

STATE OF NEW YORK

REPORT

of the

NEW YORK STATE

JOINT LEGISLATIVE COMMITTEE

TO STUDY THE PUBLICATION OF COMICS



March 1954

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1954

LETTER OF TRANSMITTAL

To the Legislature of the State of New York:

Pursuant to the direction of the Joint Resolution of the Senate and Assembly, adopted on the 29th day of March, 1949, amended on the 22nd day of March, 1950, on the 16th day of March, 1951, on the 19th day of March, 1952, and thereafter on the 21st day of March, 1953, continued for an additional year, the Joint Legislative Committee to Study the Publication of Comics hereby respectfully submits the following report.

JAMES A. FITZPATRICK, *Chairman*

Dated: March 1, 1954.

PERSONNEL OF THE COMMITTEE

The Committee:

ASSEMBLYMAN JAMES A. FITZPATRICK, *Chairman*

SENATOR J. STANLEY BAUER, *Vice Chairman*

ASSEMBLYMAN LAWRENCE P. MURPHY, *Secretary*

ASSEMBLYMAN JOSEPH F. CARLINO

SENATOR MARIO M. DEOPTATIS

Ex-Officio:

SENATOR WALTER J. MAHONEY, *President Pro Tem*, The Senate

SENATOR AUSTIN W. ERWIN, *Finance Committee Chairman*,
The Senate

ASSEMBLYMAN OSWALD D. HECK, *Speaker*, The Assembly

ASSEMBLYMAN LEE B. MAILLER, *Majority Leader*, The Assembly

SENATOR FRANCIS J. MAHONEY, *Minority Leader*, The Senate

ASSEMBLYMAN WILLIAM H. MACKENZIE, *Chairman*, *Assembly*
Committee on Ways and Means

ASSEMBLYMAN EUGENE F. BANNIGAN, *Minority Leader*,
The Assembly

The Staff:

THOMAS A. COLLINS, ESQ., *Counsel*

REUBEN A. LAZARUS, ESQ., *Legal Consultant*



RESOLUTION CREATING COMMITTEE

STATE OF NEW YORK

RESOLUTION IN ASSEMBLY

BY MR. STEPHENS:

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

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

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

Resolved (if the Senate concur), 1. That a joint legislative committee be and the same hereby is created, to consist of two members of the Senate to be appointed by the temporary president of the Senate, and three members of the Assembly to be appointed by the speaker of the Assembly;

2. That such committee shall make a thorough study and survey of and in connection with the entire subject of publications commonly known and referred to as comic books, and of matters and problems related thereto, including but not limited to the extent to which such publications may offend against accepted standards and the public interest, the dangers and evils which may tend to be or in fact are or have been engendered by such publications, the efficacy of existing statutes which may be utilized in preventing or punishing unlawful acts and practices in connection therewith, the necessity or desirability of any new or additional remedial legislation, including a study of measures proposed at the current session of the legislature, provided that any proposed remedial legislation shall in no way restrain or abridge the liberty of the press, and generally all other matters related to or in connection with such subject; and that the study and investigation of any subject, matter or thing adjudged by the committee to be germane to the study and work hereby directed to be done, or helpful

to it in connection therewith, shall be deemed to be within the scope of the committee's powers;

3. That such committee shall organize by the selection from its number of a chairman, a vice chairman and a secretary, and it may employ and at pleasure remove counsel and other employees and assistants as may be necessary, and fix their compensation within the amount made available therefor hereafter. Any vacancy in the membership of the committee shall be filled by the officer authorized to make the original appointment. The members of the committee shall serve without compensation for their services but shall be entitled to their actual expenses incurred in the performance of their duties. The committee may sit at any place within the state, and in such place or places without the state as it may determine to conduct its work, and it may hold either public or private hearings. Such committee shall have the power to subpoena witnesses, take testimony and compel the production of books, papers, documents and other effects and it shall have generally all the powers of a legislative committee as provided by the legislative law. Such committee may request and shall receive from all public officers, departments and agencies of the state and its political subdivisions, such assistance and data as will assist it in carrying on its duties;

4. That such committee shall report its findings to the legislature on or before March thirty-first, nineteen hundred fifty-two, and may submit with its report such legislative proposals as it deems necessary to make the recommendations effective; and

5. That the sum of fifteen thousand dollars (\$15,000), or so much thereof as may be necessary, be and hereby is appropriated from the contingent fund of the legislature for the necessary expenses of such committee in carrying out its duties hereunder. Such moneys shall be payable on the audit and warrant of the comptroller on vouchers approved or certified in the manner prescribed by law.

Adopted in both houses on March 29, 1949.

Amended on March 19, 1952, to include "the making of a study of the effect on minors of television and radio programs, picture magazines and so-called 'pocket books'".

INTRODUCTION

This Committee was originally created in 1949 due to widespread allegations that comic books appearing on the market at that time tended to provoke acts of juvenile delinquency or crime or were otherwise inherently objectionable. The Legislature declared that it was essential in the public interest, and particularly in the interest of the children and youth of the State, that a study be made of the problems involved in connection with the subject of such publications and that such appropriate remedial legislation as was found necessary or desirable be recommended to the Legislature. This Committee as originally organized has previously submitted two reports in writing to the Legislature, the first in March of 1951 (Legislative Document No. 15) and the second in March of 1952 (Legislative Document No. 64). In the 1951 report the Committee presented a full survey of the subject together with its detailed findings, hereinafter set forth. It recommended that the comic book industry, under the leadership of the largest producers, take immediate steps to organize an effective, all-inclusive, self-regulatory association with an independent administrator, without industry connections, acting as a review agency. In June of 1950 and September of 1951 this Committee held extensive hearings at the Association of the Bar of the City of New York and invitations to appear and testify at these hearings were extended to all individuals and groups of individuals throughout the State who had evidenced any interest in the work of the Committee. Included among those invited to testify were experts on the subject, psychiatrists, children's court judges, county judges, district attorneys, probation officers, parent-teachers groups, women's clubs, religious and civic organizations, publishers, newspaper editors, clergymen, cartoonists, comic book publishers and their representatives. Full and ample opportunity was afforded all those who wished to testify. A large number of individuals took advantage of the Committee's invitation and did so testify. As a result of these hearings the Committee concluded that its findings as presented in the report of March 1951 were well justified, that the publication of comics was an extremely large and lucrative business, and that the small, stubborn, willful, irresponsible minority of publishers printing objectionable comics had no disposition whatsoever to join the reputable publishers in voluntarily adhering to any plan of self-regulation.

Following these hearings the Committee in its 1952 report repeated again its preference for industry control and again stated its willingness to lend its active aid, support and services to any practical effort by the industry to rid itself of the evils that had been found.

It stated, however, that such self-regulation not having been forthcoming legislation was urgently needed. The Committee at that time also stated that it had received a large number of protests relative to the content of picture magazines, pocket-size novels and other newsstand publications and recommended that its authority be extended to make an investigation into the fields. Following the submission of the report, the Legislature expanded the field of inquiry and authority of the Committee to include the making of a study of the effect on minors of television and radio programs, picture magazines and so-called pocket books.

In its 1952 report this Committee made specific legislative recommendations, several of which were sent to the Governor after favorable action by both houses of the Legislature but which were determined by the Governor to be unconstitutional and vetoed for this reason. Additional legislation was recommended in 1953 which, unfortunately, did not become law.

During the year 1953 and 1954 the Committee has made an investigation of radio and television as well as the publication and sale of pocket books and picture magazines. Hundreds of comic books, "pocket books", picture magazines and other publications have been read and analyzed by members of the Committee and the staff. We have conferred with numerous individuals representing the same general interests present at the hearings described above, and have made an extensive and exhaustive review of the work of groups and committees engaged in the study of problems similar to ours throughout the United States and in various countries of the world. The Committee has cooperated with The Select Committee on Current Pornographic Materials of the House of Representatives of the United States Congress and the former Chairman of this Committee, Assemblyman Joseph F. Carlino, has appeared and testified before that committee. The work of this Federal committee and the material and testimony gathered by that committee have been of inestimable help to us and have received full consideration in the findings hereinafter set forth.

Since the submission of the last written report of this Committee there have been changes made in the composition and chairmanship of the group. We have suffered a great loss in that God has taken from this life both Senator Elmer F. Quinn and Assemblyman Irwin Steingut, ex-officio members. Both took a deep interest in the work of this Committee and both have contributed valuable help and suggestions. Assemblymen D. Mallory Stephens and Senator Harold I. Pauken are no longer serving in the Legislature. Senator Mario M. DeOptatis has taken Senator Pauken's place on the Committee and the ex-officio members now include Senator Walter J. Mahoney, Senator Francis J. Mahoney, Senator Austin W. Erwin and Assemblyman Eugene F. Bannigan. Assemblyman Carlino resigned as Chairman early in 1954 to assume new duties as the Chairman of the Temporary Commission on Rents. Assemblyman James A. FitzPatrick was

elected Chairman. His fellow members of this Commission wish to pay tribute to Mr. Carlino for the years of valuable service he rendered as Chairman.

