Americans in the mid 1990s.

Brown's study reveals telling indicators of the role of race in popular culture in contemporary America, thus reinforcing ideas that studies of fan cultures can provide insights into the broader society in which they exist.¹⁶

Just as fans affect the form of comic books, fan literature has proven essential to comic book scholarship. Comic book fans have existed since the appearance of the first comic book in 1936. By the late 1960s, those fans had a body of comic books to collect. Collecting quickly turned comic books into a commodity that, along with personal nostalgia, inspired collectors to scour countless used bookstores, estate sales, and flea markets to procure old comic books and compile indexes complete with vital information such as publisher, publication date, creative personnel, aesthetic achievements, content development, and collector's market value. Without collectors, scholars would have spent years seeking out old comic books and desperately searching for hard-to-find clues about publication dates, creators, and significant aesthetic developments. Thanks to collectors, scholars since 1970 could simply turn to the pages of *The Overstreet Comic Price Guide*, widely accepted as the definitive index of the American comic book, to find

Publishing, 2001).

¹⁶ Henry Jenkins, "Star Trek Rerun, Reread, Rewritten: Fan Writing as Textual Poaching," *Critical Studies in Mass Communication*, vol. 5 no. 2 (June 1988); Jenkins, *Textual Poachers. Television Fans and Participatory Culture* (NY: Routledge, 1992); Patrick Parsons, "Batman and His Audience. The Dialectic of Culture," *The Many Lives of the Batman Critical Approaches to a Superhero and his Media*, edited by Roberta E Pearson and William Uricchio, (NY: Routledge, 1991); Matthew J. Pustz, *Comic Book Culture Fanboys and True Believers* (Jackson, Miss.: University of Mississippi Press, 1999); Jeffrey A. Brown, *Black Superheroes, Milestone Comics, and Their Fans* (Jackson, Miss.: University of Mississippi Press, 2001)

publishers, creators, publication dates, collectors' values, and major narrative developments of their subject.¹⁷

Fan publications evolved alongside scholarship. Some fan magazines that began as crudely dittoed, with sometimes hand-colored covers, evolved into slick publications with high production values and lengthy articles about the industry and thorough interviews with creators. After a comic book renaissance in the mid 1980s, many of these interviews appeared in edited and collected volumes sold in bookstores. These volumes, such as Stanley Wiater and Stephen R. Bissette's, *Comic Book Rebels*, Gary Groth et al.'s, *The New Comics*, Will Eisner's, *Shop Talk*, and Charles Brownstein's, *Eisner/Miller*, and fan magazines provide the primary sources of creator interviews used in this study.¹⁸

Early popular publications paying homage to comic books, especially the work of Les Daniels, proliferated from the 1970s on, but three recent popular works stand out for their level of analysis and/or quality of information. Jordan Raphael and Tom Spurgeon's *Stan Lee: And the Rise and Fall of the American Comic Book* (2003), which, based on the authors' interviews with Lee, represents the best work on Marvel Comics in the 1960s. A comic book veteran and non-academic, Danny Fingeroth's *Superman on the Couch: What Superheroes Really Tell Us about Ourselves and Our Society* (2004) provides an insightful analysis of superheroes as a means of reconciling the human need for myth with the explanatory powers of science. *Men of Tomorrow: Geeks, Gangsters,*

¹⁷ Robert M. Overstreet, *The Official Overstreet Comic Book Price Guide*, 26th ed. (N.Y.: Avon Books, 1996).

¹⁸ Interviews by Stanley Wiater and Stephen R. Bissette, *Comic Book Rebels: Conversations with the Creators of the New Comics*, (NY: D.I. Fine, 1993); Gary Groth and Robert Fiore eds, *The New Comics*, (NY: Berkley Books, 1998), Will Eisner interviewer, *Will Eisner's Shop Talk* (Milwaukie, Oreg.: Dark Horse Comics, 2001); Charles Brownstein interviewer, *Eisner/Miller* (Milwaukie, Oreg.: Dark Horse Books, 2005).

and the Birth of the Comic Book (2004), by Gerard Jones, another industry insider, provides a multi-faceted look at the development of the comic book industry, creation of Superman, and the subsequent travails of Superman's creators, Joe Shuster and Jerry Siegel. Although limited mainly to a series of biographical sketches, *Men of Tomorrow* is a gold mine of information for those studying the comic book industry.¹⁹

The following study traces the development of the American comic book industry, 1936-1954, with special attention to the conflicts between the creatively conservative nature of the culture industry and the liberal tendencies of its creators. At their inception, comic books served as advertising vehicles with an emphasis on reaching as large an audience as possible. Advertising ultimately proved a secondary revenue stream to newsstand sales for comic books, but artistic exploration took a backseat to all. Reaching mass audiences requires speaking to common denominators. Publishers of all mass media quest after formulae that reliably reach profitable audiences. The demand for common denominator formulae runs directly contrary to the freedom and subjectivity required for artistic development. Thus, comic book creators represent a group of creative artists frustrated by the artistically limiting demands of publishers. Perhaps industry veteran Gil Kane said it best when he compared the comic book industry to a Judas goat, "And that's what comics does... You work and work, and all of a sudden you reach a point in your age, and comics just absolutely cut you to pieces, because there is

¹⁹ Jordan Raphael and Tom Spurgeon, *Stan Lee The Rise and Fall of the American Comic Book* (Chicago: Chicago Review Press, 2003); Danny Fingeroth, *Superman on the Couch What Superheroes Really Tell Us about Ourselves and Our Society* (N.Y.: Continuum, 2004); Gerard Jones, *Men of Tomorrow Geeks, Gangsters, and the Birth of the Comic Book* (N.Y.: Basic Books, 2004).

no place to go for growth. You either have to regress or adjust, and it's impossible, if you've developed to any extent, to find a place for that development."²⁰

While most frustrated comic book creators left the field to find greener creative pastures, a few loved the medium enough to attempt carving out a place for artistic exploration in the comic book industry. The process began with a handful of the earliest comic book creators, and continued through 1954. What began as an industry inhospitable to all but traditional material, from 1945 to 1954 developed small refuges of creative liberalism rarely seen in popular and/or mass media. Unfortunately for the medium, a public backlash against non-traditional comic books generated the Comics Code Authority that placed strict limitations on comic book content. This study traces the clash between formulaic forces and the creative impulse to identify the causes and limits of post-war content liberalization in the American comic book industry.

²⁰ Quoted in Steve Duin and Mark Richardson, *Comics Between the Panels* (Milwaukie, Oreg.: Dark Horse Comics, 1998), 253.

CHAPTER 1

AN INDUSTRY DEFINED, 1936-1941

From the 1930s to the mid 1950s, as American comic book artists became increasingly aware of the versatility in the comic book medium, an artists' consciousness slowly emerged from an early craftsman mentality. Over time, comic book artists, driven by the slowly emerging artists' consciousness, began pushing against publishers' creative limits. For the period from 1936 to 1941, however, Depression-era artists, grateful for a livelihood in hard economic times, offered little resistance to the creative limits rooted in publishers' market needs. Those limits determined the content of early American comic books.

The modern comic book began with the Sunday comics page. Single-panel political and social cartoons flourished in nineteenth-century newspapers. Shortly, artists began using multiple panels to convey sequences of action, thus expanding the narrative possibilities of comic art. On May 5, 1895, R.F. Outcalt, hailed at death as the father of the comic strip, debuted his *Hogan's Alley* comic strip in Joseph Pulitzer's *Sunday World*. Although examples of multi-panel comic strips can be found earlier in the 19th century, *Hogan's Alley* represents the first weekly color comic strip featuring a running cast. *Hogan's Alley* proved wildly popular, because it was among the most visual forms

of easily accessible entertainment at the time. The rush by newspaper publishers to commission similar works in hopes of increasing sales, subsequently gave birth to the Sunday comics page.²¹

Because strips from the comics page were so popular, publishers began issuing hardbound reprint collections for sale in book stores. These could be interpreted as the first comic books, but they were actually proto-comic books. These reprint collections are not regarded as modern comic books because they contained reprints in an expensive hardbound format, compared to the later ten-cent soft cover comic book featuring original material. Even though the strips often told a larger narrative when spliced together, they were originally conceived in strip form with a marked division in the narrative every three to four panels instead of the 8, 12, or even 32-page continuous narratives of modern comic books.²²

The next development in comic book evolution came in 1933, when Maxwell C. Gaines and Harry Wildenberg, salesmen for the Eastern Color Printing Co. in Waterbury, Connecticut, searched for a new market after falling on hard times during the Great Depression. Eastern Color handled color printing for pulp magazine covers and Sunday comics pages for newspaper syndicates. It occurred to Gaines and Wildenberg that if one placed two 7"x 9" printing plates, typically used in blocks of four, to print Sunday comics pages side by side on tabloid sized paper, they could print reduced sized comics pages. One could then fold that page over and bind several pages together with staples to

²¹ Steve Duin and Mike Richardson, *Comics: Between the Panels* (Milwaukie, OR: Dark Horse Comics Inc, 1998), 340; M. Thomas Inge, *Comics as Culture* (Jackson, MS: University of Mississippi Press, 1990), 3-16.

²² M. Thomas Inge, "A Chronology of the Development of the American Comic Book," in Robert M. Overstreet, *The Overstreet Comic Book Price Guide* 26th ed. (N.Y.: Avon Books, 1996) A96, A97; Bradford W. Wright, *Comic Book Nation: The Transformation of Youth Culture in America* (Baltimore, MD: The Johns Hopkins University Press, 2001), 2.

produce a cheap soft cover collection of comic strips. Gaines and Wildenberg first used their idea as an advertising scheme in which they printed reprint collections of strips such as *Mutt and Jeff* and *Joe Palooka* with advertisements included to be used as giveaways. The first run of 10,000 copies of *Funnies on Parade* for Proctor and Gamble proved popular, and others soon followed with as many as 500,000 copies of *Skippy's Own Book of Comics* printed for Phillips Toothpaste.²³

Encouraged by the success, Gaines saw greater potential for his reprint comics. He tested the market by affixing ten-cent stamps to a stack of the advertising giveaways and placing them on a newsstand. When Gaines returned the next day, he found that customers had bought all of the comics. Having proven the existence of a market, Gaines convinced Eastern Color to print 35,000 copies of a 64-page reprint comic, *Famous Funnies, Series 1*, for the Dell Publishing Co. in early 1934. After the title sold out quickly, Eastern Color printed a second issue in July, 1934, making *Famous Funnies* the first serial comic reprint meant for newsstand sale. *Famous Funnies* ran for the next twenty years with 218 issues reaching a circulation peak of 1,000,000.²⁴

Numerous other publishers and newspaper syndicates jumped into the market with their own reprint comics in 1936. Titles such as *Popular Comics* (News Tribune), *Tip Top Comics* (United Features), *King Comics* (King Features), and *The Funnies* (NEA) appeared on newsstands throughout the year. These, however, were still only

²³ M. Thomas Inge, "A Chronology of the Development of the American Comic Book," in Robert M. Overstreet, *The Overstreet Comic Book Price Guide* 26th ed., A97; Bradford W. Wright, *Comic Book Nation*, 3-4.

²⁴ M. Thomas Inge, "Comic Art," in M. Thomas Inge ed., *Concise Histories of American Popular Culture* (Westport, CT: Greenwood Press, 1982), 73-77; Robert M. Overstreet, *The Overstreet Comic Book Price Guide* 26th ed., 187-188.

reprint collections. The important innovation of using original material came quietly from Major Malcolm Wheeler-Nicholson in 1935.²⁵

Major Wheeler-Nicholson was a former cavalry officer turned pulp fiction writer with an outspoken and adventurous disposition that led him to break new ground in the comics industry. He had served in World War I as part of the occupation in Northern Russia. Despite a checkered service record that included a 1922 court martial at Fort Dix, New Jersey, for writing an open letter to President Warren G. Harding accusing the military of “Prussianism,” for deceitfully procuring leave passes, and for absence without leave. Wheeler-Nicholson ultimately received an honorable discharge. Upon returning, he continued with unorthodox pursuits and found some success in writing pulp stories and military novels before getting into publishing. He opened National Allied Publications in late 1934.²⁶

Wheeler-Nicholson hoped to achieve a competitive edge by commissioning original material from freelancers for his publications. In February of 1935, he published *New Fun* #1, the first comic book to feature all original material. The successful title, renamed *More Fun* with issue #6, ran until 1949 with 127 issues. A few other publishers saw Wheeler-Nicholson’s success, and in late 1936-37 issued their own comics with original material such as *Wow Comics* (Henle Publications), *Detective Picture Stories* (The Comics Magazine Co.), and *Western Picture Stories* (The Comics Magazine Co.). *Detective* and *Western Picture Stories* were the first comics with original material

²⁵ Robert M. Overstreet, *The Overstreet Comic Book Price Guide* 26th ed., A97.

²⁶ Joe Simon and Jim Simon, *The Comic Book Makers* (Lebanon, N.J.: Vanguard Productions, rev. ed. 2003), 12-13.

devoted to a single theme. Thus, the modern comic book had evolved from Gaines's 1934 reprints to the 1937 theme comics of original material.²⁷

Despite the success of the original material comics, most publishers at the time opted to continue with reprints for two main reasons. First, reprint rights could be obtained from the newspaper syndicates relatively cheaply at around \$6 a page. Also, reprints came with audiences already established by the newspapers.

However, a handful of individuals realized that the comic book business could quickly exhaust the syndicate inventories, and that eventually original art would be necessary to fuel the fledgling comic business. Publishers, for the most part, did not know how to produce the artwork. After all, publishers published, they did not create. If one could produce the art and sell it for less than the costs of reprint rights, publishers would have to buy the original art to remain competitive.²⁸

To produce the art cheaply, a few individuals established what became known as the shop system. The shops were essentially studios where teams of artists produced original comics material for 3rd party publishers in a factory-type production system. An editor would conceive a story and sketch the illustrations with some word balloons on a page with the panels pre-printed. The sketch would then pass to an artist who would tighten the pencil work, and then ink over the pencils. After illustration, the pages went to a letterer who filled in the text before passing the product to a background illustrator for final details.²⁹

²⁷ Ibid., 12-13; Robert M. Overstreet, *The Overstreet Comic Book Price Guide* 26th ed., A97.

²⁸ Gary Groth and Robert Fiore, *The New Comics: Interviews from the Pages of The Comics Journal* (N.Y.: Berkeley Books, 1988), 16.

²⁹ Ibid., 15-16.

Harrold A. Chesler, a fast-talking, cigar-smoking advertiser from Chicago with an eye for the bottom line and a soft spot for children, established the first shop with his own money in the summer of 1936.³⁰ Chesler, who saw a future in comics with original material, set out to supply art to comic book publishers as well as publish his own comic books. He gathered a staff of artists and writers through his personal contacts and want ads in the Sunday *New York Times*.

From the applicants, Chesler culled a staff of aspiring artists with a wide range of backgrounds. Aspiring painter, Rafael Astarita, was the first hired. Chesler also hired Jack Cole, an unemployed and married gag cartoonist from New Castle, Pennsylvania. Next came Gill Fox, a young cartoonist out to prove his doubtful father wrong by making a living at cartooning. Chesler employee, Jack Binder, the son of a Hungarian blacksmith, had immigrated from Hungary in 1902 and worked in printing from 1926 to 1936 after moving to New York City with his two brothers and hiring on as Chesler's art director. Robert McCay was the closest thing to a famous artist in Chesler's original staff. McCay, the son of Windsor McCay, creator of the successful syndicated comic strip, *Little Nemo in Slumberland*, sought to follow in his father's footsteps. Others included Creig Flessel, Fred Guardineer, Charles Biro, and Bob Wood. With the artists arranged in three rows of four drawing boards each, the Chesler shop produced *Star Comics* and *Star Ranger*, western comics arranged in the Wheeler-Nicholson style of three-dozen or more one-and two-page features, under the banner of Chesler Publications, Inc.³¹

³⁰ Steve Duin and Mike Richardson, *Comics: Between the Panels*, 28-30, 46, 84-85, 180-181. Numerous neighborhood children exploited Chesler's soft spot by skipping school to hang out at the Chesler shop. From this group emerged a number of prolific comic artists, including Joe Kubert, making the Chesler shop an incubator for future talent.

³¹ *Ibid.*, 28-30, 46, 84-85, 180-181.