COMIC BOOKS

In its 1951 report the Committee made the following findings:

1. A substantial majority of the publishers of so-called "comics" are responsible, intelligent and right-thinking citizens with a will to improve their industry.
2. A small, stubborn, willful, irresponsible minority of publishers of so-called "comics" whose brazen disregard for anything but their profits, who recognize no duty to anyone and whose sole objective is financial gain without thought of the consequences of their depredations, are responsible for the bad reputation of the publishers of all comics.
3. The entire industry is remiss in its failure to institute effective measures to police and restrain the undesirable minority.
4. So-called "comics" are a most effective medium for the dissemination of ideas and when such a medium is used to disseminate bad ideas which may leave deep impressions on the keen, absorptive minds of children, the unrestricted publication and distribution of "comics" becomes a matter of grave public concern.
5. "Comics" which depict crime, brutality, horror and which produce race hatred impair the ethical development of children, describe how to make weapons and how to inflict injuries with these weapons, and how to commit crimes have a wide circulation among children.
6. The reading of crime "comics" stimulate sadistic and masochistic attitudes and interfere with the normal development of sexual habits in children and produce abnormal sexual tendencies in adolescents.
7. Crime "comics" are a contributing factor leading to juvenile delinquency.
8. Instead of reforming their bad practices, the publishers of bad crime "comics" have banded together, employed resourceful legal and public relations counsel, so-called "educators", and experts in a deliberate effort to continue such harmful practices and to fight any and every effort to arrest or control such practices.
9. The Committee condemns the attempts of the representatives of crime "comics" publishers to influence judges and law enforcement officials, private individuals and civic and religious groups who have organized to protect youths from the evil effects of crime "comics".
10. The evidence adduced makes some action by the State imperative to protect its children.

After three additional years of study, consultation, research and observation the Committee finds a great deal of additional evidence to substantiate these conclusions. The Select Committee on Current Pornographic Materials established by the House of Representatives of the United States Congress shortly after the initial report of this Committee, has contributed a great deal of additional evidence to confirm this Committee's conclusion that only a small percentage of so-called "comic books" deal with comedy or amusing subjects and that the great majority are about crime, violence, horror, romance, mystery and adventure. This Committee, at page 26 of its report, states with respect to certain comics as follows:

"They do not teach children to think straight. They glorify crime, make a mockery of democratic living and respect for law and order. They make lawlessness attractive and ridicule decency and honesty."

A recent statement made by the Director of the Federal Bureau of Investigation, J. Edgar Hoover, has pointed out the impact that objectionable comics and indecent literature have on the juvenile mind. Mr. Hoover stated as follows:

"Additional causes (of juvenile delinquency) are the availability of focal points of criminal infection in communities where children are allowed to gather and where they may be influenced by adults who convinced them that there is profit in crime. The availability of salacious literature and presentations of any type which glorify crime, make mockery of democratic living and respect for law and order are other important causes which lead to an unhealthy crime situation among young people.—Crime books, comics and other stories packed with criminal activity and presented in such a way as to glorify crime and the criminal may be dangerous, particularly in the hands of an unstable child. A comic book which is replete with the lurid and macabre; which places the criminal in a unique position of making him a hero; which makes lawlessness attractive; which ridicules decency and honesty; which leaves the impression that graft and corruption are necessary evils in American life; which depicts the life of a criminal as exciting and glamorous may influence the susceptible boy or girl who already possesses definite anti-social tendencies. While comic books which are unrealistic, in that they tend to produce fantastic pictures of violence, brutality and torture, may have no effect on the emotionally well-balanced boy or girl, nevertheless they may serve as a spring board for the unstable child to commit criminal acts."

Mr. Hoover in the same statement indicated that comic books which were restrained in presentation and which conformed to carefully prescribed standards of good taste and authenticity and which teach a *true* lesson that crime does not pay have a real educational

value. It is the finding of this Committee, however, that the comic books which come within the latter definition are relatively rare and that the newsstands of this country continue to be flooded with comics devoted almost exclusively to the presentation of horror, crime and romance. Examples of the comics of the type to which this Committee refers are set forth herein as Exhibits A through G and may be purchased by any child in this State armed with the necessary few cents. We are pleased to be able to report that the number and variety of new crime comics seems to have diminished somewhat in recent months but there appears to be a corresponding increase in the number of "horror" books published.

That comic books of all types are being read by a very large and steadily-increasing percentage of our population can be ascertained from reliable reports submitted to this Committee which indicate that over eight hundred million units a year are printed and distributed, a figure which is some twenty per cent higher than a figure received four years ago. Dr. Frederic Wertham, a noted psychiatrist who has appeared on several occasions to testify before this Committee and who has made a long and detailed study of this entire subject, indicates that figures compiled from all available data presented to him indicate that in numbers printed, published, distributed and actually read the animal and related comics amount to less than one-tenth of all comic books currently published.

Published reports of the Federal Bureau of Investigation and of other criminal agencies have indicated the steady increase of juvenile delinquency during recent years. This Committee, after its study, has formed the unanimous opinion that the type of comics freely printed and distributed throughout this State and throughout the United States, particularly of the type illustrated herein in Exhibits B, C and D, contribute in large measure to this juvenile delinquency. We come to this conclusion based upon all of the testimony that has been presented to us and upon the voluminous materials that we have received and scrutinized containing opinions of leading educators, psychiatrists, criminologists, law enforcement officers and other duly qualified individuals.

In a recently published article in the *Ladies Home Journal* of November, 1953 Dr. Wertham, referred to above, has created a great deal of public interest in the problem and has presented what this Committee feels is an adequate and admirable summary of the same type of material which has been submitted to us by various sources over the years. We were pleased to note that several of the illustrations used in this article are taken directly from the 1951 report of this Committee.

Dr. Wertham, and numerous other psychiatrists who have appeared before this Committee, have testified to cases within their experience where they have concluded that the reading of the more objectionable type of comics has contributed directly to juvenile delinquency. Similar experiences have been related to this Committee by

such distinguished jurists as Judge Jacob Panken of the Children's Court of the City of New York. Dr. Wertham in the article mentioned above points out that younger and younger children commit more and more serious and violent acts. He cites as random samples of what today's delinquents actually do the following:

- “1. Three boys, six to eight years old, took a boy of seven, hanged him nude from a tree, his hands tied behind him, then burned him with matches. They could not find their first choice for this treatment—a girl of six. Probation officers investigating found that they were re-enacting a comic-book plot.
2. A boy of eleven killed a woman in a holdup. When arrested, he was found surrounded by comic books. His twenty-year-old brother said: “If you want the cause of all this, here it is: It's these rotten comic books. Cut them out, and things like this wouldn't happen.”
3. A boy of thirteen committed a “lust murder” of a girl of six. After his arrest, in jail, he asked for comic books. “I refused, of course,” said the sheriff. A thirteen-year-old boy who spent “most of his time looking at comic books” committed a “sex murder” of a girl of four.
4. In order to prove that he was “no sissy”, a boy of fourteen garroted and killed a boy of eleven.
5. A boy who had participated when a group attacked and seriously stabbed another boy was found with a knife which had a legend inked on the sheath: “Kill for the Love of Killing”. (See Exhibit D for “lust to kill”.)
6. A boy of twelve and his eight-year-old sister tried to kill a boy of six. They threatened to knock his teeth out, stabbed through his hands with a pocket knife, choked him, kicked him and jumped on him. The police captain said, “It is the worst beating I've ever seen, child or adult.”

In recent months we have seen frequent examples of juvenile gangs operating in our larger cities. Within the past few weeks the press of this State carried reports of a gang fight in the City of New York involving several hundred youngsters, both boys and girls, using for weapons, among other things, broken bottles. To learn such tactics the youngsters of New York would only have to turn to a current comic set forth herein as Exhibit B taken from the newsstands of this State within the past week. The format of the comic from which Exhibit B was taken, printed therein on a separate page, attempts to excuse this presentation by stating that it is a portrayal of an actual occurrence. Attention is invited particularly to the switchblade knives, the brass knuckles and the broken bottles.