Chesler gave up aspirations of publishing his own comic books when he sold his two titles to Centaur Publications after about six issues of each. Although he never produced a successful title for his own company, he sold much of his earliest material to William Cook and John Mahon, who had defected from Wheeler-Nicholson to publish their own comics. After struggling for several years, Chesler contracted to provide most of the content for MLJ Publications in late 1939, which remained his “bread and butter” until he retired in 1953.³²

Will Eisner and Jerry Iger promptly opened the second shop in 1937. Eisner was a second-generation immigrant born on March 6, 1917, in the Williamsbridge neighborhood of the Jewish ghetto in the lower east side of Manhattan. His father, who had painted church murals in Europe before immigrating, became a scenery painter for the local Yiddish Theater on Second Avenue. As a teen, Eisner studied under George Bridgeman at The Art Students’ League. Eisner was an out-of-work frustrated painter in 1936, when his high school friend, Bob Kane (later co-creator of Batman), told him that he might be able to find work cartooning. Kane had been selling single panel cartoons to magazines such as *Life* since high school, but had most recently found work with John Henle, publisher of the aforementioned *Wow Comics*. Kane directed Eisner to Henle’s office, managed by Jerry Iger, in the front end of a shirt factory, also run by Henle, on Fourth Avenue. Iger was reluctant to hire Eisner, but did so after Eisner fixed a potentially disastrous printing problem that emerged during Eisner’s visit. Eisner did a hero story, “Scott Dalton,” for Iger, but unfortunately the sales of *Wow Comics* were less

³² Ibid., 28-30, 46, 84-85, 180-181; Ron Goulart, “Golden Age Sweatshops,” *The Comics Journal*, no. 249, December 2002, 71-73; R.C. Harvey, “Interview with Will Eisner,” *The Comics Journal*, no. 249, December 2002, 63.

than spectacular, and Henle backed out after the fourth issue. Eisner found himself once again unemployed in late 1936.³³

Eisner then approached Jerry Iger with a business proposition in mid-1937. The two met at a café on 43rd Street opposite the *New York Daily News* printing plant, where the eighteen-year-old Eisner pitched the idea of a comic “shop” to the thirty-one-year-old Iger, who was in the middle of a costly divorce from his second wife and reluctant to commit. However, Eisner did not feel he could go it alone. He wanted the more mature and experienced Iger to handle sales while he handled production. Because of Iger’s initial reluctance, Eisner offered to put forth all the money, and then Iger agreed. Eisner took \$15 from a recent commercial job and rented an office room for \$5 a month without a lease in a building on 41st Street, off Madison Avenue populated by bookies and other questionable elements. This marked the beginning of the Eisner-Iger shop, in which Eisner was the only artist.³⁴

Eisner and Iger priced their first pages at \$5 apiece because that was \$1 less than the cheapest price at which a page of syndicated reprint material could be purchased. Their first sale went to Joshua B. Powers, a former US intelligence agent in South America who would buy comic strips and then trade them to Latin American newspapers for advertising space. Powers would then turn around and sell the ad space to American companies targeting Latin markets, thus making his profit as a sort of liaison. Eisner and Iger quickly expanded by targeting smaller east coast newspapers that wanted comic strips, but were shut out from the syndicated strips because larger newspapers

³³ Ron Goulart “Golden Age Sweatshops,” 73; Gary Groth and Robert Fiore, *The New Comics*, 15; R.C. Harvey, “Interview with Will Eisner,” 63; Robert M. Overstreet, *The Overstreet Comic Book Price Guide* 26th ed., 555.

³⁴ R.C. Harvey, “Interview with Will Eisner,” 63.

monopolized regional publication rights. A lot of Eisner and Iger's early business also came from publishers of failing pulp magazines anxious to try comic books in order to keep their valuable presses in operation.³⁵

For a time, Eisner worked around the clock, feigning the existence of a staff by using pseudonyms like Spencer Steele in order to assuage customers that might otherwise be concerned that he, alone, could not reliably produce the volume demanded. Before long, the work proved overwhelming. Eisner needed to hire more artists, but was unsure where to find them.

Eisner took out an ad in the weekend edition of the *New York Times* to solicit applications from artists. During the Great Depression many felt desperate for work of any sort. When Eisner arrived at the office on Monday morning, he found a line of applicants eager to show portfolios. There was no pre-existing comic industry, so none of the applicants had experience in comic books. Thus, Eisner looked for applicants with related experience. He ultimately hired the caricature-drawing playwright Klaus Nordling, muralist Alex Blum and daughter Toni Blum, mild-mannered Bill Bossert, an avid drawer who later married Toni Blum, Lou Fine, a polio survivor and graduate of New York's Grand Central Art School, and Jacob Kurtzberg, aka Jack Kirby, son of an immigrant factory worker and himself a feisty frustrated animator from the lower east side Jewish ghettos.³⁶

Chesler and Eisner both paid flat salaries of \$20 a week, which Depression-era artists welcomed because of the stability that came with a salary. Chesler most likely

³⁵ Ibid., 63-64.

³⁶ Ibid., 65; Will Eisner, *Shop Talk* (Milwaukie, OR: Dark Horse Comics, Inc., 2001), 155,193; Will Eisner, *The Dreamer* (Northampton, MA.: Kitchen Sink Press, 1986), 22-26.

paid a salary as an expedient to keep artists happy and the bottom line healthy. Although Eisner surely had similar motives, he nevertheless harbored an idealistic motive.

Eisner, an artist at heart, put a high value on artistic quality in the pages that his shop produced. His high aesthetic standards often led him to reject finished pages that he did not find satisfactory. For an artist working at piece rates, Eisner's rejection of a page would mean the loss of money. To get around any potential problems there, Eisner began paying a weekly rate. This gave him creative control without ruffling feathers because the artists got paid the same whether they worked on a new page or corrected an old one. With the average artist turning out about five pages a week and Eisner/Iger selling the pages to publishers for \$5-\$7 apiece, there was not much room for slack on a salary of \$20 a week.³⁷

With economic hard times driving a public demand for more intense forms of escapism in entertainment, and with a broad transition to visual media in the form of movies and lavishly illustrated magazines, comic books found a profitable market. The early comic book industry contained a handful of reprint titles, and a few featuring original material in the pulp tradition of detective, western, and science fiction stories. The themes were colorful and appealing, but not new. Comic books needed something unique to serve as an industry launch pad. That is exactly what the industry got in 1938.³⁸

³⁷ Ron Goulart, "Golden Age Sweatshops," 71; R.C. Harvey, "Interview with Will Eisner," 65. Eisner never had any significant problems keeping production up, and he attributes his success to the artists' pride.

³⁸ Ron Goulart, "Golden Age Sweatshops," 71; M. Thomas Inge, *Comics as Culture*, 131-146; Robert S. McElvaine, *The Great Depression: America, 1929-1941* (N.Y.: Times Books, 1993), 196-223; Richard H. Pells, *Radical Visions and American Dreams: Culture and Social Thought in the Depression Years* (N.Y.: Harper and Row, 1973), 266-268.

Wheeler-Nicholson, who was not a good businessman, had teetered on the verge of bankruptcy for most of the time he ran National Publications, and soon had to back out. In 1938, Harry Donenfeld and Jack Liebowitz bought him out and took over. Donenfeld handled the finances, and Liebowitz oversaw creative production. The two had previously printed the glossy covers for Wheeler-Nicholson, providing distribution through their Independent News Company, one of the largest distributors of the era. Donenfeld and Liebowitz, who had also been advancing Wheeler-Nicholson the money he needed to stay afloat, then stepped in when Wheeler-Nicholson went bankrupt in 1938. The two hoped to breathe new life into the company, but they assumed a risky ownership. They renamed the company Detective Comics, Inc., (DC) and requested fresh material from their friend, Maxwell C. Gaines, at the McClure Newspaper Syndicate, for two new publications under the editorial supervision of Vin Sullivan.³⁹ Gaines had been negotiating with two young science fiction fans named Jerry Siegel and Joe Shuster from Cleveland, Ohio, to publish a newspaper strip called Superman. However, Gaines ran into problems getting the work published. Gaines eventually showed the Superman strip to Donenfeld, who liked what he saw and requested that the young men make a few small changes to re-format their work as a comic book instead of strip. Siegel and Shuster had been trying for years to get their Superman character published as a comic strip, but at wits end, they decided to accept the offer for the sake of seeing their character in print at all. Shuster and Siegel agreed to sell Superman to Donenfeld for \$130 upon signing a standard release form that read:

³⁹ Les Daniels, *DC Comics: Sixty Years of the World's Favorite Super Heroes* (Boston, MA: Little and Brown, 1995), 18; Les Daniels, *Superman: The Complete History* (San Francisco, CA: Chronicle Books, 1998), 30; Steve Duin and Mike Richardson, *Comics: Between the Panels*, 135; Overstreet, *The Overstreet Comic Book Price Guide* 26th ed, A30, A31.

In consideration of \$130.00 agreed to be paid to me by you, I hereby sell and transfer such work and strip, all good will attached thereto, and exclusive right to use the characters and story, continuity and tile of strip contained therein, to you and your assigns to have and hold forever and to be your exclusive property...

With that, Donenfeld had enough material for his new title. He published 200,000 copies of *Action Comics* #1 with a cover dated June, 1938, featuring Superman clad in blue and red.⁴⁰

Donenfeld and Liebowitz were so anxious to know how *Action Comics* sold that they sent out “road men.” In 1938, distributors checked the sales of specific periodicals with “road men” who traveled to larger cities to check the newsstands after the particular title had been out for about twenty days. Despite healthy sales, Liebowitz cautiously kept the print runs low, since he was, after all, trying to salvage the company from Nicholson’s mismanagement. The anthology format of *Action Comics* allowed Liebowitz to experiment with other characters on the covers until he knew for certain that Superman sold best. Newsstand vendors soon began asking not for *Action Comics*, but for the comic with Superman in it. In response, Liebowitz put Superman on the cover of every issue of *Action Comics* after the eleventh issue, and sales approached the 1,000,000 mark. In comparison, most other titles of the period sold between 200,000 and 400,000 copies.⁴¹

Siegel and Shuster drew upon their experiences as working-class ethnic minorities to create Superman, and as a result struck a chord with the public of Franklin D. Roosevelt’s New Deal America. Siegel’s father, Michael Siegel, had owned and operated a family furniture store in Cleveland until his death in 1935. Still in high school

⁴⁰ Les Daniels, *Superman*, 18-38; Duin and Richardson, *Comics: Between the Panels*, 2, 107.

at the time, Siegel, along with his five siblings, took a job to help the struggling family. In between making deliveries for a printing plant at \$4 a week, Siegel turned to science fiction, dime novels, and comic strips for escape.

Shuster's Dutch-Russian-Jewish father, Julius Shuster, was born in Toronto, where he had worked as a tailor, but moved his family of five to Cleveland when Joe was ten years old. They lived in a \$20 per month flat on the cheap side of town. By the time Joe Shuster was in high school, he had worked selling newspapers, ice cream cones, and as an apprentice in a sign painter's shop earning about \$5 a week to help support the family. Shuster won a scholarship to the Cleveland School of Art, while he also paid ten cents a lesson for night classes at the John Huntington School of Art. A classmate at Glenville High School informed Siegel, who became interested in writing science fiction, that another classmate, Shuster, aspired to illustration.⁴²

Siegel contacted Shuster, and the two found an immediate chemistry in writing and drawing science fiction material that eventually led to Superman. They made their own illustrated science fiction magazine in the pulp tradition for which they made several versions of what evolved into Superman. According to Siegel, the idea for the final character occurred to him rather suddenly one night in 1932. Siegel later recounted in his typically melodramatic language, "I am lying in bed counting sheep when all of a sudden it hits me. I conceive a character like Samson, Hercules, and all the strong men rolled into one."⁴³ The two developed Superman over the next several years and tried to publish

⁴¹ Les Daniels, *Superman*, 35; Joe Simon and Jim Simon, *The Comic Book Makers*, 58; Wright, *Comic Book Nation*, 13.

⁴² John Kobler, "Up, Up and Awa-a-y," *Saturday Evening Post*, 21 June 1941, 17.

⁴³ Quoted in *ibid.*, 70.

him in several formats, but received only rejection letters from publishers, who believed that Superman was too fantastic to find a large audience.⁴⁴

Ironically, fantastic characters proved to be in high demand because of the escapism that many people craved during the Great Depression. Depression-era publishers, however, were also experiencing hard times, and they were frequently reluctant to take risks with experimental material when the old characters had tried-and-true audiences. Siegel and Shuster held onto their Superman character in hopes of landing a comic strip deal. They wrote and drew swashbuckling, adventure, and occult pieces for Wheeler-Nicholson in the meantime. After years of rejection, Siegel and Shuster concluded that Donenfeld's offer to buy the rights to Superman for \$130 in 1938 might be the only opportunity to see Superman in print, and agreed to the deal. Although not immigrants themselves, Siegel and Shuster lived in an immigrant culture, and projected their first-hand experiences with the intense exploitation of early 20th century American industrial life into their creations. They created Superman as an alien, the ultimate immigrant who with super strength set out to protect the interests of the common people. The first Superman stories created by Siegel and Shuster centered around the theme of Superman and social justice. For example, he would bust corrupt New Dealers, or implore a mine owner to improve safety standards after saving hapless miners from a cave-in. Siegel later told interviewers that he and Shuster had read newspapers and decided to write about what they thought was right.⁴⁵

In the process, Siegel and Shuster used a compelling medium to find a broad audience. They unconsciously played, not to radical or intellectual audiences, but to the

⁴⁴ Les Daniels, *Superman*, 12-23; John Kobler, "Up, Up and Awa-a-y," 70.

⁴⁵ Les Daniels, *Superman*, 35.

widely held reformist demands for the “moral economy” of the New Deal. They also created a post-industrial mythic hero reminiscent of earlier heroes such as Daniel Boone, Paul Bunyan, or Casey Jones, but whom they infused with elements of science fiction inspired by the technological advances of the early 20th century. After all, the contents of comic books have no technical limits to what creators can depict. Only the writer and artist’s imaginations and artistic skills limit the stories they produce. Thus, comic books could use visual storytelling cues that were impossible in other popular media due to the limitations of special effects in movies and the absence of visual stimuli in radio and prose. These factors combined made comic books a versatile and cheap form of compelling entertainment with broad appeal.⁴⁶

The smashing financial success of Superman set the comic book industry on fire almost overnight. Existing publishers scrambled to increase their profit margins with supermen of their own. Existing publishers gathered in-house crews of artists to devise new characters, and upstarts entered the industry to cash in on the new superhero craze. Superman comic books sold in record-breaking quantities, making comic books a national fad, and proving the economic viability of comic books to publishers. National distributors even advanced money to publishers that could produce comic books. Meanwhile, printers with idle presses welcomed the new business. Publishers sold comic books to distributors for five and one-quarter cents a copy. Distributors sold to wholesalers for six cents a copy. Wholesalers sold to retailers for seven and one-half cents a copy. Retailers sold the comic books for ten cents a copy while retaining the option to send unsold copies back for a refund, a practice rooted in the newspaper and

⁴⁶ M. Thomas Inge, *Comics as Culture*, 141; Robert S. McElvaine, *The Great Depression*, 193-223; Wright, *Comic Book Nation*, 9-14.

magazine industry and still used today. Refunds in the post-Superman comics boom before World War II averaged less than 30%, and publishers frequently turned profits on even their slowest selling titles.⁴⁷

Victor S. Fox's firsthand experience with Superman's profitability while working as an accountant at DC inspired him to open his own shop. Fox quit DC in 1939 and opened his own publishing company on a different floor in the same building that housed DC in Manhattan. Among Fox's first actions in comic books, he summoned Eisner and requested that he create a character called Wonder Man with a red costume and other trappings that Eisner described as "very much like Superman."⁴⁸

Fox's action raised an important question: would all future superheroes be a copyright infringement upon Superman, or just those conspicuously like Superman? Eisner did not fully realize the legal implications and, against Iger's advice, created the Wonder Man Character published by Fox in *Wonder Comics* #1 in March of 1939 with a cover date of May, 1939.⁴⁹ DC acted swiftly, filing a preliminary injunction on March 16, 1939, that temporarily prohibited Fox from publishing more Wonder Man stories until they could settle the dispute in court. When the hearings for a permanent injunction began on April 6, Eisner appeared in court, and faithfully recounted his conversations with Fox concerning Wonder Man. In 1940, the Federal District Court for New York City ruled in favor of DC and prohibited Fox from publishing Wonder Man on grounds that the character too closely resembled Superman. Fox responded to DC with counter-

⁴⁷ Simon and Simon, *The Comic Book Makers*, 37; Wright, *Comic Book Nation*, 15.

⁴⁸ Ron Goulart, "Golden Age Sweatshops," 73.

⁴⁹ The May 1939 cover date means that the comic actually appeared on newsstands in March because publishers typically printed cover dates two months ahead of the present to increase a comic book's shelf life by making it appear new even after several months on the shelf.

suits and continued to expand his comics company into a sizeable force in the industry with an in-house staff.

The Wonder Man case did not fully answer the question of superhero copyright infringement, and copyright lawsuits became a potent weapon for comic book publishers. The court issued the injunction because Wonder Man too closely resembled Superman, not because Wonder Man was another superhero. In short, one cannot copyright a genre, but often two works in the same genre are dangerously similar, especially when one considers the influence of culture industry formulae that leads to repeated use of basic plots. This left a large gray area around what was considered conspicuously similar. For example, does every comic character who flies represent an infringement on the Superman copyright, or does the character in question also have to be an alien with all of Superman's powers and a similar costume? Would such a character no longer be an infringement if the costume were distinct? The question is a very sticky one, and the answer open to judicial subjectivity in each case.

Over the years, competing comic book publishers, especially the larger companies with vast financial resources, used the gray expanse of what constitutes copyright infringement to stymie competition with costly legal battles that could financially break new and smaller publishers lacking financial resources, or at the very least frustrate viable competitors. The number of comic book copyright infringement cases is staggering, but perhaps the most famous of such cases was the suit between DC and Fawcett Publications, which lasted from 1941 to 1953. DC eventually acquired the rights to Captain Marvel, Superman's most viable sales competition in the early comic book industry, and secured its position of industry dominance for a time.

After the Wonder Man lawsuit, the Fox shop thrived, but none in the industry seemed to like the pushy, cigar-smoking, and highly exploitative Victor Fox. Joe Simon, who worked closely with Fox, described him as a Wall Street hustler. Fox became notorious for not paying artists, or at best paying with “rubber checks”, as well as refusing to print bylines giving artists credit. He remained in the industry until the mid-fifties, with a break from 1942 to 1944 to serve in World War II, publishing everything from romance to horror, all the while epitomizing publishers’ exploitation of artists.⁵⁰

While Fox and others moved into the publishing end of the comic book industry, Lloyd Jacquet opened another shop known as Funnies Inc., that became the largest of the era. Jacquet, a former editor for Chesler and the first editor on Wheeler-Nicholson’s innovative *New Fun* title, was neither a writer nor an artist. In 1939, working for the McClure Newspaper Syndicate, Jacquet used his spare time to set up shop in an apartment loft near Times Square. Described as a pleasant and reserved middle-aged man, he gathered a staff of predominantly freelance artists and writers whom he paid \$7 a page, an amount on the high end of page rates, for features that averaged six pages in length. Because he paid well, Jacquet could hire a highly talented staff that included Bob Wood, Harry Sahle, George Mandel, Irwin Hasen, Paul Gustavson, and Mickey Spillane.

Although himself a Johnny-come-lately, Jacquet and his Funnies, Inc. established a place in the industry. Publishers freely invested in comic books, but so many entering the market at once made for a high mortality rate among publishers. Thus, publishers who had only recently entered the comic book market proved reluctant to hire their own staffs, since they may have to quickly fire them. Such publishers turned to the shop

⁵⁰ Steve Duin and Mark Richardson, *Comics: Between the Panels*, 181; Ron Goulart, “Golden Age Sweatshops,” 73, 77; Joe Simon and Jim Simon, *The Comic Book Makers*, 29-33.

system for content. Jacquet filled a large portion of the new publisher niche as his highly talented staff at Funnies Inc., provided successful material to Centaur and Timely Publications.⁵¹

The post-Superman/pre-World War II era marked the waning days of the shop system as publishers gathered in-house staffs to cut costs, but the production model established by the shops remained intact and set the parameters for future creator/publisher relations throughout the comic book industry. The shop system offers a clear-cut example of the capitalist cultural production model in which market forces determine the content of cultural products by urging formulae at the expense of creative innovation in order to appeal to the largest possible audiences.⁵²

As the comic book industry flourished, artists reaped the profits of a favorable job market. Many well-established commercial illustrators scorned comic books as a cheap art form, thus reducing the labor pool. This made the industry open to capable, but inexperienced illustrators looking for inroads. At the same time, publishers began to recognize that comic books by some artists regularly sold more copies than those by others. A lively competition developed between publishers for the services of best-selling artists, and in some cases page rates got as high as \$15-\$20 a page. Although contrary to hindsight analyses that see the era as an age of artists' sweatshops, many artists remember the frontier climate of the pre-World War II comic book industry as a

⁵¹ Duin and Richardson, *Comics: Between the Panels*, 163, 188; Ron Goulart, "Golden Age Sweatshops," 74; Simon and Simon, *The Comic Book Makers*, 26-28. A few other successful companies and shops also entered the fray. Wilfred Fawcett opened a publishing company with an in-house staff that produced the aforementioned Captain Marvel character. Jack Binder, previous art director at the Chesler shop, also opened his own shop in early 1940 located in Englewood, New Jersey. Although Binder found success providing content to Fawcett and Prize Publications, Binder's staff was small and he had to shut down in 1943 after the draft diminished his already small staff.

⁵² C. Lee Harrington and Denise D. Bilbey, ed., *Popular Culture Production and Consumption* (Malden, MA: Blackwell Publishers, Inc., 2001), 4, 5.

sort of golden age for the industry with no tightly-drawn limits to success and abundant work.

At first, comic publishers did not know which audience to target. Publishers turned out reprints of comic strips proven popular by newspapers and imitated the adventure, sci-fi, and detective genres from the older dime novel and pulp magazine industries in hopes of duplicating the success of those industries. After Superman, it became obvious from studies by both comic book publishers and academics concerned with the psychological and behavioral impacts of comic book reading that kids were the primary audience. Academic studies done in the early and mid 1940s showed that 90 percent of children, whether boy or girl, in the 4th, 5th, and 6th grades read an average of ten comics a month.⁵³

Upon realizing they had tapped a huge market in the youth, publishers demanded nothing but superheroes, and market demands took precedence in defining the medium. Nothing inherent to the medium mandated that comic books handle only superheroes. In fact, comic art is a highly versatile medium capable of telling any type of story on both verbal and visual levels, demanding creators to fully think their stories through, including providing background details and other elements often left to the audiences' imaginations in other media.

However, publishers were not out to explore artistic frontiers, but to make a profit. They hired artists to render what publishers knew would sell, the ubiquitous superhero. Eisner recalled, "A lot of shops were repressive. I mean, there were fixed

⁵³ Amy Kiste Nyberg, *Seal of Approval: The History of the Comics Code* (Jackson: University of Mississippi Press, 1998), 1.

parameters within which the artists did their work. There was very little experimentation.”⁵⁴

To produce superhero stories, publishers used the comic book assembly line method first used by Chesler and the Eisner/Iger team in their respective shops. Ultimately, Jack Binder’s shop offered the epitome of the assembly line method, in which Binder broke a story down into eight categories that included plotting, layouts, pencils on main figures, pencils on secondary figures, inks on main figures, inks on secondary figures, letters, and colors. The back of each page had an eight-category box which each artist initialed next to the task they completed as the art moved down the line. With this system, comics were collaborative efforts that tended toward homogeneity rather than stylized singular visions.⁵⁵

Considering publishers’ demands and production techniques, there was little room for individuality, but a few artists such as Jack Kirby, Lou Fine, and Will Eisner stood out nevertheless because of strong illustration and story-telling styles. Kirby had a crude, but dynamic style that emphasized motion, thus lending itself to the action-driven superhero genre. Fine, on the other hand, had a refined realist style that enabled him to maintain proportion and realism in figures and objects while shifting perspective to dramatically expedient angles. Eisner worked primarily on layouts in his shop, but there he honed his sense of pace in the layouts of panels to manipulate motion and time in establishing dramatic tension.

Perhaps these artists might have exercised greater stylizing and innovation in a more liberal artistic climate, but as it was, they defined the comic book style of the era.

⁵⁴ Eisner, *Shop Talk*, 16.

⁵⁵ Ron Goulart, “Golden Age Sweatshops,” 76.

Although comic strip artists with adult audiences had already developed a high level of stylizing such as the dada elements in George Herriman's *Krazy Kat* or the surrealism in McCay's *Little Nemo in Slumberland*, publishers targeting children restricted comic book artists to realism even when depicting the fantastic. They set the precedents for page layout, panel composition, and pace of action in comic book art upon which subsequent artists played in developing their own styles. It is telling of artistic inclinations that numerous early comic book artists either worked continuously or returned to comic books later in life when the industry climate allowed a greater range of expression.⁵⁶

Publishers protected their profits by publishing only those stories for which they had secured copyrights, and American copyright law in the 1930s had evolved to favor publishers over creators. American copyright law sprang from the 1709 English Statute of Anne designed to break up printing monopolies by awarding copyrights to authors for terms of 28 years. The U.S. Congress built upon the British laws in 1790. As a result of lobbying from Thomas Paine, Noah Webster, and other writers, Article I Section 8 of the Constitution stipulated that "The Congress shall have power...to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries." George Washington first defined that "limited time" as fourteen years for books, maps, and charts when he signed the first national Copyright Act favoring authors on May 31, 1790. Music, dramatic

⁵⁶ Kirk Varnedoe and Adam Gopink. *High and Low: Modern Art and Popular Culture*. New York: The Museum of Modern Art, New York, 1990, 169-179. Fine left the comic book industry in 1944. Kirby, however, worked more or less continuously, making countless contributions to the medium until his death in 1994. Eisner took a break in the early-1950s to produce illustrated instruction manuals, but returned to comic books in the mid-1970s. He is credited with numerous innovations during both phases of his comic book career. These three are not the only masterful artists who worked between 1936-1941, nor the only artists that made careers in comic books and continuously developed their styles. However, I think most would agree that these three made great contributions to the medium and represent the most remembered of the era.

compositions, and photography were granted copyright protections in 1831, 1856, and 1865, respectively.

Fundamental changes to the copyright law did not occur until 1908, when the White-Smith Music Publishing Co., a sheet music publisher, sued player piano manufacturer Apollo for copyright infringement. For the first time, courts asked if a recording, a new technology, was an infringement on copyrights designed to protect printed products. The court, determining that recordings and other reproductions constituted an infringement, proceeded to revise copyright law. The revisions yielded the Copyright Act of 1909, under which a product had to be published in order to enjoy legal protection. The law defined publishing as the act of offering copies to the public. Also, publishers had to display notice of a copyright on their products as well as register that copyright with the government in order for protection to be afforded. Copyrights under the 1909 law stood for twenty-eight years, at which time they could be renewed, not necessarily by the same party that held the original copyright, for another twenty-eight years.⁵⁷

American copyright law in the 1930s thus favored publishers because protection began upon publication with notice, and upon publication, the copyright fell to the publisher. To meet the demands of the law, publishers often printed ashcans of titles for which they had high hopes. Ashcans were crude, black and white, hand-stapled smaller versions of comic books quickly produced so that a publisher could lay claim to copyrights by already having published a title in ashcan form before a competitor could steal it. Publishers were not worried about the art so much as the logo and title. Thus,

⁵⁷ Cheryl Besenjak, *Copyright. Plain and Simple* (Franklin Lakes, NJ: Career Press, 1997), 30-34.

ashcans often featured art from previous unrelated publications, with the desired title and logo adorning the cover.⁵⁸

The law, however, awarded publishers the rights only to the particular product published, so the publishers wanted more. Under the 1909 law, an artist or writer could sell a publisher a Green Lantern story, for example, and upon publication, the publisher would hold the copyright only to that particular published story. Theoretically, the artist could turn around and sell another Green Lantern story to another publisher, but to hold a copyright only for what had already been published was dangerous for comic book publishers. Publishers did not know if a given character would sell well or not, but if it did sell well, the profits could be enormous. By relying strictly upon the Copyright Act of 1909, publishers might lose valuable characters to higher bidders after the initial publication proved the characters' viability. Thus, publishers ventured into contracts that required artists and writers to sign releases, like the aforementioned release for Superman, giving the publishers rights to the character's likeness so that they would have exclusive rights to future publication should a character prove profitable. Since these notices were often stamped on the backs of paychecks, artists--frequently broke and even hungry--could not cash their checks until they gave up rights to their creations. Initially, artists saw no problems with giving up the rights to their creations, because they did not see any value in the creations or harbor widespread feelings of entitlement to profits. Comic book artists quickly conceived characters and stories for what they saw as a children's medium flooded with similar characters and stories. Most of these characters generated profit, but not in huge sums. After the runaway success of Superman comic books, and an array of Superman merchandising, artists became aware that publishers

⁵⁸ Duin and Richardosn, *Comics: Between the Panels*, 26, 27.

stood to make a lot of profit while the artist could only lay claim to modest sums from the sale of finished pages.⁵⁹

Even after becoming aware of the potential profits, however, most comic book artists of the time did not demand higher salaries or even royalties. Other culture industries such as movies and comic strips paid entertainers and artists high salaries and royalties in cases in which the entertainer or artist demonstrated proven sales power. Comic book artists were a different case because they were anonymous. Early comic book artists working in the shop system found themselves in an employment situation closer to that of wage laborers than that of entertainers or famous comic strip artists. Comic book artists at the time were, by virtue of the shop production system, anonymous and, with so many desperate for work in the late 1930s, easily replaceable. In such a position, attempts to lay claims to profits were impossible. The Great Depression may have swayed many to believe that workers were entitled to a fair wage, but that was the extent of it. Only the most liberal felt workers had any claims to profits in any industry. Publishers recognized that if customers bought comic books based on the artists instead of the characters within the pages, artists would have a bargaining chip when negotiating salaries. Publishers, along with shop owners, took actions to prevent that possibility. First, publishers refused to print the artists' names, thus making it exceptionally difficult for even the most stylized artists to gather fan bases. Chesler and Jacquet were exceptions, sometimes allowing name credits if publishers did not object, but most publishers and shop owners were adamant about not allowing name credit. The shop production system often assuaged artists by inspiring them to see the finished comic book

⁵⁹ Kirby, Jack, interviewed by Gary Groth, "Jack Kirby: The King Talks Candidly," *The Comics Journal* no. 134, February 1990, 67.

as a collective effort to which they could lay no claim for credit. However, in some cases, artists had large egos or strong and unique styles, and possibly both. Thus, artists who felt that they had claims to credit for their work, often slipped their names somewhere into the background illustrations on elements such as street signs, license plates, or billboards. Many of these clandestine credits went unnoticed, but those that editors did spot were simply whited out before printing. Publishers did, however, recognize the technical mastery of select artists and often jockeyed to employ them, but this did not radically inflate wages or salaries. Lastly, the constraints of formula limited what even the best and most progressive comic book artists could do. With no products of singular vision or fan bases to bring to the negotiating table, even the most stylish and refined comic artists were limited at the negotiating table while anonymity and homogeneity prevailed.⁶⁰

Even though it can be argued that the artist is as essential to the production process as the publisher, traditional market forces guided the comic book industry. Regardless of the necessity for creative vision of design in any industry, claims to unlimited profits still lay not with the designer, but with the one who takes the risk of paying to realize a design and cultivate a market. In comic books, since publishers were the ones taking the financial risks, they were entitled to the rewards after they had purchased rights to a character. In 1993, when asked about the artists' vs. publishers' claims to profits, Will Eisner defended the publishers' perspective: "The publisher essentially felt he needed to have ownership because what he was doing was investing his

⁶⁰ Duin and Richardson, *Comics: Between the Panels*, 324; Trina Robbins and Catherine Yronwode, *Women and the Comics* (NY: Eclipse Books, 1985), 50.

money in a property, and he was not about to waive proprietorship. The publisher saw it in the long term and was prepared to promote, develop, and sustain the property.”⁶¹

Along with a respect for the publishers’ investments, artists seemed happy merely to be making a living wage in the midst of the Depression, even accepting exploitative deals with publishers. As Jack Kirby replied, when asked by interviewer Gary Groth if he was aware that publishers made vast profits while he got only a fixed page rate: “I accepted that fact because I was bringing in more money...My purpose was what my father’s purpose was – to make a living and have a family.”⁶²

Comic book artists of the era made a living wage of \$25 a week at a job that was not physically taxing and allowed a degree of individual expression. They sat at desks in studios, a much more appealing workplace than steel mills, textile factories, or other physically demanding occupations common to the period. Although publishers’ market-driven considerations placed limitations on artists’ creativity, many artists were merely happy to be working in a creative environment at all, and some found their own ranges of expression within the constraints. In 1979, early comic book artist Don Rico told Dr. Richard Lanyi, “I was able then to deal with the great gods, with the Titans, with not only the action of battle but the story of Narcissus, the Labyrinth. I could go into many many things...I think we are basically storytellers, and whether we tell tragedies or comedies, or just a story for its own sake, it’s worthwhile.”⁶³ Kirby echoed Rico, comparing the greater artistic expression in the comic book industry to his earlier work in the factory-

⁶¹ Quoted in Stanley Wiater and Stephen Bissette, *Comic Book Rebels: Conversations with the Creators of the New Comics* (NY: ShadoWind, Inc., 1993), 273.

⁶² Gary Groth, “Jack Kirby,” 67.

⁶³ Robert Levitt Lanyi, “The Once and Future Don Rico,” *Journal of Popular Culture* 13:1 (Summer 1979): 32-34.

like Fleischer animation studios, where he drew the same image all day long: “I began to see the studio as a garment factory. I associated the garment factory with my father, and I didn’t want to work like my father. I love being an individual.”⁶⁴

Lastly, many other comic book artists accepted restrictions on their creativity because they often aspired to more respected endeavors and did not take comic books seriously. Comic books of the era were kids’ stuff. Many artists drew comic books by default, only when they could not find other work. Countless stories exist of comic book artists who aspired to become commercial illustrators or newspaper cartoonists. Newspaper cartoonists enjoyed much more respect and higher pay as a result of massive newspaper readerships, and a Hearst/Pulitzer bidding war that inflated wages for the most popular artists. Many comic book artists aspired to the more respectable work, but had no experience. Thus, work in comic books served as an entry-level job for many inexperienced artists. These reluctant artists often went so far as to work under pseudonyms to make sure that their names were not connected with comic books for fear that such a stigma might ruin their chances of finding serious work. In many ways, such artists were the best suited to work in the early comic book industry, because they viewed their comic book work as “hack” work. With no personal attachment to the work, these artists had no pains about staying within publishers’ limitations. Those commercial artists likely to offer any significant resistance to a publisher’s limits on creativity and comparatively low wages refused to do comic books at all. The fact that many

⁶⁴ Quoted in Will Eisner, *Shop Talk*, 194.

commercial illustrators refused comic book work meant that there was relatively little job competition for the skilled and willing artists.⁶⁵

Women had worked widely in commercial illustration, but were conspicuously absent from the early comic book industry. This most likely resulted from entrenched social attitudes that favored hiring men over women. Especially during the Great Depression, many felt that women in the workplace, single or otherwise, took jobs from men who provided for entire families. Commercial illustration was a physically undemanding occupation with a lot of work aimed at a female audience. Many women had worked in graphic design since the earliest days of commercial illustration in the late nineteenth century. Women commonly worked in illustration for fashion design, advertisements for products marketed to women, and much of the romance fiction of the era. When the comic strip emerged in the early twentieth century, women joined the ranks of comic strip artists by drawing many heroine, family, and young girl strips aimed at female newspaper readers.