As additional evidence of the interrelationship between the presentation of this type of comic and the operation of teen-age gangs we find the following testimony of Judge John Cone, then an Assistant Dis-

trict Attorney of the County of Kings in the City of New York, upon an appearance before this Committee some time ago:

“Well, the teen-age gangs operate in Brooklyn to a great extent as they do in other parts of the city and as they do in other cities. About a year ago a boy was killed in Williamsburg during a gang war between the “Dragons” and the “Black Coats” and we started an investigation and as a result of that we collected a veritable arsenal of home-made weapons, switchblade knives, milk can handles converted into brass knuckles and so forth. We questioned these lads and we found out pretty much of their ideas were obtained from comic books. For instance, in one book a lad showed us how to change a converted cap gun into a lethal weapon. And these lads also purchased a number of guns as a result of the advertisements contained in these crime comic books. Then they told us how they learned to convert milk can handles and make brass knuckles.”

Dr. Reginald Steen also testifying before this Committee has given us an additional insight into the effect of certain comic books, particularly the horror and sadistic type, upon children. Dr. Steen is a consultant in child psychiatry for the Probation Department of Nassau County. He is a duly qualified psychiatrist and stated as follows:

“The sadistic type of comic book is, in my opinion, harmful to all children and to certain unstable, immature adults. First, it is harmful to the emotionally immature and to children in that it may create fear and anxiety and cause emotional tension which in later years may show itself as psychoneurosis in adult life. In other children and unstable individuals the individual will identify himself with the hero in the story and then he will be led into a life of delinquency or crime as a result of the identification. That is the bolder more aggressive type that would be led that way. The more timid type would be led into emotional tensions, fear and a predisposition to psychoneurosis.”

Exhibit X set forth herein, while it refers to pocket books and not to comic books, nevertheless sets forth passages taken from a book described repeatedly by district attorneys and police officials appearing before this Committee as having been an inducement to specific acts of crime similar to those depicted in Exhibit B. The author of this particular book has now written a sequel which seems to pick up where the first book left off. The sequel is also shot through with violence and crime, sex—illicit and professional—contempt for the law and the police, and a glorification of the rackets. While the passages shown in Exhibit X are from a “pocket book”, as above indicated, they are here referred to to indicate the interrelationship of the type of material which this Committee feels is objectionable and which the Committee feels should be removed from the hands of our youth.

That authors and publishers are exploiting crime and horror for profit can be gleaned from a perusal of a brief article appearing in a fifteen-cent magazine of the type hereinafter set forth in Exhibit S. This magazine is entitled *Tops* and at page 38 carries an article entitled "Jekyll-Hyde of the Comics". The article describes how one William Gaines, well-known publisher of comics, inherited an unsuccessful group of comic magazines and turned the business into a success by purveying horror to children. The article states that by so doing the sales of Mr. Gaines' magazines were boosted to over a million copies a month. When asked to defend the lurid contents of such comic titles as "Vault of Horror" Gaines, according to this article, replies:

"Our magazines are written for adults. It isn't our fault if the kids read 'em, too."

Incidentally, this magazine, *Tops*, not included in the exhibits hereinafter shown, like its sister magazines of the same type, exploits sex in its March issue with the following feature article advertised on its front page: "*Hollywood's Hottest Question: Sex vs. Success*".

In the course of this year's perusal of comic books, the Committee has also found a large increase in the number of so-called "love comics" available for sale to the general public. We note with regret that these comic books continue to feature sex on their covers, as indicated in Exhibit A, and at times, unfortunately, in their content, as indicated in Exhibit G. By and large, however, we find that the story content of the love comic has little direct relationship to the portrayal of objectionable sex. The entire purpose of the cover seems to serve as an inducement for sale. We find little in the content of these publications which, in our opinion, constitutes desirable reading for minors, since love and young romance are glamorized and over-emphasized, and ethical and moral concepts are frequently presented in what this Committee considers an undesirable light.

In reviewing Exhibits A through G, it is to be noted that these few examples, all taken from comics recently purchased in New York State, include covers depicting sex, terror, crime and brutality (A); boy-gang warfare, sadistic murder, hanging and the advocacy of the principle of violent revenge (B); gruesome, sadistic and sickening horror, utter callousness and illicit love in a tourist cabin (C); portrayal of murder, gangsterism, and a "lust to kill" (D); sadistic and perverted passion, "rolling of a drunk", the activity of "B Girls" and mob violence (E); a vividly gruesome creature shown being attacked by oversized rats, additional violence in the form of a blow on the head with a wrench, and branding with a hot iron together with the injection of a hypodermic syringe into the body of a dead man (F); love, passion and eroticism (G).

POCKET BOOKS

The work of this Committee having been enlarged to include an investigation of the hard paper-bound twenty-five-cent and thirty-five-cent books commonly known as "pocket books", intensive investigation

has been undertaken of the material of this type published and sold within this State. We find that millions of these books are sold yearly in candy stores, drug stores and on newsstands throughout this State. Estimates of the annual sale of these publications throughout the United States vary between two hundred million and two hundred fifty million copies per year. In a survey made a few years ago it was determined that approximately eighty per cent of these publications originated in seven publishing houses, all members of the American Book Publishers Council, Inc.

It appears that these so-called "pocket books" originally were devoted almost exclusively to the reproduction of popular novels. Many such novels are still printed in this form and this type of publication, in the opinion of the Committee, is most useful and desirable. We give as an example of the publication of this type the recent "pocket book" publication of *The Cardinal*, a nation-wide best-seller. We do find, however, that the "pocket book" has become, in very large measure, a medium for the out and out exploitation of sex. The lurid covers of these publications, shown in Exhibits H through Q, speak for themselves. They are a shameless attempt to utilize the portrayal of sex and the suggestion of sex and immorality as an inducement to the purchase of the publications. Margaret Culkin Banning, in testimony before The Select Committee on Current Pornographic Materials, has referred to pocket books and the type of picture magazines shown in Exhibits DD through FF as "pictorial prostitution". We concur most heartily in her description. In fact we find that the statement of Mrs. Banning, printed on pages 135, 136 and 137 of the Select Committee report, so eloquently and adequately presents many of the facts and opinions submitted to this Committee, both with respect to pocket books, picture books and similar magazines, that we are including a pertinent part of the statement herewith. It is as follows:

"The newsstands of America today carry a display of sex provocation such as is to be found nowhere else in the world. In one magazine published recently there were 58 photographs of girls in varying states of undress: some wore only G-strings and brassieres; others were naked except for muffs of fur and feathers. One girl was posed removing her bra; another had a man's picture painted high up on her thigh. The girls were photographed from the back, from the front, upside down. Captions read: 'Hot from toes to Bikini,' 'A yum-yum platinum blonde,' 'A blue-eyed beauty who likes tall, rugged guys.'

No one can read these so-called 'girly' magazines without having his sense of decency and normality debauched. 'Is Male Rape Possible?' 'Europe's Sex Problem,' 'Do Chastity Belts Work?' are typical titles of articles. Stories feature promiscuity, rape, and abnormal sex relationships.

The advertisements in these magazines are, in the main, concerned with beautification of the body. In one magazine 57 of 62

advertisements are sex helps. They advertise reducing appliances; bust creams and lotions; male hormones; scalp and hair formulas for bald men; ways to appear taller; fake diamonds; picture albums of female beauty around the world; 'secret' albums of Africa, Europe, Asia, America and Oceania; show-girl garters with 'genuine mink fur and rhinestones'; black chiffon negligees.'

Who reads this trash? Careful studies by an independent research company brought disturbing information: the demand apparently permeates every social group. *No newsdealer would admit selling to children, but research among high-school students in eastern cities showed that many were reading the sexy magazines. A fourth of the girls and a third of the boys in one high school had read the February issue of one or more of a representative group of these magazines. Among a group of girls at a female corrective institution in the East 55 per cent had read one or more of the same issues.* Matrons of rescue homes and women's reformatories told me that girls enter the institutions with their suitcases filled with girly magazines. On the other hand, one mother said that several girls came home from an expensive boarding school with their luggage almost as heavy with the same stuff.

Men in the Armed Forces are avid readers. The same series of studies showed that half the soldiers in large Army training centers, half the sailors and one in three airmen had read one or more of the girly-magazine issues of last February.

Do these magazines and the crime and love comics that flood the newsstands contribute to delinquency? Early this year a grand jury in Middlesex County, N. J., drew a direct connection between the public display of pornographic literature and the growing number of nonsupport and desertion cases. Police Commissioner Timothy O'Connor of Chicago says that the recent increase in rape and sex crimes is directly attributable to the influence of lurid magazines and books. The juvenile-court judges in Minnesota have issued an "approved" reading list for young people. They feel that it is part of their job to get indecent publications out of youngsters' sight and touch.

The report of the Kefauver committee indicates that there is disagreement among the public officials, probation officers, and psychiatrists as to the effects of printed pornography on crime and delinquency. But whether the smut incites to crime or not, there can be no doubt that it does degenerate taste and debauch truth. Pick up any one of the hundreds of such magazines yourself, pore over it and see what it does to your own mind.