Prevailing gender assumptions spawned market forces that excluded women from the comic book industry. Women in illustration and comic strips were typically given assignments suited to “feminine” sensibilities such as family and heroine comic strips, covers for romance stories, and illustration for fashion advertising. Transversely, because comic book publishers demanded superhero stories of adolescent power fantasies aimed at young male readers, publishers predominantly assumed that women did not have the

⁶⁵ Simon and Simon, *The Comic Book Makers*, 37; Stanley Wiater and Stephen Bissette, *Comic Book Rebels*, xiv-xxiii.

sensibilities to draw the muscular figures frequently engaged in knock-down, drag-out fights, and opted to hire men instead.⁶⁶

In spite of all the limitations on creativity and financial rewards for comic book artists, Eisner played an advantageous hand to arrange a climate of creative freedom and financial protection for himself in 1939. Newspapers traditionally received large sales boosts from their comic strip pages. After the Superman boom, newspapers noticed a dip in sales that they attributed to the recent success of comic books. The Coles brothers, owners of the Register Tribune Syndicate in Minneapolis, approached Eisner through one of his customers named “Busy” Arnold Everett to solicit a 16-page weekly comic book insert for their newspapers. Comic book artists at the time were generally perceived as unreliable and likely to stop showing up to work for dubious reasons like drunkenness. Eisner was unique since he was both a shop owner and an artist. Based on his proven reliability as a shop owner, the Coles Brothers wanted him, and no one else. Eisner, however, felt reluctant to leave the shop, because it had become quite profitable. Despite the profits, the artist in Eisner lusted after the opportunity to publish his work in newspapers where he could reach a larger audience and do more mature material than he could with comic books. He decided not to leave the shop for the syndicate unless he could hold onto aesthetic control of his work. Eisner used his leverage to negotiate a unique contract with the Coles brothers in which he ultimately retained ownership of his creation. Eisner and the Coles brothers agreed that the work would be published under the syndicate’s copyright to assuage syndicate customers who would not buy artist-

⁶⁶ Trina Robbins and Catherine Yronwode, *Women and the Comics*, 7-91. The prevailing absence of women artists never really changed, except during World War II when women filled the jobs left vacant by the men going to war. The only place women seem to have found comic book work has been in the liberal to radical underground comix of the 1970s and small scale independent presses of today.

owned material for fear that the artists' instability would interrupt the flow of material. The loophole in the contract was a reversion clause stipulating that Eisner essentially loaned his work to the syndicate, and that should he and the syndicate split up, ownership of the material would return to him.

When Eisner informed Iger of his decision to leave the shop, the two agreed that Iger would buy him out at a very cheap price, and Eisner would take only five artists with him so as to leave Iger with a staff. For the syndicate, Eisner created a private eye character with middle-class sensibilities called *The Spirit*. *The Spirit* ran in newspapers continuously until October 10, 1952, with Lou Fine supervising the work while Eisner served in World War II. Iger struck a partnership deal in 1940 with Ruth Roche, one of his editors, and continued in the business until 1961.

Eisner's work on *The Spirit* marked the first time a comic book artist retained ownership and subsequent creative control of his character. At first glance, it is tempting to conclude that Eisner wanted ownership for the sake of profit, but one must remember that Eisner was always an artist at heart. In interview after interview, he asserted that although money was a factor in getting him to leave the shop, aesthetic control was his priority. Eisner felt that the larger audience he would reach with *The Spirit* could help elevate comic books to a form of literary expression. He made great advances with *The Spirit*, both in sophistication of the material and in the favorable contract he secured, but remained an isolated case. Although Eisner would later serve as an inspiration for a

future generation of rights-conscious creators, it would be another forty-odd years before creator ownership would help secure creative liberty.⁶⁷

Despite Eisner's isolated circumstance, artists' opinions of their occupation, production methods, copyright law, and market forces all combined to place firm limits on creative liberty in the comic book medium. Publishers saw children as their only market. Thus, the prevailing conservative publishers would print only the colorful and fantastic, but ultimately simple, superhero stories that compelled children. The persistence of publishers marketing to children created a social stigma around comic books as "kid's stuff" in which no serious stories could be told. The social stigma reinforced comic book artists' sense that they worked in a frivolous craft. Eisner and a few others may have seen potential for the comic book medium, but even they could not deny the frivolity of comic books in the 1930s.

The factory-like organization of comic book production further discouraged comic book artists from pursuing creative impulses. The collaborative production system of the shops diluted each artist's contribution to the finished product. A comic book produced in the shop system could never be the product of a singular vision. This led artists to see their job as one of many tasks in a larger process, much like a worker on a construction job site. Comic book artists rarely had an opportunity to be the architect and pursue their creative impulses in a comic book. The few who tried knew they could not sell anything too unorthodox to profit-driven publishers looking for safe bets.

Furthermore, even if artists realized a singular vision on their own time, copyright laws left them without a place to print their product and retain ownership. Under the

⁶⁷ Gary Groth and Robert Fiore ed., *The New Comics*, 17-18; R.C. Harvey, "Interview with Will Eisner," 68; Trina Robbins and Catherine Yronwode, *Women and the Comics*, 52; Stanley Wiater and Stephen

copyright act of 1909, the publisher, not the creator, secured rights to the product. Given that artists who realize a singular vision often feel a personal attachment to their work, knowing that publishers would secure the rights to any published products made attempts to sell more personal work to publishers a self-destructive act from artists' point of view.

Modern popular critics who look back at the roots of the comic book industry see a horribly repressive climate for all of the above reasons, and they frequently conclude that the artists must have been miserable. The irony is that, aside from low status in the art world, apparently comic book artists of the era were quite satisfied with comic book work. Although some early artists were frustrated because they wanted to do more prestigious graphic design or comic strip work, their frustration was rooted more in what they were not doing, rather than in what they were doing. On the whole, comic book artists believed that their work provided a good living for which they were grateful at a time when the Great Depression made immediate the threat of unemployment and poverty. Considering the alternatives, early American comic book artists preferred not to rock the boat by demanding creative liberty, increased compensation, or copyrights at the risk of unemployment in difficult economic times. Such efforts would be left to future generations.

CHAPTER 2

A MEDIUM CONFINED, 1941-1954

The period from 1938 to 1954 marked the Golden Age of the American comic book industry. Superheroes flourished before and during World War II, but only the most established characters such as Superman and Batman endured after the war. Wartime market changes inspired publishers to launch new genres with more sophisticated stories in hopes of reaching previously untapped audiences. The strategy worked very well until it backfired in 1954, when a successful censorship campaign inspired by fears of juvenile delinquency and communist subversion removed any and all adult material from comic books. But before the censorship, many American comic book artists seized the industry boom to pursue better pay and creative liberty through royalty contracts, lawsuits, and professional organization.

Before World War II, publishers continued to introduce more and more superheroes in hopes of duplicating the success of Superman. By 1940, more than sixty different superhero titles regularly appeared on newsstands. By the end of 1941, the number of superhero titles had reached 160.

A highly competitive post-war market encouraged innovation. Cyclical sales reflected the public school calendar immediately after World War II. Thus new publishers and titles had high mortality rates if launched in the fall, or if they had not

built a large enough audience in the spring and summer to weather the periods of slower sales. Publishers competed fiercely for reliably selling creators that would ensure high sales by creating distinct comic books that stood out in a market of homogenous products. Finding it difficult to dominate the industry with superheroes, publishers began offering a wider range of genres around 1947 to reach new markets. Through new genres, publishers expanded the comic book market, thus producing a healthier job market for comic book artists than ever before.⁶⁸

Prior to the war, comic book production had evolved to include in-house staffs of creators and limited freelancing. The Iger shop and others that produced finished products for publishers continued to exist, but no longer dominated the industry. Larger publishers gathered their own staffs of creators for in-house production, using the same factory-like technique as the early shops. Publishers controlled costs by keeping in-house art staffs to a minimum. As the market expanded, small staffs could not always meet publishers' increasingly large demands for material to fill new titles. Publishers with unmet demands turned to freelance creators at \$8-\$15 per page of pencils and \$7 per page of inking. Freelancing creators stood to double their income by either playing publishers off against one another for higher page rates, moonlighting for their primary employer, or doing clandestine work for publishers other than their primary employer.⁶⁹

Despite the lure of higher pay through freelancing, lingering Depression-Era concerns deterred many creators from freelancing. A staff job provided a stable income. Freelancers had no guaranteed pay, and professional pessimism ran high in the immediate

⁶⁸ Simon and Simon, *The Comic Book Makers*, 111; Overstreet, *The Overstreet Comic Book Price Guide*, 26th ed., A-98.

⁶⁹ Wright, *Comic Book Nation*, 58; Jordan Raphael and Tom Spurgeon, *Stan Lee: The Rise and Fall of the American Comic Book*, (Chicago: Chicago Review Press, 2003), 24.

aftermath of the Depression. Even the most successful pre-war artists remained reluctant to gamble on freelancing.⁷⁰

However, the most proven creative teams, including Jerry Siegel and Joe Shuster, Joe Simon and Jack Kirby, and Bob Wood and Charles Biro, went further than freelancing artists by successfully leveraging their proven sales records when negotiating royalty contracts with their publishers. These contracts awarded the creators royalties from the sales of issues they wrote and drew. They did not include the more valuable copyrights to the characters they created.

As a result of the Superman phenomenon, creators were painfully aware of the difference between publishers' profits and what publishers paid creators for the rights to creations. Perhaps none were more aware than Supermen creators Shuster and Siegel after they sold Harry Donenfeld the rights to Superman for \$130 in 1938. In 1939, the first year after Superman's creation, Shuster and Siegel produced thirteen Superman pages per month at \$10 a page, earning only \$1560. In contrast, Donenfeld grossed \$950,000 in 1939 from the *Superman* titles they had created.⁷¹

As Shuster and Siegel watched the profits from Superman comic books skyrocket, they asked for a greater share of the profits. Donenfeld's partner, Jack Liebowitz, granted Shuster and Siegel a rate increase of five dollars per page in late 1939. Shuster and Siegel then negotiated another \$5 increase in page rate along with a 5% royalty in 1940, bringing their page rate to \$20 with a 5% royalty on all Superman revenues. The royalty agreement meant significant financial gains for Shuster and Siegel, because Donenfeld had opened Superman Inc. in 1939 for the sole purpose of licensing

⁷⁰ Will Eisner, *Will Eisner's Shop Talk*, ed. Diana Schutz and Denis Kitchen (Milwaukie, Ore.: Dark Horse Comics, 2001), 328.

⁷¹ John Kobler, "Up, Up and Away!," *Saturday Evening Post*, 21 June 1941, 73.

Superman. That year, Donenfeld made \$120,000 from twelve licensed Superman cartoons and another \$100,000 from thirty-three other licensed products. In 1940, he negotiated with the McClure Syndicate to publish a daily Superman comic strip in exchange for 40% of the revenue. The strip, which went out to 230 newspapers in 1940, made \$100,000 for Donenfeld. Shuster and Siegel unsuccessfully begged Donenfeld to return full syndication rights to them. Throughout the negotiations, Donenfeld reminded them that their contract gave him the right to completely cut them out of all Superman profits. Ultimately, Donenfeld retained a claim to 10% of the gross revenues from syndication, and gave Shuster and Siegel the right to syndicate Superman so long as they worked exclusively for Donenfeld over the next 10 years. The new contract brought Shuster and Siegel each less than \$100 a month for the first year in 1940, but that amount increased to \$600 a week by 1941. In 1940-41, Superman Inc. brought in \$1.5 million for Donenfeld, Shuster, and Siegel, who received \$75,000 from Donenfeld in 1940, stood to double that amount by 1942 with increased revenue from radio and movie licensing.⁷²

To produce the daily strip and do their Superman comic book material, Shuster and Siegel set up their own studio in a rented office. Each of the studio staff of five artists received between \$50 and \$200 a week to produce a thirteen-paged story, a Sunday page, and six daily strips each week. Shuster reserved for himself the privilege of drawing Superman's face on otherwise complete pages from his staff. Siegel took advantage of the arrangement by working from home to plot stories. In 1941, Shuster and Siegel made \$31,200 from syndication. The studio cost Shuster and Siegel \$16,000 a year for salaries and overhead. Considering the difference between the cost of their studio and what

⁷² Kobler, "Up, Up and Away!," 73-76.

Shuster and Siegel made from the studio material, the two were to the studio artists, as Donenfeld was to them.⁷³

Partners Joe Simon and Jack Kirby used their reputations as a fast, reliable, and dependably high-selling creative team to secure a royalty agreement from Martin Goodman at Timely Publications in 1941. Simon and Kirby met in 1940 while both worked at Fox Publications. The short, but stout and feisty Jewish Kirby hailed from Manhattan's lower east side. The college-educated Simon came from a WASP middle-class background in upstate New York. Simon had done commercial illustration for a Syracuse newspaper until he fell into comic books. Simon and Kirby befriended one another despite, or perhaps because of, their differences, and soon began moonlighting together under pseudonyms to protect their jobs with Fox.

The fact that many comic book creators and publishers came from liberal Jewish backgrounds partially explains why many comic book publishers freely put out large amounts of anti-Nazi material even before Hitler invaded Poland, and long before President Roosevelt's Office of War Information urged the culture industries to produce patriotic material. Simon and Kirby naturally found themselves greatly troubled by the Nazi menace abroad. While moonlighting, they created a superhero character named Captain America that would take the fight to Hitler.

Kirby, who described Simon as "an entirely different animal,"⁷⁴ respected Simon's education, and deferred negotiations with publishers to him. Simon presented Captain America to Goodman in response to one of Goodman's solicitations of new material. Although other comic books contained anti-Nazi themes in 1940, Captain

⁷³Ibid., 74-76.

⁷⁴ Eisner, *Shop Talk*, 205.

America first embodied the fight against Nazism from the inception, and thus had a unique appeal. Goodman, who felt comfortable with Simon and Kirby's record of dependability and high sales, saw great potential for the Captain America character. He granted Simon's requests for a royalty contract that would give Simon and Kirby 25% of the Captain America profits--with 10% going to Kirby and 15% going to Simon. Simon later reflected on the deal, "Artists are notoriously bad business men," and Kirby recalled, "I didn't care. I couldn't conceive what they were doing in those offices... When I wanted a little more money, they gave me a little more money."⁷⁵

Ironically, Goodman did not always give them a little more money. In 1942, when Simon and Kirby discovered that Goodman had been hiding profits, they left Timely and signed a one-year contract with Liebowitz at DC, where they would receive cover credit for their work and \$500 a week.⁷⁶

First published in 1941, Captain America brought out dramatic responses from the audience and set an industry precedent for patriotism. At times, sales of *Captain America Comics* broke the one million copies mark and even outsold *Superman*. Despite frequent death threats from Nazi sympathizers, anti-Nazi artists and publishers produced volumes of patriotic material.

In 1941, Charles Biro and Bob Wood repeated Simon and Kirby's pre-war success by procuring their own royalty contracts from Lev Gleason Publications. Beginning with issue #22 in 1942, Gleason changed the title of *Silver Streak Comics* to *Crime Does Not Pay*. Gleason hoped that publishing stories about the consequences of a life of crime would assuage a growing group of parents concerned about juvenile

⁷⁵ Ibid., 205; Kirby, Jack, interview by Gary Groth, "Interview: Jack Kirby," *The Comics Journal*, February 1990, 67; Simon, *The Comic Book Makers*, 40-43; Wright, *Comic Book Nation*, 34-45.

⁷⁶ Raphael and Spurgeon, *Stan Lee*, 23; Simon, *Comic Book Makers*, 61.

delinquency possibly inspired by comic books. Gleason put Biro and Wood at the creative helm, and gave the two credit on the cover of what collectors recognize as the first crime comic book. Biro wrote and laid out thirty-five page stories with as many as nine panels apiece, the norm being about six panels per page for 8-13 pages. The greater-than-usual length of *Crime Does Not Pay* stories allowed Biro to write more dialogue, explore subplots, and develop characters more than typically seen in comic books. Neither Biro nor Wood left for military duty during World War II. Their monthly circulation steadily climbed to peak around 4 million copies in the late 1940s. The title's high sales began an industry trend. In 1948, alone, thirty new crime comics appeared to make up 14% of the comic industry. Although many suggest that Biro and Wood owed their success to Gleason's higher than usual paper allotment during the war, Biro believed the high sales were the direct result of his and Wood's creativity. Biro convinced Gleason, who then agreed to pay royalties to both Biro and Wood. Although the exact royalty percentage is unknown, Biro and Wood both enjoyed playboy lifestyles that flaunted their money and got the attention of other artists.⁷⁷

The cases of Shuster, Siegel, Simon, Kirby, Biro, and Wood are exceptions to the rule. Despite artists' best efforts, royalty deals eluded most creators of the period. According to Joe Simon, even when profits seemed near certain, publishers remained very reluctant to give royalty deals for fear of having to split millions of dollars in the event of a big hit.⁷⁸

⁷⁷ Duin and Richardson, *Comics. Between the Panels*, 475-476. If Biro and Wood would have pushed for creative liberty is difficult to determine. Wood served three years from 1958-1961 for the manslaughter of his girlfriend Violet Phillips. In 1962 he died after walking in front of a car while drunk. Biro left comic books that same year to work as a graphic artist at NBC. He died peacefully in his parked car in 1972.

⁷⁸ Ibid., 47-48, 109-111, 475-476; Fujitane, Bob, interview by Jim Amash, "'Fuje' for Thought: A Candid Conversation with Golden Age and *Flash Gordon* Artist Bob Fujitane," *Alter Ego*, April 2003, 13; Eisner, *Shop Talk*, 216; Simon and Simon, *Comic Book Makers*, 57, 112.