It is sometimes argued that sexy magazines have always been available in this country, and that some of those for sale 30 years ago were more salacious than those of today. But they were merely tolerated; they could be found in barbershops, saloons, and

Army posts. They were not in competition with family magazines an serious-minded periodicals and useful books. Today the sex magazines are competing right down at the corner drug store, with all other forms of reading.

The problem is not just the girly magazines. The problem is that crime and indecency are pervading a great deal of printed matter in the United States. The love comics are to the girly magazines what elementary schools are to high schools. *If a child's taste is formed by love and crime comics, he or she will continue to crave lurid, unreal, violent, and sexy material in print.*

We have in this country some of the most beautiful, thoughtful, amusing and informative magazines in the world. Among the pocket books on the newsstands are some of the best reading values ever offered: Bibles, atlases, and geographies, books on child care, reprints of the great novels and short stories.

But crowding all these enjoyable and useful magazines and books are publications which can have no possible effect except to misinform the reader, debase his thoughts and degrade his emotions. The publishers of such material will stop at nothing to catch the eye.

This creates a difficult situation for decent publications competing for buyers. If they do not have provocative covers they will not be noticed. The publishers of many lines of pocket books attempt to meet the competition by putting lurid, misleading pictures on the covers of serious and intelligent novels. In a pocket edition *Tess of the D'Urbervilles* is promoted in a red satin evening dress, on some sort of broken bridge, with a man bending over her bosom. The promotion says: "The gal: Tess Durbeyfield * * * we are off for another round of cruel passion." Thomas Hardy must be stirring in his grave.

By actual count, the trash and smut on the stands now have the advantage of numbers. More than 1,200 magazines, including comics, are being regularly distributed among retailers who handle periodicals. Of these, only 210 or so are magazines of healthy interest, acceptable to discriminating readers. The rest are crime and love comics of a low type fly-by-nights which usually fold after a few issues, and the salacious girly magazines.

In a New York town of 20,000, magazines of this type sold 1,719 copies in a single month, or nearly one copy for every 10 men, women, and children in the town. In a Massachusetts city of 163,000, the same group of sexy magazines sold 13,266 copies on the average every month, which is about the same proportion of readership.

The unpleasant and shocking truth is that our newsstands are beginning to reflect an acceptance of and growing concentration on lewdness.

Who is responsible? First, of course, there is the publisher. Several of the girly magazines have headquarters in shabby,

second-floor offices in a broken-down building between Broadway and Seventh Avenue, New York. The proprietors make no claim by any signs to be "publishers." But they are getting out magazines. They are selling sex, and they are making money thereby as has been done in that profession since it began.

But the publishers are only a segment of the whole magazine business. They are represented by several national distributors who work through local wholesalers or branches. The distributor decides on the magazine allotments for each wholesaler. The wholesaler then distributes the carefully precalculated allotments to the individual newsstand dealer. In the package delivered to him, the dealer—who may be in a drug store, a railroad station, or a stand on the streets—finds a number of nationally known magazines with established circulation. He also finds a group of comics and almost certainly a number of the sexy girly magazines. He has not personally ordered these publications. But the distributor and wholesaler have found it profitable to take over their sale, so the newsstand dealer automatically becomes agent for them.

The newsstand dealer has a technical choice. He can place these magazines on his newsstand, or he can send them back to the wholesaler as unsold copies. But the choice is not always so free as it seems to be. A druggist in a southern town told me that when sex magazines are sent to him from the wholesaler he ships them right back. But a newsstand lessee in one large city said, "If I send the girly magazines back, next month I shan't be sent enough of the magazines I know I can sell, and want to sell."

In Idaho last year inquiry seemed to prove that in some cases newsdealers were coerced by the distributors into accepting magazines for sale which they did not want to offer the public. The result was a bill in the State legislature providing for punishment of any person or firm which should "require a retail dealer to take all or certain groups of such publications at the sole discretion of such distributor." Although fought by some of the distributors, the bill became Idaho law last May. Its constitutionality has not yet been tested.

In January 1952 a Hudson County (N. J.) grand jury called several distributors before it and warned them that it was unlawful to coerce newsdealers to accept indecent magazines under penalty of withholding publications of national interest.

If such measures as these stand up in court there will soon be legal precedent in this country—as already exists in Canada—to protect a newsdealer who does not want to display pornographic magazines.

Attention should be invited to the fact that the advertisements to which Mrs. Banning refers are typical of those set forth in the Committee's Exhibits HH and II, forming a part of this report. The comments of Mrs. Banning on "tie-in sales" are also most pertinent.

Attention is invited to the fact that the State of Idaho has passed a bill dealing with tie-in sales, as indicated by Mr. Banning.

That all of the criticism of pocket books and picture books does not come from outside the industry is evidenced by a very strong and very frank statement entitled "The Literature We Distribute" submitted by Mr. Samuel Black, Vice President of Atlantic Coast Independent Distributors Association, and included as a part of the report of the Select Committee on Current Pornographic Materials. Mr. Black states, in part, as follows:

"Frankly, there is no real justification or excuse for much of the material we are distributing. It is imperative that we free ourselves, without delay, from the constant fear that haunts us every time we put out a pocket-size book which causes one to wonder what manner of diseased mind can contrive such tripe; with covers that continually are becoming more and more revealing, and in many instances have little or no relation to, or bearing upon, the subject matter; or magazines, so-called, reeking with articles on sex and undraped women that have reached a point of undiluted, disgusting obscenity.

"Many of these magazines, in addition, carry advertising of a nature so objectionable and personal that we would not, under any circumstances, want our own children to be exposed to it.

"Recently a book was given to us for distribution that caused a shudder to run up and down my spine. It got out before I realized the type of language used in a few of its many pages. The Publisher offered the opinion that it was a classic, written by a well-known author, and that while his works have always been controversial they were accepted by the intelligentsia as something above the ordinary.

"Granted. I respect this circulation man as a person, and for his business ability. He has always impressed me with his logic and, in my opinion, he is one of the top men in the business, but I have a feeling he was defending this book with his tongue in his cheek.

"So I say 'granted'—it is a classic and it does appeal to the real or pseudo intelligentsia.

"But the book was written in 1936, to be sold in book stores at from three dollars and fifty cents to five dollars and for use in libraries. It probably never exceeded a sale of twenty thousand copies, if that. Certainly, the youth of the country in those days were not buying books in this price range, and can you, any of you, in your wildest dreams, imagine a librarian issuing to a minor a book of this nature?

"It may have been all right in those days to issue this book in limited quantities and to a selected trade, but how can one justify its release today in the reprint field, which now caters to the youth as well as the adult mind.

“Instead of a limited distribution, these books are displayed not only in the eighteen hundred book stores of the country but in over ninety thousand retail neighborhood and drug stores, and probably starts off with a print schedule of three hundred thousand as against twenty thousand total for the original edition.

“There has been a change in the reading and buying habits of the nation, and the reprint publishers must be made to realize their obligation to this vast public. The youth of the country must be respected, not corrupted, as is the case with much of the material now spewing from the presses—and I say ‘spewing’ without any reservation.”

Since the Legislature further instructed this Committee to determine the effect of the lurid pocket books upon our youth, we have made an earnest effort to determine whether or not these publications are falling into the hands of minors and what effect the reading of these books has upon the moral and ethical development of children. Our task was lightened considerably by the fact that numerous studies have recently been made of this subject in line with a growing public awareness of the danger inherent in publications of this type. We have studied the conclusions of others and we have made independent investigations. We again invite attention to Exhibit X. An opinion survey made recently in a high school in the City of New York showed that in a class of thirty-eight high school boys each and every one had read the book from which the excerpts printed herein were taken.

The Chairman of this Committee was recently riding on a train when he noticed a young boy reading the publication shown in Exhibit H. When interrogated, this boy stated that he was sixteen years of age and that he had purchased the book on a newsstand in the State and that he was in the habit of purchasing this particular publication at regular intervals. He stated that this pocket book was also read regularly by his brother, another teen-ager, and by others who attended the private school from which he was returning on holiday. When questioned further, he frankly admitted that some of the content was “pretty rough”. The Chairman, having then purchased and read the book, can state an unqualified opinion to the effect that “pretty rough” is a mild description for the content of this particular publication, despite the fact that it cannot be classed with some of the filth taken from other pocket books, the contents of which are shown in Exhibits X, Y, Z and AA.

Typical of the responsible people who have recently become alarmed at the torrent of filth appearing on our newsstands is the Honorable James V. Mulholland, Judge of the Domestic Relations Court of the City of New York. Judge Mulholland has written a very timely article entitled “Smut for Sale” which appears in the January issue of *Youth Leaders Digest*. In this article the Judge makes refer-

ence to experiences that he has had while presiding in the Court of Brooklyn and to opinions of certain psychiatrists, and police commissioners to whom he wrote for opinions. The following quotation from Judge Mulholland's article is enlightening:

"My first attention was called to a book which I designate as 'X' when I was presiding in the Children's Court of Brooklyn. An attorney representing the child stated that he had obtained the idea of the delinquent act from reading the book. Inquiry from probation officers brought out that many children brought before the Court for delinquency had read the book. I proceeded to ask several children appearing before the Court about their reading, without mentioning book 'X', and the results were that of the probation officer was substantiated. Although it is well known that the roots of delinquency are deep and complex, and that usually there are multiple factors involved in each case of delinquency, the reading of an objectionable and obscene book could be a factor in the delinquency of a child."

Opinions of some of the noted psychiatrists and educators set forth in "Smut for Sale" are sufficiently enlightening and sufficiently indicative of the great volume of opinion received by the Committee that they are quoted as follows:

Opinions of Psychiatrists

"Dr. Joseph A. Manno, psychiatrist in charge of the Adolescent Treatment Service, Division of Psychiatry, Kings County Hospital, Brooklyn, N. Y., after examining a 15-year-old boy, delinquent for a sex offense, stated,

"This boy read book 'X,' page 36, prior to his conviction for his sex offense. It is my opinion that the anti-social act was precipitated by the reading of book 'X,' which is obscene, arousing and detrimental to the health and emotional development of young people. The reading of book 'X' universally stimulates and excites the sexual urges of young boys, while they are in the stage of increased suggestibility. It would seem that for a more rigid censorship to be exercised and that that all books of this nature be prohibited to minors."

"After reading book 'X' Dr. Ernest Harms, Editor of *The Nervous Child*, a magazine of Psychotherapy, Hygiene and Guidance of the Child, wrote, 'If I had my say, I would try to keep this book out of any juvenile library. Supporting this view was the personal opinion of Dr. I. H. Hirdansky, of the Bureau of Child Guidance of New York. Another psychiatrist, Dr. Richard H. Hoffman, of New York, wrote, 'This book should be condemned.'"

Opinions of Educators

“Dr. I. Victor Burger, Assistant Superintendent of the Board of Education, New York City, writes, ‘The effect that this book can have on a young boy or girl is to stimulate him or her into a channel of similar antisocial behavior. Book ‘X’ is a piece of vile literature, dangerous to the morals of adolescents. Anything that can be done to kill circulation of this book among children will receive the blessings of parents and educators.’ ”

“Dr. Frank D. Whalen, Assistant Superintendent of the Board of Education of New York City, wrote about book ‘X’; ‘I find it almost incredible that lavish praise should be given to a piece of downright pornography.’ ”

“Dr. Abraham Lefkowitz, Principal of Samuel Tilden High School, wrote, ‘I would never recommend that filthy book to anyone.’ ”

“Letters condemning book ‘X’ were also received from Dr. Vincent McGarrett, Principal of Commerce High School, Mr. Edward O’Connor, Principal of the High School of Automotive Trades, Mr. William M. Barlow, Principal of Manual Training High School, Mr. Walter Boylan, Principal of George Washington High School, Mr. M. J. Ritchie Stevenson, Principal of East New York Vocational High School, Mr. Ralph Haller, Principal of Andrew Jackson High School.

“These educators have under their supervision at least 100,000 young people between the ages of 12 and 18 years.

Opinion of a Police Commissioner In New York City

“In New York City a division of the Police Department is devoted to the prevention of delinquency and crime. Because of the importance of this type of work, a police commissioner with a background of experience, knowledge, and ability in the guidance of youth is carefully selected and assigned. For the past number of years Deputy Commissioner James B. Nolan has been in charge. Writing about book ‘X,’ Commissioner Nolan stated, ‘It is criminal in a moral sense that the book is made so available to the adolescent and the immature adult. The themes in this book are: 1. *Defiance* towards school authorities, towards law and order, to the home; 2. *Violence*—showing mugging technique, gang fights, homicide; 3. *Passion Theme*—dealing with detailed, intimate necking episodes, relationships with a prostitute, rape, illicit sex relationship.’ ”

This Committee has been particularly concerned with the fact that “pocket books” frequently present adultery, fornication and sexual promiscuity as normal, acceptable and desirable behavior. A clear example of this type of immorality is found repeatedly in a book entitled “Love-Starved Woman”, written by a woman. Here the

recent "Kinsey Report" is used both as an authority and as an apparent excuse. Passages are set forth below. Attention is invited to the manner in which the author describes the senses of this girl as having been inflamed by the reading of Kinsey. Thereafter she felt the need for experiment and, having deliberately committed fornication, felt no regrets. This is a direct example of the manner in which we feel individuals, particularly minors, can be led or incited to misconduct and immorality by reading material devoted to a discussion of sex, particularly of the type set forth in "Love-Starved Woman" and in Exhibits X through AA. The passages are as follows:

"But you really should read it, Isobel. It's called 'Sexual Behavior in the Human Female.'"

* * *

"While the night passed, she read on. And in the early morning hours when she finally slapped the book shut and flung it across the room, she was conscious of an inner turmoil she had never before known. She was trembling when she got into bed, and sleep was a million miles away.

"These shameless women who so blithely revealed their secrets to Dr. Kinsey and his assistants had seemed to accept these experiences and not to feel them shocking at all."

* * *

"Isobel stood up and took an involuntary step towards him, the movement drawing the clinging satin of the robe taut above her throbbing breasts, her face quite white, her eyes blazing.

"Don't go, Pat," she breathed, her voice so low that it was little more than a breath of sound.

"Waiting, frowning, his wary eyes met hers and she saw there banked fires that were beginning to blaze.

"No!" his voice was low, as strained as her own.

"I want you to stay, Pat," she whispered, her voice shaking "Please, Pat stay with me tonight."

* * *

"Am I, Pat? Am I—nice to love? Satisfying?" she stammered in her need for his re-assurance.

"Tender laughter brimmed in his eyes and he bent his head and kissed her.

"Do you have to ask me that?" he teased.

"Yes, Pat," she was unexpectedly grave, and it puzzled him. "Because I've always thought of myself as—cold."

* * *

"Well, of course there had been other women in his life. Naturally there would be for a man as virile, as excitingly male as he was. And men were *different*. They needed women far more than women needed them—and then she caught her breath. For according to Dr. Kinsey, women's needs were quite as urgent as

men's. Only society frowned on their satisfying those needs outside of the matrimonial laws.

"Pat looked down at her thoughtful face, amused, tender, but still curious about this woman who so suddenly had tumbled into his experience.

"'Feeling sorry?' he asked quietly

"Startled, she looked swiftly at him, in puzzled question.

"'About all this,' Pat finished.

"Her face flamed into color and her eyes were brilliant as she drew him down to her.

"'I could never feel sorry about anything as wonderful as this, Pat,' she told him tremulously, and then before she could check them the words tumbled out, 'It's what I hoped would happen when I came here to New Orleans.'"

In discussing the more objectionable pocket books and certain types of comic books with publishers and distributors and even retailers, we are frequently met with the statement that the books do no harm since by the time the book is finished it has presented a moral that crime does not pay. Everything that has been submitted to this Committee over the years has convinced us that this is not the fact. We are convinced that when a book is given over to a portrayal of crime, illicit sex relationships, gang warfare, violence, rape and obscenity, its net effect is to have a bad effect, not only on maladjusted young people but on the very normal, impressionable youth of our State. We also frequently meet with the statement that the covers of these books are not a proper portrayal of the content thereof. In some instances, this is true, but after reading hundreds of these publications we have come to the conclusion that in a great majority of cases the content of the pocket books bearing the most lurid and suggestive covers is just as immoral and undesirable, and just as dangerous for our youth, as the cover would indicate. The regrettable fact of the matter is that such a large segment of the reading public has apparently reacted so favorably to the sensual, sexual, exciting and enticing covers of the more objectionable pocket books, that some of the publishers have adopted the practice of utilizing the lurid cover on otherwise unobjectionable publications in an effort to do nothing more, in our opinion, than "exploit sex". It is this continuous, constant and ever-increasing exploitation of sex which characterizes the mass of material now found on newsstands which causes this Committee much concern. The exploitation of sex for profit has even been utilized in the portrayal of sexually suggestive material on the covers of "love comics" readily available for children everywhere. With respect to the "love comics" the Committee has found, as above indicated, that the content of these publications, by and large, is by no means as objectionable as the covers would indicate.

It is felt that the undesirable effect of pocket books devoted to sex, lust and crime upon not only our youth but upon our whole standard

of morality is readily discernible from a scrutiny of the exhibits submitted herewith. Note, for example, the description of teen age gang activity (X); the portrayal of illicit, passionate and perverted sex (X, Y, Z, AA) the brutality and use of concealed weapons (Y, Z, AA), the use of narcotics (AA), and the description of sin as "a label attached to most daring and joyful experiences which those who decry it are either too old or too unattractive to enjoy" (Y). Exhibits (V, W, BB) are typical of the advertisements appearing in many of the more lurid pocket books.