Until Japan's attack on Pearl Harbor, wartime comic book creators initially focused on the Nazi threat, but publishers wasted no time in sending droves of superheroes to fight the Japanese. Despite the Office of War Information's pleas to avoid the caricature of "a little bucktoothed treacherous Jap," popular mediums, such as film and comic books, reflected racial bias by portraying the Japanese much more vulgarly than they portrayed the Nazis. This is not to say that popular media treated the Nazis favorably, but that Americans found it much easier to vulgarize the physical features and stereotypes of the "racially inferior" Japanese than those of Caucasian Nazis. In stories with titles such as, "The Terror of the Slimy Japs," and "The Slant Eye of Satan," comic books caricatured the Japanese face and portrayed the Japanese people as inferior vermin capable of sadism far beyond that of the Nazis.⁷⁹

Most comic book creators in the late 30s and early 40s were young males in their teens and twenties, and thus the first to go to war. Will Eisner, Jerry Siegel, Jack Kirby, Joe Simon, Mort Weisniger (an editor at DC), along with many others, received calls to serve. The New York City draft board occupied an office at 480 Lexington Avenue, the same building that housed DC comics and Fox Publications. Many creators had but to go upstairs to report when drafted. Although a number of comic book creators stayed home, many served in the combat infantry. A select few, such as Simon and Eisner, found non-combat niches by drawing army-funded propaganda comic strips and posters as well as instructional manuals in the Combat Art Corps.⁸⁰

⁷⁹ Simon and Simon, *The Comic Book Makers*, 44-46; Wright, *Comic Book Nation*, 41-42, 44-46. Tom Engelhardt, *The End of Victory Culture: Cold War America and the Disillusioning of a Generation* (NY: Basic Books, 1995), 46-53.

⁸⁰ Will Eisner, *To the Heart of the Storm* (NY: DC Comics, 2001), 198; Jack Kirby, interviewed by Gary Groth in, "Jack Kirby," *Comics Journal* no.134, February 1990, p. 67-68; Gary Groth et al., *The New Comics*, ed. Gary Groth and Robert Fiore (NY: Berkley Books, 1988), 19; Simon and Simon, *Comic Book Makers*, 63-67.

With the men abroad, women stepped in to draw and write the comic books. Some publishers had their departing creators go on crash production programs to build material stockpiles before creators answered draft notices. But, stockpiles could only go so far. As in so many other wartime industries, women came in to fill the bill. The number of women drawing comic books tripled in 1942. Women such as Ruth Roche, Toni Blum, Nina Albright, Claire Moe, and many others took seats in the shops and publishers' stables to produce the bulk of wartime comic books. Although the entire pre-war comic book industry had employed an average of a dozen women at a time, wartime production shops and publishers now employed as many as twenty women each.⁸¹

Some women remained in the comic book industry after the war, but most did not. Women who left comic books tended to pursue gallery art, commercial art, children's book illustration, assisted cartoonist husbands, or became homemakers. None of the women who stayed in comic books drew superheroes. Publishers gave superhero jobs to returning male artists, and put the remaining women on romance and funny animal titles based on the assumption that men best understood fighting and women best understood romance and children. Company rosters show that the larger companies did not hire women at all after the war; all companies replaced departing women with men.⁸²

As the war escalated and the economy emerged from the Depression, the comic book industry boomed. Comic books offered a cheap, portable, and disposable form of entertainment ideal for highly mobile GIs seeking short diversions from the rigors of soldiery. The augmented personal incomes of the wartime economy meant that kids had more money to spend on comic books, which also provided cheap visual entertainment

⁸¹ Simon and Simon, *Comic Book Makers*, 61.

⁸² Trina Robbins and Catherine Yronwode, *Women and the Comics* (N.Y.: Eclipse Books, 1985), 50-60.

for those still feeling the economic sting of the Depression. From early 1942 to December of 1943, monthly comic books sales climbed from 15 to 25 million copies of 125 different titles with annual retail sales of close to \$30 million sustained throughout the war. Later paper rations forced publishers to reduce paper usage by 15-20%. The rations drove some unlucky publishers out of business in the midst of an industry boom. Those who continued to profit with scaled back production tended not to cancel titles, but reduced the number of copies and/or pages per issue.⁸³

The end of the war meant big genre changes as publishers tried to keep GI readers while simultaneously appealing to their core juvenile market. At first publishers did not know what would sell. Fan favorites such as Batman and Superman continued to sell, but new superheroes tended to fail in a market saturated with similar products. Furthermore, superheroes generally did not appeal to adults. As superheroes declined, many publishers tried a shotgun strategy and produced a little of everything.⁸⁴

The shotgun strategy initially produced a post-war market glut characterized by cyclical sales, failed titles, and bankrupt publishers. Steady work became hard for creators to find. The cyclical sales generally peaked during summer when schools let out and in early January after Christmas. During the school year, sales slowed, and publishers lowered production accordingly, leaving many creators out of work.⁸⁵

Ultimately, some publishers successfully appealed to adults with more sophisticated and frequently morally ambiguous stories of romance, true crime, horror, and science fiction. Publishers held onto the expanded adult market through 1954, and the industry prospered

⁸³ Wright, *Comic Book Nation*, 31.

⁸⁴ Simon and Simon, *Comic Book Makers*, 68.

⁸⁵ *Ibid.*, 111.

with monthly industry sales climbing from 27 million copies in 1946 to 60 million in 1952, and to 50 million by 1954.⁸⁶

Most post-war comic books reflected traditional views of race and gender while they took on new concerns such as nuclear weapons, communism, and the Korean War. Although many titles in the “Jungle Queen” genre featured heroines, the stories reinforced gender stereotypes by frequently depicting jungle queen heroines as incapable of escape without the help of male or animal sidekicks. In the rare instances that pre- and post-war comic books showed racial minority characters, the characters typically bumbled around only to fall into traps that required the white hero’s assistance to escape. Romance comic books had the potential to transform gender images, but instead reinforced conservatism by depicting stories that advised young female readers to practice restraint and denial of self to accommodate males.⁸⁷

The advent of the atomic bomb presented Americans with new uncertainties and divisions. The public asked if the bomb was evidence of American intellectual superiority, or of its moral decline, and feared what would happen if America’s enemies developed and used a bomb on Americans. Post-war comic books minimized these concerns by not recounting the plight of Japanese civilians in Hiroshima and Nagasaki, and portraying the bomb as benign. Writers of child-oriented titles used the bomb as a slapstick device where mushroom cloud explosions served as a sort of new pie-in-the-face-gag. Other writers showed the bomb as a tool of great destruction and death, but in such stories Americans always survived the blasts. In some cases, comic book teams of

⁸⁶ Ibid.; Mark Christiancy Rogers, “Beyond Bang! Pow! Zap!: Genre and the Evolution of the American Comic Book Industry” (Ph.D. diss., University of Michigan, 1997), 14.

⁸⁷ Wright, *Comic Book Nation*, 127-134; William W. Savage, *Cowboys, Commies, and Jungle Queens: Comic Books and America 1945-1954* (Norman, Okla.: University of Oklahoma Press, 1990), 76-78.

select American soldiers used atomic grenades, rifles, and artillery without consequence of radiation poisoning.

In all, comic book creators played to the audience's nuclear anxieties by portraying the atomic bomb as benign to Americans, and the means to American victory over enemies. Simultaneously, Japanese popular culture approached the bomb much more negatively with a Frankenstein approach in which radiation from nuclear blasts produced horrific creatures such as Godzilla that indiscriminately destroyed Japanese cities.⁸⁸

Comic book creators also reaffirmed the public's belief in American superiority amid the Cold War. Creators quickly seized on Communists to replace the Nazis as menaces of the United States. They portrayed communists as evildoers bent on undermining all things good about American democracy and capitalism. Comic book creators minimized readers fear, however, by portraying communists as incompetents. US soldiers, FBI agents, jungle queens, and even cowboys all easily thwarted the machinations of the communists they confronted, thus keeping the American way of life safe from communism.

Despite the apparent simplicity of Cold War comic books, the creative impulse brought anti-war themes that complicated depictions of the Korean War. In Korea, Americans found themselves in a protracted struggle that Congress never declared as a war. Korea began as a popular conflict, and anti-communism remained popular long after the war. However, the mounting death toll and stalemate led many to disapprove of how President Harry S. Truman handled the war. Based on depictions of World War II, one would expect comic book depictions of the war to boost morale with tales of U.S.

⁸⁸ Savage, *Cowboys, Commies*, 14-23; Englehart, *Victory Culture*, 3-16.

superiority and imminent victory, but that was not the case. Although some creators glossed over the situation in Korea, many of the stories can be interpreted as anti-war statements with disturbingly realistic depictions of fear, death, and even the desertion of U.S. soldiers in combat, a stark contrast to the sterile depictions of World War II combat.

Bradford Wright and William Savage observe that the ambiguous and gritty Korean War stories reflected broader uncertainties in society about the unique political nature and seemingly futile combat of the Korean War. However, they did not gear their studies to assess the impact of comic book creators' own wartime experiences on their creative impulses in depicting Korean War combat.⁸⁹

Many comic book creators of the era had experienced combat in World War II. It is only logical that such powerful experiences would inspire a level of realism in their writing and illustration of Korean War comic books. It may be the publisher who asks for a war story, but creators decide how they plot and illustrate that war story. World War II veteran and comic book creator Harvey Kurtzman recounts, "What they did when they produced a war book is they focused on what they thought the reader would like to read, which was, 'Americans are good guys and anybody against us is the bad guys. We're human. They're not. And God is always on our side.' This trash had nothing to do with the reality of life...when the Korean War broke out we jumped on that particular bandwagon-some bandwagon!-and tried to tell about how war really was." Kurtzman and other creators drew from their own wartime experiences to produce stories with realistic elements that ultimately carried anti-war themes.⁹⁰

⁸⁹ Savage, *Cowboys, Commies*, p. 51-59; Wright, *Comic Book Nation*, p.133-134.

⁹⁰ Harvey Kurtzman, *New Comics*, interview by Kim Thompson and Gary Groth, 31.

It is important to note that the anti-war themes sprang from humanist, not political concerns. The creators of Korean War comic books generally did not attack the ideologies or politics behind the Korean War. The ambiguity of Korean War comic books portraying the horrors of combat, yet continuing to assert the good vs. evil nature of the struggle between capitalist democracy and communist dictatorship, was the product of creators' personal combat experiences, not any political stances. Despite, or perhaps because of, the difficult and ambiguous anti-war themes, readers responded positively, continuing to buy comic books in growing numbers.⁹¹

The healthy post-war sales boosted the value of creators' work. Publishers launched new titles, and, although the mortality rate for new titles remained high, publishers demanded more pages to fill the comic books. At the same time, the booming post-war economy increased the amount of higher paying commercial work available to creators. In order to keep creators, publishers had to raise their page rates significantly between 1945 and 1954. Pre-war page rates had generally stayed around \$5-7, although some well-known artists earned as much as \$15 a page. Immediately before and during the war, page rates got as high as \$20-25 for top artists such as Kirby or C.C. Beck. By 1949, page rates averaged \$20-25, sometimes reaching as high as \$50-60, depending on the reputation of the creators and financial abilities of the publisher.⁹²

⁹¹ Wright, *Comic Book Nation*, 133-134; Engelhardt, *End of Victory Culture*, 60-62; Savage, *Cowboys, Commies*, p. 120. Comic book scholar William Savage recounts his own experiences with Kurtzman's war material, and theorizes that perhaps many in the anti-Vietnam War movement had been inspired by such stories from youth. Only a study of who read what comic books can say for sure, but the hypothesis is compelling.

⁹¹ C.C. Beck, interview by Will Eisner, *Shop Talk*, 63, 71; Joe Simon, interview by Will Eisner, *Shop Talk*, 329; Bob Fujitane, "'Fuje for Thought,'" interview by Jim Amash, *Alter Ego*, no. 23 (April 2003), 17.

⁹² C.C. Beck, interview by Will Eisner, *Shop Talk*, 63, 71; Joe Simon, interview by Will Eisner, *Shop Talk*, 329; Bob Fujitane, "'Fuje for Thought,'" interview by Jim Amash, *Alter Ego*, no. 23 (April 2003), 17.

As publishers prospered, they continued to exploit creative talent by not paying royalties in the vast majority of cases, by retaining copyrights to creations, and by refusing to print name credits for fear creators would gain fan bases and thus bargaining strength when negotiating pay rates. As previously mentioned, a few creators received royalties, but the vast majority continued to labor under page rates that paid much less than a creator could get with a royalty contract. Aside from Eisner's unique arrangement with a syndicated comic book, the idea that creators might retain copyrights was simply unheard of in the industry, even though creators knew it was the path to big money. The fact that publishers' formulae shaped the content of most comic books in the era reinforced publishers' claims to ownership by minimizing the creators' contributions. As with music recording at the time, ownership of the means of production still trumped the idea of intellectual property when it came to claiming profits.

Publishers went to some lengths not to print name credits, but few creators protested. Along with the fear that artists would gain fan bases, publishers feared that competitors would attempt to lure away best-selling artists and writers. C.C. Beck, a Fawcett staff artist, recalls that his publishers told him that they did not print name credits because their child audience believed the stories were real, and credits would dispel the illusion. Most creators did not contest the absence of name credit. Many still saw comic book work as demeaning. Such creators typically worked under pseudonyms when publishers did print credits, because they hoped to save their names for more noble fields such as commercial illustration or novel writing. Those who wanted credit for their work

frequently slipped their names into their work on license plates, billboards, or even the scribbly lines frequently used for shading in comic book illustration.⁹³

Creators rarely resisted publishers' exploitation in the early 1950s, but what resistance did surface took several different forms. Shuster and Siegel sued their publishers for royalties, publication rights, and name credit. Simon and Kirby opened their own publishing house where they could reap all of the profits from their work. Simon, Kirby, Shuster, and Siegel stood up to publishers over money issues, but never broached the issue of art and creative liberty. Bernard Krigstein's ideals, as expressed through the Society of Comic Book Illustrators, and the Gaines/Feldstein editing style, both placing a premium upon art, represent rare, but important exceptions to the industry status quo concerning artistic freedom.

The unprecedented success of Superman creators Shuster and Siegel led their peers to see them as artists who had reached the pinnacle of success. In his book, Comics and Their Creators, published in 1944, Martin Sheridan points out that Shuster and Siegel were the envy of youngsters with "dreams of becoming a famous cartoonist with a two-yacht income and a short working day."⁹⁴

Shuster and Siegel's professional happiness and success proved fragile and fleeting. As early as 1938, they began working up stories of Superman's youth that they hoped to publish as Superboy. Before doing anything with the idea, however, Siegel received his draft notice in 1943 and went to work for the *Stars and Stripes* newspaper. Shuster continued to work through the Cleveland studio despite his quickly deteriorating eyesight. Shuster's failing eyesight had made him ineligible for the draft with a 4-F

⁹³ Duin and Richardson, *Comics*, 108; C.C. Beck, "Name Credit," *Comics Journal* no. 110, August 1986, 7.

⁹⁴ Martin Sheridan, *Comics and Their Creators*, (NY: Luna Press, 1944), 233; Kobler, "Up, Up, and Away!," 78; Les Daniels, *Superman. The Complete History*, (San Francisco: Chronicle Books, 1998), 69.

classification, but he was increasingly unable to contribute to the studio's artwork. As Schuster's output declined, DC came to rely on their own creators to fill the undiminished demand for Superman material.⁹⁵

In 1945, while Seigel was away, Donnenfeld debuted Superboy, despite having rejected Shuster and Siegel's earlier versions of the character. Donnenfeld gave Schuster and Siegel by-line credit, but the two had not sold the character to Donnenfeld, and never received any money from Superboy publications. Superboy marked the last straw for the two creators, who felt Donnenfeld had repeatedly shorted them despite the royalty arrangements.⁹⁶

In April, 1947, Shuster and Siegel filed a lawsuit against DC Comics in the New York Supreme Court of Westchester County. They sought to secure the copyright to Superman for themselves, cancel their contracts with Donnenfeld and the McClure Syndicate on grounds that Donnenfeld and the McClure Syndicate had both broken their contracts. Shuster and Siegel hoped to recover \$5 million of unpaid Superman royalties over the last nine years. Max C. Gaines initially aided Schuster and Siegel's lawsuit, but soon withdrew his support after concluding that Schuster and Siegel were misrepresenting key facts in their case. In May, 1948, the court ruled that Schuster and Siegel had no claim to the Superman copyrights. After the ruling, however, Schuster and Siegel struck a deal with DC in which they received \$100,000 to split between them in return for signing a quitclaim to Superman and Superboy.⁹⁷

With most of their money spent on legal fees and their bridges with DC Comics now burned, Shuster and Siegel were broke and out of work. In late 1947, they tried to

⁹⁵ Kobler, "Up, Up and Away!," 78; Daniels, *Superman*, 69.

⁹⁶ Daniels, *Superman*, 69; *Newsweek*, 14 April 1947, p65.

⁹⁷ "Supersuit," *Newsweek*, 14 April 1947, 65-66; Daniels, *Superman*, 69-73.

launch a new character named Funnyman published by Magazine Enterprises, but the character lasted for only six issues. Siegel continued to harass Donnenfeld with angry letters for some time, but ultimately settled into life as a postal employee and never wrote again. Shuster went progressively blind and moved in with his brother. Siegel and Shuster would remain in obscurity until the mid-70s, when a group of progressive comic book creators, led by Jerry Robinson and Neal Adams, took up the duo's cause. Siegel and Shuster won a lifetime stipend and name credit on *Superman* in 1975 by threatening DC with bad publicity near the release of the big budget *Superman: The Movie*.⁹⁸

After Simon and Kirby returned from their respective wartime occupations in the Combat Art Corps and European theatre infantry, Simon and Kirby renewed their businessman/artist partnership with new emphasis on claiming profits. Encouraged by their repeated successes, the two decided to open their own production shop. Kirby recalls, "Both of us decided if the other publishers could make money at it, why were we feeding them?" Between Simon's business savvy and Kirby's unique ability to turn out large volumes of quality material, the two felt they had what it took to run their own studio. In 1945, they opened a studio called American Boys Comics in Buffalo, New York, the first of several studios and publishing companies owned by Simon and Kirby. Inspired by his youth gang experiences, Kirby conceptualized and produced a few youth team titles like *Boy Commandos*, *Boy Explorers Comics*, and *Boys Ranch*. Simon brokered the first to DC Comics, and the last two to Harvey Publications.

In 1947, Simon and Kirby realized that despite being surrounded by romance stories in other media, no one had ever done romance comic books. In the summer of

⁹⁸ Daniels, *Superman*, 73-75; Duin and Richardson, *Comics*, 403; Overstreet, *Comic Book Price Guide*, 26th ed., 218; Will Eisner, interview by Charles Brownstein, in *Eisner/Miller*, ed. Diana Schutz and Charles Brownstein, (Milwaukie, Ore.: 2005), 233.

1947, they produced the hit title, *Young Romance*, which they sold to Crestwood Publications with a royalty contract for 50% of the profits. A few teen-humor titles with romance backdrops preceded *Young Romance*, but *Young Romance* appealed to adults, and thus broke new ground for the romance genre. A slew of romance titles from other publishers quickly followed while Simon and Kirby continued to write *Young Romance*. During this period, Simon and Kirby made \$1000 a week from royalties at a time when most creators made \$50-\$75 a week at a piecemeal rate.⁹⁹

Eventually, Simon and Kirby launched a couple of publishing ventures. In May, 1952, they opened their first publishing company, Prize Publications. According to Kirby, they were undercapitalized and ceased publishing after only four issues of the new five-title line they had conceived for Prize. After Prize Publications went under, Simon and Kirby continued producing material for Crestwood on a royalty basis.¹⁰⁰

With his hands free from worrying about art production, Simon handled the business end of lawyers, copyrights, distribution, and royalty negotiations with publishers, especially Crestwood. In 1954, Simon and Kirby had trouble meeting Crestwood's demand for material. They retooled old art work into a new story, but someone at Crestwood brought it to the publisher's attention. The Crestwood publishers, after consulting lawyers and finding they had no grounds to sue Simon and Kirby, withheld payment for the work. An angry Simon responded in November of 1954 by having his accountants check Crestwood's financial books, as called for in their contract with Crestwood. Simon promised his lawyer, Bernard Gwirtzman, and

⁹⁹ Overstreet, *Comic Book Price Guide*, 26th ed., 78-79; Jack Kirby, interview by Gary Groth, "Jack Kirby," *Comics Journal*, no 134, February 1990, p 71-72, 104; Duin and Richardson, *Comics*, 483; Simon, *Comic Book Makers*, 111.

¹⁰⁰ Overstreet, *Comic Book Price Guide*, 26th ed., 465; Jack Kirby, interview by Gary Groth, "Jack Kirby," *Comics Journal*, no 134, February 1990, p73-76.

accountant, Morris Eisenstein, one-third of whatever they could recover from Crestwood.¹⁰¹

After the audit, Simon, Kirby, Gwartzman, and Eisenstien met with Crestwood publishers Teddy Epstein and Mike Bleier to complain that Crestwood had not paid all royalties due to Simon and Kirby, especially royalties from overseas sales and sales of returned copies and used printing plates. Epstein defended himself by saying that revenue from such sources did not amount to “peanuts.” Gwartzman then produced papers showing that Crestwood owed Simon and Kirby \$134,000.³⁴ The group recessed, and upon reconvening, Crestwood lawyers informed Simon and Kirby that Crestwood did not have the revenue to pay all of what they owed Simon and Kirby, and offered \$3,000 instead. Negotiation ensued, and Simon and Kirby emerged with Crestwood’s promise to pay \$10,000. Simon and Kirby represented two of the most highly paid and sought-after artists in the comic book industry, yet despite royalty agreements, publishers still managed to exploit their talents to the tune of \$124,000 in unpaid royalties.¹⁰²

Simon and Kirby launched a second publishing venture in 1954 amid negative publicity from hearings in the House Subcommittee on Juvenile Delinquency that investigated comic books thought to be subversive to young readers. The negative publicity shrank the comic book market and drove many publishers out of business. Printers with idle presses and overhead expenses grew nervous. They became willing to back a new comic book line if it showed promise, and to that end, an unidentified printing salesman approached Simon and Kirby with a very generous printing credit if they

¹⁰¹ Ibid., 137-148.

¹⁰² Ibid.

wanted to publish their material on his presses. Simon and Kirby agreed, thus launching Mainline Publications in 1954 with Leader News as a distributor. Based on prevailing wisdom that any comic book would sell at least 30% of its print run, Leader News advanced Simon and Kirby 25% of the revenue that would come from selling 100% of the print run. Since Simon and Kirby passed that money on to their printer, they launched Mainline Publications with none of their own money at risk except the expense of producing the art, lettering, and scripts.

Simon and Kirby kept Mainline Publications open until 1956, but unfortunately, the period from 1954 to 1956 was possibly one of the toughest times ever to launch a comic book publishing company due to the negative publicity of the Subcommittee on Juvenile Delinquency. Leader News had been distributing EC Comics, the best selling company of the day that was also a primary target of the Subcommittee on Juvenile Delinquency. The effective demise of EC in 1956 left Leader News in a financial crisis that bankrupted the company. Left without a distributor, Simon and Kirby sold Mainline Publications to Charlton Publications in 1956, and got out of the publishing business. Without Mainline or the Crestwood contract, Kirby again sought work with other publishers while Simon returned to commercial art.¹⁰³

At the same time that Shuster, Siegel, Simon, and Kirby fought with their publishers over finances, EC Comics grew into a company known for its unprecedented high pay, creative freedom, and subsequently positive publisher/artist relationships before its demise. Comic book father Maxwell C. Gaines had founded Educational Comics in 1945 after an eight-year publishing partnership with Donnenfeld went sour over unpaid

¹⁰³ Jack Kirby, interviewed by Gary Groth, "Jack Kirby," *Comics Journal*, no 134, p 73-77, 104; Simon, *Comic Book Makers*, 137-148.

money. A former school teacher, Gaines felt compelled to publish titles such as *Picture Stories from the Bible*, *Picture Stories from American History*, *Tiny Tot Comics*, and *Animal Fables*. The company did not turn a profit, but it did not matter to him. He had amassed a small fortune from his business with Donnenfeld and poured \$100,000 of his own money into EC to keep the company going.

Upon the death of Max Gaines, who essentially had invented the comic book format in 1933, his son, William, became the head of EC Comics. William Gaines estimated the company debt at \$100,000 when he took over. Uncertain of his abilities as a comic book publisher, he deferred most decisions to Sol Cohen, who had been his father's circulation manager, and Frank Lee, his father's long-time business manager. With their advice, Gaines continued publishing the low-selling children's comic books.¹⁰⁴

A change of fortunes came in March, 1948, when Gaines hired Al Feldstein to do romance comic books. Feldstien, a graduate of the New York High School of Music and Art, had started working in comic books through the Eisner-Iger shop, where he made \$3 a week erasing stray pencil marks from the work of star creators like Lou Fine and Reed Crandall. Feldstein had worked his way up to putting finishing touches on illustrations when he was drafted during WWII. Upon discharge in 1945, he tried his hand at teaching, but could not accept the low pay and returned to comic books. Feldstein did some freelance work for the notoriously unscrupulous Victor Fox, but jumped at the chance to work elsewhere when he heard that EC was looking for someone to do a teen book. Gaines gave Feldstein a tryout piece titled, "Going Steady with Peggy." Feldstein

¹⁰⁴ Duin, *Comics*, 191; Jacobs, *Mad World*, 64.

drew the female characters as provocatively as he could, and Gaines hired him on the spot.¹⁰⁵

William Gaines and Feldstein started *Modern Love*, a romance comic that marked Gaines's first break from his father's children's comics. Gaines and Feldstein quickly discovered that they had a creative synergy, and, as veteran employees looked on in dismay, set out to remake EC Comics into something entirely different from what it had been under Max Gaines.¹⁰⁶

By 1950, Gaines, Feldstein, and Johnny Craig, another recently hired artist, morphed EC Comics from Educational Comics, a children's publisher, into Entertaining Comics, focused on crime, science fiction, and horror stories. The transition alienated company veterans like Cohen, who resigned, and Lee, who just threw his hands in the air and gave up on trying to preserve the elder Gaines's vision. The new titles such as *The Crypt of Terror*, *Shock Supenstories*, and *Weird Science* proved hits that brought in enough money to put EC Comics back in the black within one year.¹⁰⁷

EC owed much of its success to the liberal editing styles of Gaines and Feldstein, who started each morning by brainstorming plot springboards and continued until they had a complete script ready to hand over to a freelancer. They would then pass the script on to whichever creator they thought best for the job, and let the creator work independently. Unlike most editors, Gaines and Feldstein encouraged creators to develop individual styles and rarely made any editorial changes. They both knew that in the long run, creativity, not genre gimmicks or imitation, sold comic books. At times, Gaines even allowed the bottom line to suffer for the sake of art. He continually published

¹⁰⁵ Duin, *Comics*, 164-165.

¹⁰⁶ *Ibid.*, 164-165, 190-191; Jacobs, *Mad World*, 64-73.

¹⁰⁷ Jacobs, *Mad World*, 773-75.

several unprofitable science fiction titles, because he felt the stories worthwhile. Many previous publishers had published comic books that did not turn a profit, but never intentionally, and not merely for the sake of art.¹⁰⁸

The liberal editing at EC would not have been so successful were it not for the immense talent of the creative staff. Gaines made a point to pay the highest page rates in the industry. As a result, he attracted and retained the most talented, productive creators working in comic books at the time. Along with the aforementioned Al Feldstein, the EC creative roster included Harvey Kurtzman, Wally Wood, Jack Davis, Reed Crandall, George Evans, Joe Orlando, Bernie Krigstein, Will Elder, John Severin, Marie Severin, Graham Ingels, Frank Frazetta, and Al Williamson. With the exception of the Eisner-Iger shop veterans Crandall and Feldstein, most of the EC artists were young WWII vets who began their comic book careers after the war. Some were lifelong doodlers, but others were classically trained artists. They were an overwhelmingly young crowd bubbling with creative energy and technical ability. At their worst, they produced gruesome depictions of senseless carnage. At their best, they rendered dynamic character studies with insightful comments about war, race, politics, and culture depicted in highly stylized art utilizing revolutionary layouts to communicate time and space more effectively than anyone had ever seen in a comic book. The roster of EC creators reads like a Who's Who of golden age comic art innovators, and many of them did their best work in the creatively liberal environment fostered by Gaines and Feldstein. The financial success of

¹⁰⁸ Bernard Krigstein, "An Interview with Bernard Krigstein," interview by Bhub Stewart and John Benson, *Squa Tront*, no. 6 (1975): 19; Jacobs, *Mad World*, 77, 81.

EC affirmed that creators had something to offer the industry besides mere execution of editorial decrees.¹⁰⁹

Despite the success of EC Comics in 1952, critics, fans, creators, editors, and publishers still overwhelmingly viewed the comic book industry as bereft of, and inhospitable to creative exploration. Many comic book creators felt disgruntled by editorial changes to their work, low pay, and lack of creative liberty, but most ultimately accepted the conditions because they viewed comic book work as a springboard to more respectable work. Shuster, Siegel, Simon, and Kirby may have sued their publishers for royalties, but none of them made efforts to change the larger comic book industry.

Never had comic book creators stood up as a group to make demands of publishers until a young leftwing creator named Bernard Krigstein tried to organize a comic book creators union in the early 1950s. A World War II veteran with earlier formal art instruction, Krigstein began doing freelance comic book work for Timely, Hillman, and Ziff-Davis almost immediately after returning from military service. Unlike most comic book creators at the time, he did not freely accept the notion of comic books as a medium necessarily circumscribed by market forces. He wanted to do comic book work that would be both commercially and artistically successful, a difficult proposition considering the stigmas surrounding comic books in the 1950s. The art world of the early 20th century spurned comic books and other popular arts as low-brow products of a culture industry existing purely for the sake of profit and nearly devoid of the human expression found in high art. Krigstein, like Eisner and others, recognized comic book art as a dynamic fusion of text and picture whose artistic possibilities

¹⁰⁹ Jacobs, *Mad World*, 73-75.

remained relatively unexplored because of the constraints publishers and editors placed on creators.

Krigstein saw in comic books “the possibility of using a popular form in an effort to cast it into classic proportions.” To that end, he initially felt he had a “reasonable amount of creative freedom,” with publishers in general after WWII. A series of negative experiences with editors that changed and/or limited his work quickly led Krigstein to resent editors. He felt they worked “to encourage miserable taste and to flood the field with degraded imitations and non-stories.” Driven by creative frustration and a want for artistic freedom, Krigstein and a few others attempted to organize a union of comic book creators.¹¹⁰

Krigstein organized what became the Society of Comic Book Illustrators (SOCBI) in late 1951, when he and fellow creators George Evans, Arthur Peddy, and Edd Ashe met at the studio of sympathetic veteran pulp cover artist Harry Fisk. Their goal was to uplift the status of comic book art by improving the creative and financial conditions of the industry. They sought to instill a sense of professional pride long lacking from most comic book creators. At the initial meeting, the group decided on group health insurance, return of artwork to creators, and the establishment of a minimum page rate as their first goals.

The lack of health insurance had long been and remains a perennial problem for freelancers and independent businessmen. Ineligible for the group rates insurers offer large employers, many self-employed individuals find health insurance too expensive when they are already scrambling to make ends meet. In such a situation, a single illness

¹¹⁰ Bernard Krigstein, interview by Bhub Stewart and John Benson, “An Interview with Bernard Krigstein,” *Squa Tront*, no. 6 (1975): 25-29.

could potentially leave a patient in lifetime debt to doctors. Krigstein and his partners believed that publishers had the buying power and resources to provide insurance for all employees and thus help creators' health and financial stability.

Most publishers kept artwork for fear that creators might sell it to other publishers. They worded contracts so that it was clear that the publisher purchased the physical artwork along with publication rights. Creators, on the other hand, lost out in such deals because, in many cases, the physical art came to be vastly more valuable than what the publishers had initially paid the creators. Had creators like Jack Kirby or Lou Fine been allowed to keep their artwork, they could have later sold a fraction of their portfolios for millions of dollars, more than enough for retirement. Some creators made deep personal investments in their work. To them, creator ownership of artwork was sacrosanct. In Krigstein's eyes, every time publishers kept the artwork, they abused creators in the most fundamental of ways.

Above all, Krigstein insisted that only a minimum page rate could uplift comic book creators and art. He had long observed a retarding dynamic in the comic book industry, where competition among creators drove page rates down, thus leaving creators with no incentive to produce better work. Publishers had no reason not to go with the cheaper inferior art because the audience never demanded more and continued to buy poorly-written and poorly-drawn comic books. Left to choose from a sea of mediocre and poor products, the audience could not demand more of publishers because the audience rarely saw quality work in order to know what to demand. The few times that quality work made it to the newsstands, it sold exceptionally well, as in the cases of Jack Kirby, Wally Wood, Lou Fine, and others.

Furthermore, lesser creators—usually young guys desperate for even subsistence wages—more quickly accepted lower page rates because they did not invest as much time in their work. Veteran creators capable of quality work suffered because they generally had families and/or higher living expenses. If they hoped to make ends meet, veterans had to accept lower rates and produce a larger volume of work. The volume of work needed to make ends meet made quality work impossible for most creators because they did not have time to invest in their work. Krigstein reasoned that a minimum page rate would negate the incentive for publishers to buy poor artwork. If poor work and quality work cost the same, publishers would naturally choose the quality work. Lastly, the proliferation of quality work would inspire audiences to demand a quality product, and, at best, get the traditional art world to take note of comic books as a legitimate medium worthy of criticism and exploration.¹¹¹

Krigstein publicized the first organizing meeting by wearing signs advertising the SOCBI whenever he went to the offices of Timely Publications to turn in freelance work, and by distributing fliers to as many comic book creators as he could. Many creators, especially the younger and less established ones, worried about bread-and-butter issues. Krigstein's platform of health insurance, return of artwork, and a minimum page rate, along with the promise of free beer at meetings, spoke to those concerns and attracted a lot of interest.¹¹²

Krigstein's emphasis on elevating the level of creativity in comic books also aroused much interest. Many creators had worked in comic books for as long as fourteen

¹¹¹ Bernard Krigstein, interviewed by Bhob Stewart and John Benson, "An Interview with Bernard Krigstein," *Squa Tront*, no. 6 (1975): 22; Greg Sadowski, *B Krigstein v. 1 (1919-1955)*, (Seattle: Fantagraphics Books, 2002), 119-121.