That pornography has become a big business in certain parts of the State is evidenced by a feature story appearing in the *Brooklyn Eagle* on Saturday, February 13, 1954, relating what the paper described as a police raid on a "sex picture den". The article stated that acting on complaints of Brooklyn parents that children were coming home with "dirty pictures" police raided a Flatbush store, arrested two men and seized ten-thousand-dollars-worth of pornographic films, pictures and literature.

It is both interesting and discouraging to note that the exploitation of sex in this same manner is now spreading to other fields. The February 22nd issue of *Time* magazine carries an article describing how the producers of record albums are now beginning to package their product "with the same kind of half-dressed jacket heroine that the reprint publishers have long used to sell paperbacks." "Record executives," *Time* reports, "take satisfaction in the thought that they are just giving the public what it wants."

PICTURE MAGAZINES

This Committee has also been instructed to investigate the current situation with respect to the publication of so-called "picture" or "girlie" magazines in the State of New York. During the past year the Committee has purchased and reviewed a very large number of the magazines of the type shown in Exhibits DD through KK. Magazines of this type have been appearing on the newsstands of this State, either in their present form or in similar form, for many years. The Committee finds, however, that juvenile interest in this type of reading matter has increased as the emphasis on sex, lust and crime has been exploited in the other type of publications referred to above. Furthermore, the Committee finds that magazines of the type illustrated in Exhibits DD and EE, formerly rarely displayed, are now combining with comics and "pockets" to usurp more and more of the newsstand space devoted in previous years to magazines and publications of the more wholesome type. They thus become more readily available to children. The magazines illustrated in Exhibits DD and EE are devoted almost exclusively to the portrayal of sex. They are apparently printed, distributed and sold primarily to those juveniles and adults seeking to find in them some type of sexual satisfaction. Exhibits FF and GG are typical of what can be found in these books. We also find

on the current newsstands a whole new series of ten- and fifteen-cent magazines, devoted to the presentation of varying subjects but featuring, week after week, some discussion of sex or sin. Examples of these publications are those smaller volumes indicated in Exhibit S such as *Reward* and *Focus*. The cover of one such magazine is shown in Exhibit KK. It is the opinion of this Committee that the publishers of this type of magazine are deliberately featuring sex in an effort to sell their product. Other magazines, also devoted to the illustration and featuring of sex in one form or another, are evidenced in Exhibit JJ. The effect of placing material of this type in the hands of minors is so obvious as, in the opinion of the Committee, to warrant no further discussion.

RADIO AND TELEVISION

Having been further charged with an investigation of the effect of radio and television upon minors, this Committee has, during the past year, made an investigation of the practices followed by the principal radio and television stations. We are pleased to be able to report that television and radio have adopted for themselves the same type of self-regulation that we have been constantly urging upon the comic book and picture book industry. While television and radio frequently present programs involving crime and terror which we do not feel are in the best interests of children, we are convinced that the radio and television industry are both doing a sincere job in attempting to regulate themselves. Much improvement has been evidenced in television, for instance, since the adoption of "The Television Code" in 1952. We hope that this improvement will continue. Radio broadcasting is generally controlled by "Standards of Practice for Radio Broadcasters of the United States of America". Both the "Code" and the "Standards" are supervised by The National Association of Radio and Television Broadcasters in Washington, D. C. Crime and mystery programs are frequently scheduled at a time when the younger and more impressionable children have retired. It is felt that this practice should be extended and that further effort should be made to curtail the number and variety of programs dealing with crime. We note that the principal networks have established "continuity acceptance" staffs which are charged with the responsibility of enforcing the censorship codes voluntarily adopted by the industry. Certain of the major networks, in addition to adhering to the national codes, have drawn and adopted codes of their own. The National Broadcasting Company, for instance, maintains fourteen men in its New York office constantly pencilling and reviewing scripts that have been submitted. The National Broadcasting Company owns and operates television stations not only in New York City but in Washington, Cleveland, Chicago and Los Angeles. Each of these stations has personnel assigned to "continuity acceptance". To demonstrate the type of standard that the industry has established for itself we set forth herein a reprint of excerpts from the National Broadcasting Company

code, enforced with respect to all elements of its radio and television programs. In radio programs this includes script, inflection, sound effects and music; and in television it includes scenery, properties, costumes, gestures, actions, locations and visual effects. The excerpts are as follows:

Crime

“a. The criminal is not presented in an attractive or sympathetic light. Crime is not condoned and the commission of crime is not treated in a frivolous, cynical, or callous manner. Criminals are always punished, specifically or by implication.

“b. The techniques and methods of crime are not presented in such detail as to invite imitation.

“c. The use of horror for its own sake is not permitted. Sound or visual effects which would shock or alarm the normal listener or viewer are not employed. Brutality or physical agony is not presented in detail nor indicated by offensive sound or visual effects.

“d. Law enforcement is upheld and portrayed with respect and dignity.

“e. Murder, or revenge as a motive for murder, is not justified. Sex crimes are generally unacceptable as subjects for broadcasting. Suicide is not presented as a satisfactory solution for any human problem.

“f. Episodes in crime and mystery programs involving children or minors are handled with particular restraint and care.

“g. Appearances or dramatizations of persons featured in crime news are not accepted, provided, however, that references to such persons are allowed in documentary presentations in aid of law enforcement, and appearances by such persons are permitted in television presentations of news events.”

Gambling

“Gambling is not portrayed as an attractive or desirable activity, and information which might encourage gambling is not broadcast.”

Profanity and Obscenity

“Sacriligious, blasphemous, profane, salacious, obscene, vulgar or indecent material is not permitted in any element of radio or television presentations.”

Sex

“References to sex are kept within the bounds of decency and good taste in all programs. Dramatic situations, dialogue or lyrics which are indecent or involve suggestive double meanings are not used. Sex crimes and abnormalities are generally unacceptable as material for radio or television programs.”

Costumes in Television Programs

“Nudity or costumes permitting indecent exposure are not allowed. Scenes involving disrobing are generally avoided and are used only when essential to the plot, in which event they are presented in a manner which avoids indecency.”

Dances

“Dances which employ lewd or indecent movements are not permitted.”

Insobriety

“Insobriety and drunkenness are not portrayed as desirable or prevalent factors in American life and reference thereto in dramatic sequences is kept incidental to the development of plot and character.”

Narcotic Addiction

“Narcotic addiction is never presented except as a vicious habit and material is not employed which shows the use or effects of illegal drugs in sensational detail.”

Defamations

“Actual or implied, toward an individual, nationality, race, group, trade, profession, industry or institution are not permitted.”

Race and Nationality

“All program material presents with dignity and objectivity the varying aspects of race, creed, color and national origin. The history, institutions and citizens of all nations are fairly represented.”

It was early in 1952 that the industry set up “The Television Code”. Less than three months thereafter a subcommittee of the Interstate and Foreign Commerce Committee of the United States Congress began an investigation of the extent to which radio and television programs contained immoral or otherwise offensive matter, or placed improper emphasis upon crime, violence and corruption. We have reviewed the work of this subcommittee which, at that time, praised the industry’s effort to regulate itself and expressed an opinion to the effect that government regulation was not then necessary. Having reviewed the effort that has been made by both the radio and television industry since that time, and having been gratified with the improvements that have been forthcoming, the Committee wishes to commend these industries and to urge them to continue to adhere to the standards they have set for themselves and to seek constantly to improve those standards so that legislative control, now believed so necessary for comics, pocket books and objectionable picture magazines, may continue to be unnecessary in the radio and television field.

MOTION PICTURES

While this Committee has not been charged specifically with any investigation of motion pictures, it has, in view of the nature of the work it has undertaken, continually evidenced an interest in the realm of motion picture censorship. It has noted with very considerable concern the recent decision of the United States Supreme Court in *Commercial Pictures Corporation v. Regents of the State of New York*. The reason for this concern stems from the apparent attitude of the Court to impose additional restrictions on censorship at a time when the Committee feels that new and more rigid censorship is necessary, not only in motion pictures but in connection with comics, "pocket books" and "picture books".

In view of the Committee's interest in the subject, it has been the happy privilege of the Chairman to cooperate with Dr. Charles Brind of the New York State Education Department and with the Board of Regents in co-sponsoring with Senator Earl W. Brydges of the County of Niagara, the two bills amending the Education Law of the State of New York with respect to motion picture censorship which are set forth in Appendix B as a matter of information. These two bills represent both a detailed and a generalized approach to the problem with the intent that the Legislature select whichever of the two bills it, in its wisdom, feels most satisfactorily fulfills the need for clarification, as dictated by the Supreme Court decision.