¹¹² Don Rico, interviewed by Robert Levitt Lanyi, "The Once and Future Don Rico," *Journal of Popular Culture* XIII:1, (Summer 1979): 27.

years during which time they had become experts at rendering comic book conventions, but felt creatively stunted. Some left the field to gain access to a more mature audience, but others labored on, scratching out a living one page at a time. Most of these creators had entered the comic book industry in their late teens and early twenties. By 1952, most were in their thirties and forties. They had grown emotionally, but the content restrictions of publishers, and the high volume of work necessary to make a living with low page rates, left little room for creative exploration at work and little time for it at home. Some, like Jack Kirby and C.C. Beck, felt satisfied with the limited room comic books offered for self-expression, and/or simply looked at it as a job. Others, like Gil Kane and Don Rico, yearned for more creative liberty in their work. Kane, Rico, and others like them, jumped at the opportunity to work through the SOCBI to raise the level of creativity in comic books.¹¹³

The SOCBI first met in the autumn of 1952 at Werderman's Hall in Manhattan. There, attendees voted on officers, chose an official name, and debated whether the organization would be a fraternal guild or a union capable of calling strikes. The attendees unanimously elected Krigstein as President, and fellow creators Arthur Peddy as vice president, Harry Harrison as secretary, and Larry Woromay as treasurer. John Celardo, Morris Marcus, Ernie Bache, Ross Andru, and Bernard Sachs made up the executive board of directors.

Krigstein wanted a name for the organization that would designate the group as artists. Ironically the commonly used term, "comic book artists," suggested the hack-

¹¹³ Duin, *Comics*, 2553; *Comics Journal* 95 p 60-62; Jack Kirby, interviewed by Gary Groth, "Jack Kirby," *The Comics Journal*, no 134, p 62; Don Rico, interviewed by Robert Levitt lany, "The Once and Future Don Rico," *Journal of Popular Culture* XIII:1, (Summer 1979): 26-37.

work mentality that Krigstein hoped to escape. “Illustrator,” on the other hand, suggested a higher sphere of art such as magazine, advertising, and book illustration. Krigstein argued that the term “illustrator” would elevate comic book creators’ status by placing them on the same plane as the more respected commercial artists. Although many creators, editors, and publishers alike, scoffed at the notion of regarding comic book creators as illustrators, those in attendance voted to name the group the Society of Comic Book Illustrators (SOCBI).

Debate over whether the organization would resemble a guild or union structure proved much more difficult to resolve. Krigstein argued that only a union with the ability to strike could force publishers to listen to their concerns. Others who feared industry blackballing or did not like unions in general, argued for a fraternal organization that would work cooperatively with publishers. Krigstein stuck to his guns and argued for a union despite the opposition of others. Even though the early SOCBI meetings enjoyed good attendance and lively discussion, many creators stayed away. Jack Kirby and many others never attended a single meeting because they associated unions with communism and wanted nothing to do with either. Others, like Don Rico, sympathized with the union’s goals, but feared they could fall victim to the era’s political McCarthyism if they attended the meetings.¹¹⁴

Some veteran creators, such as Murphy Anderson, withheld support because they felt that a minimum page rate would be unfair to industry veterans. Anderson did not agree with Krigstein that a minimum page rate would reduce the incentive for publishers to hire novices. Instead, Anderson believed that even with a minimum page rate,

¹¹⁴ Jack Kirby, interviewed by Gary Groth, “Jack Kirby,” *The Comics Journal*, no 134, p 78; Don Rico, interviewed by Robert Levitt Lanyi, “The Once and Future Don Rico,” *Journal of Popular Culture* XIII:1, (Summer 1979): 27.

publishers would not distinguish between shoddy and quality work. Under the current system, publishers paid veterans more, not because veterans produced better art, but because they had proven to be reliable. Most publishers' creative concerns stopped at having enough acceptable material to fill their titles. Thus, Anderson reasoned, a minimum page rate would secure good pay for novice artists whose work was of lesser quality. Those who had worked for years to get high page rates would get no more reward than novices. In Anderson's own words, "This was coming out of my hide! We were struggling. I would have been slitting my own throat."¹¹⁵

Despite divisions, the SOCBI gained momentum in early 1953, and caught the attention of publishers. A few publishers felt compelled to respond by sending editors to address the group. The Executive Committee voted against Krigstein in March of 1953 to allow Robert Kanigher, a prominent editor at DC Comics, to address the SOCBI at what became a pivotal meeting. When Kanigher arrived, an idealistic, newly-promoted editor from Fawcett was addressing the SOCBI as "unappreciated genius artists." Kanigher, who spoke next, recalls, "I described the group for what they were: illustrators of the written word. The word, the thought always came first. They weren't artists. There are no artists in comics." Krigstein called Kanigher's address "a diatribe on our ignorance and arrogance in assuming the title of *artist*."¹¹⁶

Numerous forces stunted the growth of the SOCBI and ultimately caused the group to disband. Aforementioned distaste for communism kept many anti-unionists away. Meanwhile, fear of McCarthyism and publisher blackballing scared even some unionists, such as George Evans, away from the SOCBI. A number of others, especially

¹¹⁵ Sadowski, *B. Krigstein v. 1*, p 120.

¹¹⁶ Ibid. 121-122.

veteran creators, agreed with Kanigher, and scoffed at being considered artists. Gil Kane recalls that many of those creators accepted work guarantees from publishers in return for a cessation of union activity.

The hostile political climate and a core philosophical disagreement over the SOCBI's nature left the fledgling organization weak and undefined. Members never got past debates over the place of art in comic books, let alone reached a consensus on the structure of the SOCBI. The executive committee argued for an inclusive union capable of striking while veteran creators argued for a fraternal organization to pursue cooperative relations with publishers. Although the earliest meetings were enthusiastic and well-attended, the organization could not move toward the executive committee's vision without the support of veteran creators. The later SOCBI meetings lost their fiery tone, and became mere social functions with free beer. In regard to the failure of SOCBI, Gil Kane emphasized, "There was a lack of serious involvement; it never came to grips with hard issues." By the fall of 1953, the SOCBI had fizzled, and Krigstein ceased his organizing efforts.¹¹⁷

Krigstein's SOCBI activity earned him a reputation as a communist and a blackballing at DC Comics, the largest publisher of the time. Despite the DC blackball, he found work at Harvey and EC Comics. The creative climate at Harvey was as stifling as any in which Krigstein had ever worked. Luckily for Krigstein, while organizing the SOCBI, he found work at the high-paying and loosely edited EC Comics. While at EC,

¹¹⁷ Ibid. 122.

he did the best comic book work of his career before leaving the industry in 1954 to pursue commercial and gallery art.¹¹⁸

As EC Comics thrived and promised to uplift a creatively stunted medium, an array of social forces rooted in consensus culture combined to place formal limitations on comic book content. The early Cold War engendered a widespread fear of communist conspiracy among Americans. As the U.S. government pursued policies to contain communism at home and abroad, private citizens, civic groups, labor organizations, and national politicians attempted to ferret out alleged communists. The campaigns found many communists, but also swept up many non-communist liberals who criticized the American government and economic policies.

Americans developed a consensus culture around the tenet that democracy, Christianity, and capitalism were not only good, but nearly infallible. Although many problems like race got swept under the political rug for the time being, consensus politicians, intellectuals, and patriotic citizens set out to thwart the spread of communism by touting the superiority of the American way of life. American youth became the subjects of much patriotic propaganda designed to instill a fear of communism and uphold the morally superior character of American culture.

The alarming growth of post-war juvenile delinquency posed a challenge to Cold War propaganda. National attention to juvenile delinquency partly grew out of the blossoming of American youth culture and material prosperity that reduced the demand for youth in the work force and freed many to enjoy adolescence, a new concept in the 1950s. Adolescents developed their own culture with their own music, fashion, speech

¹¹⁸ Bernard Krigstein, interviewed by Bhub Stewart and John Benson, "An Interview with Bernard Krigstein," *Squa Tront*, no. 6 (1975): 22; Greg Sadowski, *B. Krigstein v 1 (1919-1955)*, (Seattle: Fantagraphics Books, 2002), 19-27.

patterns, and activities. This alarmed many adults because they did not know how to interpret the new adolescent behavior. Confused, they concluded it must be delinquent. The alarm generated many popular articles about delinquency that aroused the public to demand that police pay more attention to adolescents. The increased police attention led to higher arrest rates that reinforced the notion of a surge in juvenile delinquency.¹¹⁹

To explain juvenile delinquency, consensus culture held that if the American way was the best, then an alien force contrary to American values must be subverting America's youth. Parents embraced a popular theory that emerging mass media, such as movies, music, television, and comic books, centered in New York and Los Angeles, penetrated the home and instilled adolescents with values contrary to those of their parents. Most social workers, psychologists, sociologists, and criminologists wrote off the mass media theory, and focused their explanations on home life. However, a few academics embraced the media argument, and with popular support, spearheaded a national campaign to curb juvenile delinquency by removing immoral subjects from the mass media.¹²⁰

Comic books had attracted the critical attention of educators since the early 40s, when educators offered mixed criticisms of comic books. Most educators attacked comic books as sources of crude escapism that damaged children who should have been reading traditional books instead. A few educators disagreed, stressing that comic books were potential tools to help children learn to read. In 1941, researcher Paul Witty published a study in the *Journal of Experimental Education* in which he observed that children who read the most comic books also read the widest variety of other literature. Transversely,

¹¹⁹ Amy Nyberg, *Seal of Approval: The History of the Comics Code*, (Jackson: University of Mississippi Press, 1998), 19-20.

¹²⁰ Nyberg, *Seal of Approval*, 52.

the reading lists of children who read fewer comic books were correspondingly less dynamic. Popular opinion sided with the detractors, however, and held that comic books impeded the development of young audiences.¹²¹

Pre-war public concern over comic books had been only luke warm, and publishers effectively insulated themselves from critics. To protect their sales from concerned parents eager to mount boycotts, numerous pre-war comic book publishers recruited academic advisory boards of educators and psychologists to oversee the quality of content and assure that it would not be damaging to young readers. This assuaged critics for the time being, but post-war critics later attacked the advisory boards as publishers' paid stooges.¹²²

The genre expansion of the post-war comic book industry elevated the level of concern among those who worried that popular media contributed to surging juvenile delinquency. Church groups led the way by organizing committees to develop lists of acceptable and unacceptable comic books for parents. In more ambitious cases, the same groups distributed their lists to newsstand owners, demanding by threat of boycott that they stop selling comic books deemed unacceptable.¹²³

By 1948, the criticism had become heated enough for publishers to try to protect themselves by forming the Association of Comics Magazine Publishers (ACMP), a voluntary organization intended to mount a public relations campaigns and censor the content of members' publications. The voluntary nature of the ACMP proved its undoing

¹²¹ Ibid., 4-17.

¹²² Ibid.

¹²³ Nyberg, *Seal of Approval*, 24. Unacceptable qualities included: glorified crime or the criminal, described in detail ways to commit criminal acts, held lawful authority in disrespect, exploited horror, cruelty, or violence, portrayed sex acts offensively, featured indecent, lewd or suggestive photographs or illustrations, carried advertising which was offensive in content or advertised products which may lead to physical or moral harm, used blasphemous, profane or obscene speech indiscriminately and repeatedly, held up to ridicule any national, religious or racial group.

because publishers frequently refused to join or broke ranks for fear that they could not sustain high sales without the racy material forbidden in the ACMP. By 1954, only three smaller publishers remained in the effectively defunct ACMP.¹²⁴

Dr. Fredric Wertham, a psychiatrist, mounted a post-war attack on comic books after conducting numerous case studies of extreme juvenile delinquency. Since many of his subjects read horror and crime comic books, he concluded that comic books, although not the only factor at play, had contributed to his subjects' delinquency. After publishing several articles on the subject in popular magazines like *Ladie's Home Journal*, Wertham in 1954 laid out his arguments against comic books in *Seduction of the Innocent*. He targeted the popular new crime and horror comic books by arguing that they planted perverse ideas about sex and murder in children's minds. He also insisted that crime comic books inspired a general disrespect for authority by leading young readers to sympathize with criminals and by portraying police as incompetent. Wertham even attacked popular DC characters Batman and Robin as homosexuals. His efforts inspired an outpouring of community concern that at times included popular burnings of unacceptable comic books.¹²⁵

Popular concern over juvenile delinquency inspired the Senate Subcommittee on Juvenile Delinquency, created on April 27, 1953, to recommend state-based solutions to the delinquency problem. The subcommittee, headed by Sen. John Hendrickson, but effectively led by Sen. Estes Kefauver, began by sending a questionnaire soliciting the opinions of approximately 2,000 social workers, church groups, and other interested parties about the roots of juvenile delinquency. Responses overwhelmingly pointed to

¹²⁴ Nyberg, *Seal of Approval*, 345-354.

¹²⁵ Nyberg, 50-51.

mass media, especially comic books, and led the subcommittee to investigate numerous mass media, including comic books, film, and popular music.¹²⁶

The preliminary investigation of comic books began in the spring of 1954. The Subcommittee first looked in vain for publishers who violated postal regulations. They also interviewed publishers to learn about the production process and requested copies of publications. On April 21, 1954, the subcommittee announced a list of witnesses to be called for the comic book hearings that included Dr. Wertham, publisher William Gaines, James Fitzpatrick, chairman of the New York Committee to Study Comic Books, E.D. Fulton, organizer of a Canadian comic book ban, and a number of distributors and retailers.¹²⁷

Comic book publishers split over Wertham's crusade. Publishers such as Gilberton and Dell did not fear Wertham. Dell published only kids's comic books, known as bigfoot and funny animal books, based on popular cartoon characters such as Donald Duck or Bugs Bunny. The Gilberton company published only comic book versions of famous books. They knew that any censorship measures would not affect their operations. Established superhero publishers like Harry Donnenfeld at DC comics also knew that they could still exist with content regulations. On another level, Donnenfeld and others most likely hoped that censorship would rid the market of the upstart crime and horror publishers, like EC, that had eroded the profits of superhero publishers. William Gaines, on the other hand, knew that Wertham's arguments targeted EC-type comics. If Wertham was successful, Gaines would likely lose everything he had built at EC. Gaines mounted a proactive defense by publishing a comic style ad

¹²⁶ Ibid, 50-52.

¹²⁷ Ibid., 50-56.

addressing censorship entitled, *Are You a Red Dupe*, which he published in all of his titles after the spring of 1954. Although popular among readers, the ad incited the subcommittee members because it portrayed those alarmed by comic books as pawns in a communist plot to whitewash American culture in a manner similar to the way the Communist Party controlled Soviet media.¹²⁸

The hearings lasted three days, but the first day saw the most fireworks with opposing testimonies from Wertham and Gaines. Wertham, who had also helped compose the subcommittee questionnaire, often based his arguments on selected readings taken out of context. With skewed plot synopses and examples of undeniably gory, but out of context, illustrations culled from comic books, especially those published by EC, Wertham argued that the industry was out of control and in need of censorship because, as his case studies showed, the content had adverse effects on children's psyches.¹²⁹

Several experts, creators, and publishers attended and/or spoke in defense of comic books at the hearings, but Gaines's testimony had the greatest impact. The subcommittee had initially scheduled him to appear in the morning, but other witnesses ran longer than expected and delayed his testimony until the afternoon. Gaines had been taking amphetamine-like diet pills during the hearing, and the delay meant that when he finally appeared, the pills had worn off and he was crashing. As he recalled, "At the beginning, I felt that I was really going to fix those bastards, but as time went on I could feel myself fading away...They were pelting me with questions and I couldn't locate the answers."¹³⁰

¹²⁸ Michael Sawyer, "Albert Lewis Kanter and the Classics: The Man Behind the Gilberton Company," *Journal of Popular Culture*, vol. XX no. 4 (Spring 1987): 1-17; Nyberg, *Seal of Approval*, 74.

¹²⁹ Nyberg, *Seal of Approval*, 60-64.

¹³⁰ Jacobs, *Mad World*, 107; Nyberg, *Seal of Approval*, 60.

Gaines pointed out the importance of context in evaluating the merit of comic book content. He told the subcommittee that his publications had O. Henry endings, or ironic twists, that usually contained some sort of justice or moral about race, infidelity, war, etc., and he argued that the Werthamite critics had missed the forest for the trees when evaluating EC comic books. Chief Counsel Herbert Hannoch countered Gaines by asking if there is anything good for children in reading comic books. Gaines replied that comic books were neither good nor harmful, just entertainment. Hannoch's assistant, Herbert Beaser, chimed in by asking Gaines if there were any limits to what he would publish. Gaines replied that he was bound by taste, and would not publish anything he felt was in poor taste. Senator Kefauver jumped at the opportunity to hold up a copy of *Crime Suspenstories* #22 with a Johnny Craig drawn cover involving a severed head, and asked Gaines if that was in good taste. Bound by his previous answer, Gaines replied, "Yes, sir, I do, for the cover of a horror comic." Kefauver produced another gruesome cover when Sen. Thomas Hennings stopped the line of questioning.¹³¹

The subcommittee never reached any conclusions or made any recommendations about comic books, but the increased public outcry after the hearings inspired publishers to set up their own censorship organization, the Comics Magazine Association of America (CMAA) in the fall of 1954. Thirty-eight industry representatives, including publishers, engravers, printers, and distributors met in New York on August 17, 1954, to debate how to deal with the adverse publicity generated by the hearings. Encouraged by the motion picture industry's success with an industry rating code, the attendees decided to police themselves. Modeled on previous attempts to create an industry censor, such as

¹³¹Ron Mann, *Comic Book Confidential* (Santa Monica, CA: Sphinx Productions, 1989); Nyberg, *Seal of Approval*, 61-63.

the ACMP of the 1940s, the CMAA incorporated on September 7, 1954. The board of directors soon hired former New York state magistrate and juvenile delinquency prevention activist Charle F. Murphy as a comic book czar with a free hand to draft a code for comic book censorship.¹³²

Murphy's code banned unflattering portrayals of gore, anti-authoritarian notions, the supernatural, sexual content, and mockeries of family decay as well as the use of "crime," "horror," and "terror" as title words. The code also regulated advertisements by forbidding ads for liquor, tobacco, sex instruction books, any semi-nude pictures post cards or pin-ups, fireworks, knives, realistic toy guns, gambling equipment, or toiletries of a "questionable nature." The code, which stood unaltered until 1971, had a chilling impact on the comic book industry.¹³³

The voluntary CMAA examined comic book content before publication and recommended that any code violations be changed before granting the approval. Dell and Gilberton, who accounted for one-third of comic book sales, refused to join on grounds they already more than conformed to the code by the nature of their products, and mounted their own public relations campaigns to assuage parents. Most publishers, however, rightly felt they stood no chance to survive without the code's approval. The approved comic books displayed a stamp in the upper right-hand corner of the cover that read, "Approved by the Comics Code Authority." Newsstand owners, fearing boycott, would not handle comic books without that stamp. The code forced publishers of crime and horror comic books to either leave the industry or redirect their entire lines. The backlash against EC proved so bad that even after W. Gaines retooled his titles to meet

¹³² Nyberg, *Seal of Approval*, 83-84.