RECOMMENDED LEGISLATION

The sale or distribution of literature that is "indecent" or "obscene" has long been a misdemeanor under Section 1141 of the Penal Law of the State of New York. The statute applies to a person who "sells, lends, gives away, distributes or shows" or offers to do any of those things or has in his possession with intent to sell "obscene, lewd, lascivious, filthy, indecent or disgusting" materials. Generally the term "obscene" or "indecent" has been interpreted to include "that form of immorality which has relation to sexual impurity" or material which excites "lustful and lecherous desire". (*People v. Winters*, 294 N. Y. 545, 550 [1945]; *People v. Eastman*, 188 N. Y. 478, 480 [1907]). The Supreme Court in the *Winters* case specifically upheld these words as "apt" and described them as "well understood through long use in the criminal law".

This Committee has long felt that the district attorneys and police departments of our State could take a more active part in the elimination of objectionable comics, pocket editions and picture books by invoking Section 1141 as it is now written. Certainly there is ample evidence in the exhibits annexed as a part of this report that the newsstands are reeking with material dealing directly with sexual impurity. It is further felt that much of this material not only excites to "lustful and lecherous desire", but that it is printed, displayed and sold in a manner calculated to do nothing else.

Various district attorneys and law enforcement officers throughout the State have repeatedly asked this Committee to sponsor legislation amending the Penal Law to provide those officers with additional powers in dealing with material of the character here described. This we have attempted to do on several occasions, but in each instance we have been faced with a storm of objections from the industry implying that we are attempting to infringe on freedom of speech and the press. We feel that these publishers are confusing liberty with license. We have been shocked and amazed at the statements of certain irresponsible publishers indicating that they will continue to fight any regulatory legislation on the ground that such legislation is actually prohibited by these same constitutional guarantees of freedom of speech and of the press. *Surely the framers of our Constitution could not have intended these guarantees as a license for irresponsible publishers to contaminate the minds and morals of children for profit.*

In addition to opposition from the industry we have been faced with the most difficult task of providing additional technical language in forms sufficient to meet the rigid test of constitutionality as determined by the Supreme Court. Mindful of its responsibility, the Committee has given long and serious consideration to the form and content of legislation now to be proposed and unanimously recommends the program set forth in full in Appendix A herein.

Throughout its study of indecent literature, the Committee has been greatly impressed with the actual and potential harm that is done to children by matter of this kind. We have attempted to alert the legislature and the public, both in this and in our previous report. The State of New York recognizes the danger of delivering intoxicating beverages to anyone actually or apparently a minor and provides a statutory penalty for so doing. Similarly, we see no reason why a separate, distinct and severe penalty should not be imposed upon anyone who willfully delivers to one actually or apparently a minor any publication or book which can reasonably be expected to corrupt the mind, lead to immorality and pave the way to juvenile delinquency. We have therefore prepared two bills for introduction dealing specifically with the sale of materials to minors. We have long felt that the existing penalties for the violation of Section 1141 are inadequate. We have therefore proposed legislation substantially increasing these penalties.

The Committee has been so impressed with the vicious nature of many of the "pocket books" of the type described and illustrated in this report that it has been moved to submit a special bill with respect to "pocket books", the proposed legislative finding of which attempts to incorporate our concept of the true nature of the evil involved.

This Committee has always been deeply interested in observing and aiding the efforts of local groups to curb the sale of salacious material within their own communities. In instance after instance,

this Committee, and the groups involved, have been met with the protests of retailers to the effect that any large-scale refusal on their part to accept from the distributors or publishers the consignments of objectionable literature, would result either in the complete loss of franchise, or in the withholding of certain legitimate publications from the dealer involved. Ample evidence has been presented to substantiate the reality of this practice. It is also our firm belief that in some instances the existence of this practice has been used by indifferent retailers as a shield and as a deliberate means of circumventing the efforts of local groups to eliminate the sale of material which the dealer has found profitable, despite its character. This Committee has not only received a considerable volume of testimony with respect to these "tie-in sales" but has reviewed the testimony submitted to The Select Committee on Pornographic Materials as well as the legislation introduced in the State of Idaho and in New Jersey. We have come to the unanimous conclusion that legislation banning this so-called "tie-in sale" as it pertains to the distribution of materials reasonably believed by either distributors or retailers to be obscene, lewd or lascivious, is in the public interest and is highly desirable in the State of New York at the present time. We have therefore proposed a bill to provide a prohibition against such practices.

In 1941 the Legislature of this State enacted Section 22-a of the Code of Criminal Procedure. This law empowers the chief executive officer of any municipality to seek an injunction against the sale or distribution of comic books which are obscene, lewd, lascivious, filthy, indecent or disgusting. This section as currently written also contains language similar to that declared unconstitutional in the *Winters* case. Section 22-a has never been tested in the courts but it is the opinion of this Committee that officials have failed to utilize this potential weapon against the dissemination of indecent literature in view of the existing questionable language of the statute. For this reason it appears imperative that Section 22-a of the Code of Criminal Procedure be immediately amended to eliminate doubt as to its constitutionality and to extend to additional officials the right to seek injunctions against the sale and distribution of obscene, lewd, lascivious, filthy, indecent or disgusting publications. A bill to accomplish this purpose has been submitted and is included in Appendix A.

WARNING FROM A SOLDIER

It is the belief of this Committee that Russia will not have to conquer us by arms if moral decay becomes the order of the day in America. With this in mind the words of Major General William F. Dean, recently appearing on "Meet the Press", should serve as a warning and as a fitting conclusion to this report. Asked to describe what impressed him most about changes in this country after an absence of three years, the General replied:

“I sound rather as a purist, but I am disturbed by the crime programs that I hear on the radio, on television, by the comic strips and the comic books that I see at every newsstand, and by the emphasis on sex—suggestive pictures and stories and so on. I don’t feel that’s good for the coming generation. Although we cuss about Koreans, I lived very close to the North Korean soldiers for three years—lived in the same room with them—and sex doesn’t mean to them what it means to our youth”.

RECAPITULATION

Repeated complaints from individuals and groups regarding the nature and content of so-called “comic book” publications resulted in the appointment of this special Committee by the Legislature.

The Committee embarked upon a painstaking study of the complaints and petitions for relief, submitted periodic reports to the Legislature and was instructed by the Legislature to broaden the scope of its investigation to include the field of so-called “pocket books”, “picture books”, radio and television.

Meetings and public hearings have been held, a great number of publications and reports of all types have been scrutinized and numerous individuals and groups of citizens have been heard. The testimony thus adduced has proved to the satisfaction of the Committee that the initial complaints were fully justified.

Repeated efforts have been made to induce the publishers of objectionable literature to impose self-regulation upon the industry.

A willful minority of publishers has refused to assume any responsibility or to take any action to avoid governmental control or to improve the caliber or nature of their publications.

The Committee, having no other alternative, has recommended legislation to curb the abuses and evils complained of.

CONCLUSIONS

1. That the situation with respect to the publication and sale of objectionable comics within this State remains substantially unchanged since the date of this Committee’s last report.

2. That these publications continue to adversely affect the physical, social and religious welfare of children and of emotionally unstable adults.

3. That the newsstands of this State are crowded with “pocket books” and picture magazines, the covers of which are devoted to the exploitation of sex and the contents of which are replete with detailed descriptions and presentations of sex, lust, passion, crime, brutality and perversion.

4. That these publications are sold to minors without restriction and for a sum seldom in excess of fifty cents.

5. That the reading of these publications contributes to juvenile delinquency, stimulates sexual desire, lowers standards of morality

and interferes with the normal development of sexual tendencies in both adolescents and adults.

6. That the continued and unrestrained dissemination of material of this type will do lasting harm to the spiritual, mental and physical welfare of the people of this State, undermining our entire standards of morality.

7. That district attorneys, police officials, religious and civic groups should work together in a concerted effort to curb the distribution and sale of salacious and objectionable publications, particularly to children.

8. That an intensive effort should be made to impress upon parents the necessity for scrutinizing and screening the reading material in the hands of children and adolescents.

9. That legislation should be enacted to prohibit the "tie-in sale" of indecent publications, to increase existing penalties for violations of Section 1141 of the Penal Law, to impose severe penalties for the sale of objectionable "comics", "pocket books" and similar materials to minors, and to amend Section 22-a of the Penal Law, eliminating language subject to possible constitutional objection and extending the injunction power set forth therein to the principal legal officers of cities, towns, and villages.

10. That the radio and television industry is making a sincere, honest and effective effort to assure the presentation of wholesome entertainment and that legislation in this field is not necessary at this time.

11. That the State's Education Law relative to motion picture censorship should be amended in accordance with recommendations currently before the Legislature.