¹³³ Ibid., 109-111, 166-169.

the code, newsstands still returned unopened bundles of EC Comics. EC produced its last comic book in February of 1956. Gaines and Kurzman collaborated in transforming a single title, MAD, to magazine format to avoid code restrictions, and tap the much more lucrative magazine market.¹³⁴

The industry-wide sales decline from the bad publicity and collapse of Leader News, a large distributor that held the EC account, put a bankrupting strain on many publishers. Declining publishers resorted to a number of survival tactics, including selling publication rights to European and South American companies that would make their own translations. Some publishers even sold their zinc printing plates to be melted down and recycled. Publishers would also sell their returns to supposed paper recyclers, but many of the old returns showed up on the black market.¹³⁵

The hearings and bad publicity had temporarily reduced industry sales, but the code entirely stopped the creativity that had characterized many of the post-war/pre-code comic books. Without the freedom to explore themes banned by the code, creators stood no chance of reaching more sophisticated audiences. Creators such as Bernard Krigstein no longer had any place in the comic book industry if they wished to continue exploring the medium. Many such artists left the industry to pursue other career paths, primarily in commercial art. Those publishers that did survive restricted creators to sterilized versions of traditional genres such as western, romance, funny animal, and superhero material that creators produced along formulaic lines. The code transformed what had been a popular medium with a budding aesthetic exploration, into an industry built on and circumscribed to content formulas defined by what a conservative public deemed appropriate for a

¹³⁴Ibid., 116-117; Overstreet, *Comic Book Price Guide*, 26th ed., 261.

¹³⁵ Simon, *Comic Book Makers*, 148.

juvenile audience. In retrospect, Harvey Kurtzman complained, “The code put anything that was good in comics out of business...to me a prerequisite to art is freedom, and it took away our freedom to say what we wanted to.”¹³⁶

The collapse of the SOCBI, demise of the EC comic line, an industry contraction, and the rise of the Comics Code Authority resulted in a depressed comic book industry that demanded formula at every level. Entire companies went bankrupt while only the largest and more creatively conservative publishers endured. The industry contraction displaced many comic book creators. Seniority and personal connections provided the only ways to preserve one’s job as a comic book creator. Shuster, Siegel, Gaines, and Krigstein, the most vocal defenders of comic book creator’s rights and freedom, were now gone from the industry. The senior and/or well-connected who remained had mostly been of working age in the Depression, and fighting age in World War II. After decades of upheaval, they, like so many of their peers, simply wanted to enjoy some prosperous stability for a time. If producing formulaic comic books enabled that, who were they to complain? They were creative by nature, but largely had to pursue their creative impulses outside their professional lives. Significant creative innovation did not return to mainstream comic books until the mid-1960s, when a marginal underground press embraced overt rejection of creative constraints. In the 1970s, a new generation of creators with a more receptive market adopted Shuster, Siegel, Kirby, Eisner, Kurtzman, and EC as icons in a push for creative liberty and negotiable compensation that took many cues from the tactics of the underground press. That push ultimately transformed the creatively conservative industry established by the code.

¹³⁶ Ron Mann, *Comic Confidential* (Santa Monica, CA: Sphinx Productions, 1988).

CONCLUSION

I began this study of the creative climate in the early American comic book industry with the notion that the creative impulses of illustrators and writers played the primary role in shaping the industry. As with any study, the reality turned out to be much more complex, and on some levels the opposite of what I expected. While the germane creative impulse always influenced the direction of the industry, market forces played an equal to greater role in shaping the industry at any given moment.

The publication and consumption of comic books changed significantly between 1936 and 1954. The industry that once sold products aimed exclusively at children found a war-time market among GI's. Attempts to develop that market brought about a liberalization of content that permitted a higher degree of creative exploration than any other period until the late 1970s. Set against cultural stigma, the aforementioned liberalization also brought about an institutional circumscription of comic book content in the form of the comics code authority.

The Great Depression provided the cultural backdrop for the earliest comic book market. Depression-era readers sought affordable, but powerful distractions that took their minds off the grim realities of life without breaking already strained budgets. While the ten cent price tag may have been a significant amount in the Depression economy, the purchase of one comic book could bring the buyer access to a dozen other titles through trading with others. Without challenges from television, or sophisticated special effects

in cinema, comic books offered the most visual form of entertainment available. The superhero idiom echoed deeply in Depression-era culture because, much as the Depression demanded, the superhero offered fantastic solutions to otherwise impossible situations. The record-breaking sales of Superman established the superhero as the primary form for comic book content.

While comic books represented a commercial product from their very inception, the liberalizing forces of personal creativity have been at work in the comic book medium since the earliest days of the industry. Said forces took several different forms over the eighteen years from the first appearance of Superman in 1936 to the establishment of the comics code authority in 1954. Of all the attempts at liberalizing comic book content and/or industry compensation standards, only those rooted in or in synch with market forces experienced any success.

Will Eisner made what was perhaps the first significant liberalizing effort with his work on *The Spirit*. Eisner benefited from his unique position as a publisher and artist to secure a favorable creative climate for himself, and provided our earliest example of the dynamic between conservative and liberal forces in the comic book industry. In 1939, Eisner won his favorable contract with royalties and wide creative freedom for *The Spirit*, because the Coles brothers saw him as a safe bet when they wanted a comic book insert to boost newspaper sales. Eisner could write and draw. One had only to look at his work to see that, but many could do the same. Comic book creators, a young and artistic group, had reputations for being impulsive and flaky as are many young creative individuals. Eisner stood out because he also had experience as a publisher with the Eisner-Iger shop. Thus, the Coles saw Eisner as more stable and reliable than the typical

comic book creator. Eisner's profitable production shop gave him the leverage he needed to hold out for a desirable contract. Although he was a self-confessed artist at heart, we also see a creative temperance in him. While he dove headlong into aesthetic exploration of the comic book medium with *The Spirit*, he also reliably produced the type of material his employers requested. Eisner's grasp of the balance between the creative impulse and marketplace demands yielded a professional pragmatism that would be essential to later creators hoping to carve similar niches.

If Eisner provided an example of what to do, Shuster and Siegel provided an example of what not to do. Unlike Eisner, Shuster and Siegel had absolutely no leverage with Donenfeld when selling Superman. They had been repeatedly rejected in their frustrated efforts to make livings through creativity, a far cry from Eisner's success as part owner of a production shop. Shuster and Siegel had little choice but to accept Donenfeld's offer. What they sold for \$130 generated astronomically larger sums of money for publishers, merchandisers, and more. Despite having no legal obligation to Shuster and Siegel, Donenfeld later compensated the two of them with a 5% royalty, work guarantee, and an unprecedented high page rate.

Shuster and Siegel, however, lacked the pragmatism of Eisner and destroyed their relationships with Donenfeld in the Superboy lawsuit. Shuster and Siegel had sold Donenfeld the rights to the Superman character. Superboy was simply Superman as a youth, a concept Donenfeld had purchased when he paid Shuster and Siegel for Superman. Shuster and Siegel considered Superboy a separate concept from Superman, and thus their own intellectual property. The New York Supreme Court of Westchester county did not agree, and left Shuster and Siegel with no claim to Superboy. Had Shuster

and Siegel been more pragmatic, they could have made good creative livings from DC for the rest of their lives. But, the Superboy and later lawsuits for ownership of Superman destroyed Shuster and Siegel's relationship with Donenfeld. They never again made creative livings.

Opinions of Shuster and Siegel's plight vary. Some, Eisner included, felt that Shuster and Siegel had made a square deal with Donenfeld, and gave the two little sympathy. Others saw Shuster and Siegel as victims of circumstance in an unjust system and entitled to renegotiating their deal with Donenfeld after Superman's worth became apparent. While one could argue that is what Shuster and Siegel got when Donenfeld cut them in on syndication rights, others have clung to the belief that the industry robbed and later destroyed Shuster and Siegel.¹³⁷ That may be true, but no more so than in the case of countless other comic book creators. Shuster and Siegel came to represent the nightmare to avoid and became mascots for the exploitation of creativity inherent to the comic book and larger culture industries.

The stories of Eisner and Shuster and Siegel represent the earliest examples of the fundamental conflict between individual creators and a mass comic book industry, but neither effort proved successful in the broader sense. Eisner hoped to lead by example in establishing a more liberal creative climate for the comic medium as a whole. As it was, he established a more favorable climate for himself, but did not affect the industry as a whole. More unfortunately, Shuster and Siegel failed to win on the personal level, let

¹³⁷ [http://en. Wikipedia.org/wiki/Jerry_Siegel](http://en.wikipedia.org/wiki/Jerry_Siegel). In 1975, shortly after his Guild activity, Neal Adams led a campaign to leverage DC into awarding Shuster and Siegel lifetime stipends by threatening to publicize Shuster and Siegel's story around the premiere of *Superman The Movie* and the associated merchandising blitz. Warner Communications, DC's parent company, felt the potential damage to the bottom line of the movie outweighed the cost of stipends and agreed to pay the two \$35,000 a year for the rest of their lives as well as give the two creative credit on all Superman materials.

alone have any effect on the broader industry. The first major shift in the creative climate of the comic book industry flowed not from any creator's initiative, but the growth of a new audience in the war-era.

Comic books proved ideal entertainment for war-era army life. They were cheap, portable, powerfully distracting, and did not demand much time from the reader. The GI could keep a comic book on his person to be pulled out in any of the short and sporadic breaks found in the unpredictable and mobile life of combat troops. With no other options available, GI's read large numbers of the same superhero and adventure comic books crafted for children. Publishers' attempts to hold onto GI readers after the war inspired them to offer more adult material to maintain the appeal of comic books in civilian life. That initiative brought about the earliest creative renaissance in comic books that peaked with the EC titles flowing from the liberal creative climate maintained by William Gaines and Feldstein.

Gaines and Feldstein saw that if a publisher hoped to be successful, they had to tap, but not control artists' creativity. While other publishers pursued a sort of alchemy in looking for the "hit comic book formula," Gaines had the wisdom to provide his creators with basic plot spring boards, and then let them create. The resulting creative vitality of EC comic books stood out as unique in an industry of homogenous products. It is no surprise that Bernie Krigstein found his last professional home at EC.

Krigstein's attempts to organize the SOCBI represented the first broad manifestation of the clash between creativity and industrial conformity in the comic book industry. Motivated by the same creative impulse as Eisner, Krigstein made his organizing push from 1951-52, a time with high sales, a variety of genre offerings, and

broader audience including more young and mature adults than any other time in the history of the industry.

Although, the early 50s presented the best chance for mature comic books to reach adult audiences, the SOCBI fell victim to division and lack of morale. Debate over whether to form a union or fraternal guild racked the early SOCBI meetings. However, considering that the SOCBI promised progress on bread and butter issues like health insurance and page rates, it seems plausible that the SOCBI could have resolved the debate, likely in favor of fraternal organization for sake of retaining the industry veterans essential to success, had the members maintained their morale. Khaniger's demeaning address destroyed the creative idealism that had brought so many to the meeting. Comic book artists in 1952 had no way of knowing if a receptive audience existed, and few examples of successful creativity in comic books existed from which to find solace and replenish morale in the face of Khaniger's assault.

Historical circumstance further explains the lacking morale of creators at the SOCBI. The youngest creators at the SOCBI had come of age in the Depression and war years while the veterans with the most clout at the meeting experienced the Depression and war years head on as adults. Depression and war-era culture discouraged frivolity. What good was being an artist if you could not pay your bills? Without the general material wealth of later eras, indulging self-actualizing pursuits seemed frivolous by Depression/war era standards. Considering the culture, it should come as little surprise that those at the SOCBI meetings lacked the idealism and certainty of material well being that liberalizing the comic book industry ultimately required.

With the rise of the comics code in 1954, the broad society's anxiety stripped creators of any reason to further pursue creative liberalization. The comics code came about at a time of high anxiety surrounding the spread of communism and looming threats of nuclear destruction. In such a climate, Americans naturally sought stability. Unqualified youth culture, on the other hand, is often anything but stable. The emergence of a peculiar youth culture in the affluence of the 1950s played upon the anxieties of parents, thus motivating them to try and ensure stability by managing youth culture. The regulations of the comics code prevented creators from ever exploring the creative potential of the comic book medium so long as the code ensured comic books could only target child audiences. Any creative exploration would have to wait for a liberalized cultural climate and market.

The upheaval and counterculture of the late 1960s provided just such an opportunity. Underground artists, many inspired by the anti-institutionalism of *MAD* magazine, published and distributed their own work among the counterculture. Thus, the undergrounds circumvented any and all controls of the culture industry marketplace. Having secured creative freedom, the undergrounds used their platform to make scathing critiques of western civilization ranging from attacks on cultural imperialism and racism to the perverting effects of sexual repression. Undergrounds even regularly tackled the negative effects of culture industry on the vitality of art and general social awareness. A comprehensive study of the undergrounds has yet to be done, but will likely show the undergrounds to be the most poignant of all bodies of comic book literature. The undergrounds could never have produced such content inside the culture industry of their era. By controlling production and distribution, undergrounds achieved creative freedom.

Accordingly, they also only reached a very small audience, and enjoyed very limited retail space.

Despite their idealism, the small number of underground publications came nowhere near defining the comic book industry. The products of mainstream presses could be found in multiples of hundreds of thousands on newsstands around the country while underground comic books printed in runs frequently under 10,000 could be found only in the marginalized head shops of liberal communities. No shortage of stability-craving creators existed to fill the pages of mainstream comic books with content approved by the comics code.

From 1936 to 1954, conservative market forces defined the shape of American comic books. The brief period of post-war creative liberalism exemplified by the SOCBI and EC flowed from the same creative idealism that informed Eisner's decisions. A market, however, cannot desire a product it does not know exists. Comic book publishers did nothing to specify that some comic books targeted adults while others spoke to children. So long as comic books only targeted the youth market, they offered no threat to the broader culture. However, comic books having traditionally been a child's product meant that buyers and sellers alike did not distinguish between those aimed at adults and those aimed at children. So soon as the adult-oriented comic books threatened to undermine the values of youth in a period of extreme cultural conservatism, a popular backlash generated the institutional control of the comics code.

Today, most comic books target a young adult audience. They even contain ads for cars where they once sold mail-order sea monkeys. Having abandoned the comics

code in the late 1990s, publishers now rate their comic books much the same as the motion picture industry.

Those debating responses to the public backlash against adult-oriented comic books considered a rating system like the motion picture industry had done, but considered it untenable. Whereas adults had gone to see motion pictures since the earliest days of the industry, a tradition of child-oriented comic books produced a cultural stigma that comic books, rated or un-rated, belonged purely in the hands of children. The popular boycotts that began the movement toward the comics code did not want adult comic books on the newsstand at all for fear they would prove attractive to impressionable children. Knowing this, publishers opted for the safer option of holding onto the growing youth market by ensuring that all comic books remain appropriate for children through the industry censor of the comics code. As a result, establishment of the comics code placed severe limitations on comic book creators that made creative exploration of the medium all but impossible until later eras of more liberal cultural standards.

The depression and war-era culture of comic book artists kept liberalizing activities to a minimum while market forces qualified or crushed all efforts. Eisner, by far the most successful of liberalizing creators, succeeded only because he understood and accepted the qualifications of market forces. Shuster and Siegel, on the other hand, allowed their ideals to undo what gains they had made toward royalty agreements and work guarantees. Those who successfully maintained royalty contracts such as the Kirby Simon team along with Biro and Wood did so by staying within creative limits and providing publishers with the products they requested. The potentially viable SOCBI

lacked the morale to fully confront conservative market forces and wilted in the face of Khaniger's speech. The undergrounds successfully achieved creative freedom, but did not directly affect the mainstream industry. The undergrounds succeeded because they circumvented the mainstream market altogether. A future generation of mainstream artists in the late 1970s and early 80s used tactics of independent publishing similar to the undergrounds, but their cultural market was much more liberal than that of 1954. In 1954, cultural conservatism influenced market forces so as to prevent the exploration of the nascent comic book medium.

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