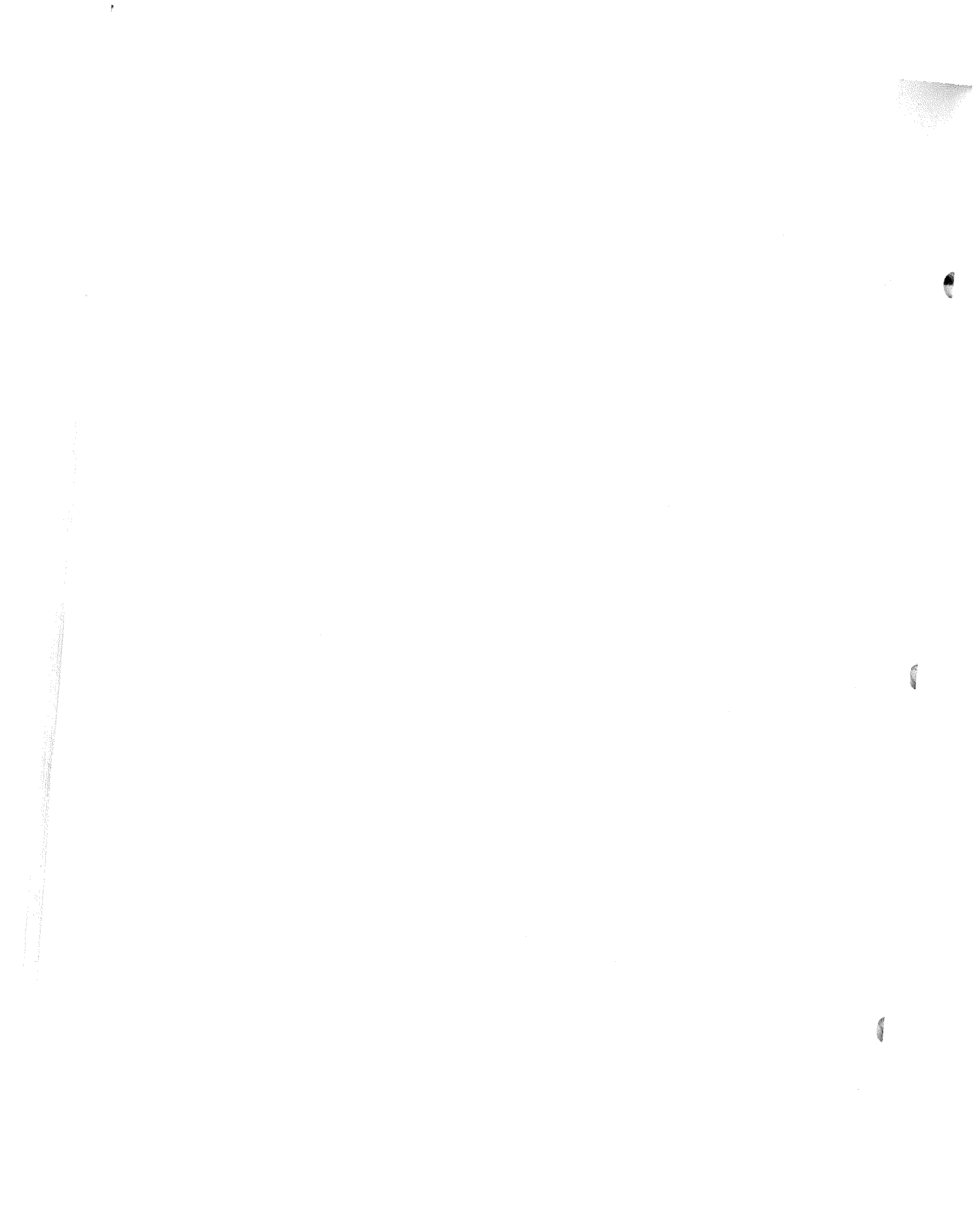
12. That the problems that have been studied by this Committee are important and complex and that a continued study of these problems, of the effectiveness of the legislation proposed herein and of the voluntary regulation of the radio and television industry is in the public interest.

Respectfully submitted,

(Signed) ASSEMBLYMAN JAMES A. FITZPATRICK, *Chairman*
SENATOR J. STANLEY BAUER, *Vice Chairman*
ASSEMBLYMAN LAWRENCE P. MURPHY, *Secretary*
ASSEMBLYMAN JOSEPH F. CARLINO
SENATOR MARIO M. DEOPTATIS



APPENDIX A



STATE OF NEW YORK

AN ACT

To amend the penal law, in relation to distribution of indecent articles

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The penal law is hereby amended by inserting therein a new section, to be section eleven hundred forty-one-b, to read as follows:

§ 1141-b. *Distribution of indecent articles; tie-in sales. No person, co-partnership or corporation shall as a condition to a sale or delivery for resale of any paper, magazine, book, periodical or publication require that the purchaser or consignee receive for resale any other article, book, or other publication reasonably believed by the purchaser or consignee to be obscene, lewd, lascivious, filthy, indecent or disgusting.*

A violation of this section shall be a misdemeanor.

§ 2. This act shall take effect July first, nineteen hundred fifty-four.

EXPLANATION — Matter in *italics* is new; matter in brackets [] is old law to be omitted.

STATE OF NEW YORK

AN ACT

To amend the penal law, in relation to publications devoted to fictional deeds of crime which tend to incite minors

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Legislative findings. It is hereby declared that the publication, sale, distribution, or possession of certain books, pamphlets, magazines, or other printed papers, including comic books, is a source of crime and a basic factor in impairing the ethical development of minors and a menace to the health, safety, and morals of the people of the state. Therefore the provisions, hereinafter prescribed, are enacted and their necessity in the public interest is hereby declared as a matter of legislative determination.

§ 2. Section eleven hundred forty-one of the penal law is hereby amended by adding thereto a new subdivision, to be subdivision two, to read as follows:

2. *Wilfully sells or distributes commercially to any person actually or apparently a minor or has in his possession with intent to sell, distribute commercially, or otherwise offers for sale or commercial distribution to such a minor, any book, pamphlet, magazine or other printed paper principally made up of pictures and specifically including comic books, devoted to the publication and exploitation of fictional deeds of violent bloodshed, lust or, immorality so massed as to reasonably tend to incite minors to violence or depraved or immoral acts against the person.*

§ 3. Existing subdivision two of section eleven hundred forty-one of such law, as renumbered by chapter six hundred twenty-three of the laws of nineteen hundred fifty, is hereby renumbered subdivision three.

§ 4. This act shall take effect July first, nineteen hundred fifty-four.

EXPLANATION — Matter in *italics* is new; matter in brackets [] is old law to be omitted.

STATE OF NEW YORK

AN ACT

To amend the penal law, in relation to sale of indecent prints and articles to minors

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The penal law is hereby amended by inserting therein a new section, to be section eleven hundred forty-one-b, to read as follows:

§ 1141-b. *Sale of indecent prints and articles to minors. A person who wilfully sells or distributes commercially to any person actually or apparently a minor or has in his possession with intent to sell, distribute commercially or otherwise offer for sale or commercial distribution to such a minor any book, pamphlet, magazine or other printed matter, specifically including comic books, devoted to the publication and exploitation of sex or of matter of an indecent character, which, for a minor, is obscene, lewd, lascivious, filthy, indescent or disgusting, shall be guilty of a misdemeanor and be punished by a fine of not less than one hundred dollars for the first offense and not less than two hundred fifty dollars for a second offense; and for a third or subsequent offense, shall be guilty of a felony.*

§ 2. This act shall take effect July first, nineteen hundred fifty-four.

EXPLANATION — Matter in *italics* is new; matter in brackets [] is old law to be omitted.

STATE OF NEW YORK

AN ACT

To amend the penal law, in relation to increasing fine on conviction of persons guilty of distributing obscene prints and articles

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision two of section eleven hundred forty-one of the penal law, as thus renumbered by chapter six hundred twenty-three of the laws of nineteen hundred fifty, is hereby amended to read as follows:

2. In any manner, hires, employs, uses or permits any minor or child to do or assist in doing any act or thing mentioned in this section, or any of them,

Is guilty of a misdemeanor, and, upon conviction, shall be sentenced to not less than ten days nor more than one year imprisonment or be fined not less than **[fifty]** *one hundred fifty* dollars nor more than one thousand dollars or both fine and imprisonment for each offense.

§ 2. This act shall take effect immediately.

EXPLANATION — Matter in *italics* is new; matter in brackets [] is old law to be omitted.

STATE OF NEW YORK

AN ACT

To amend the code of criminal procedure, in relation to the publication of obscene literature

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty-two-a of the code of criminal procedure, as that section was added by chapter nine hundred twenty-five of the laws of nineteen hundred forty-one, is hereby amended to read as follows:

§ 22-a. Obscene prints and articles; jurisdiction. The supreme court has jurisdiction to enjoin the sale or distribution of obscene prints and articles, as hereinafter specified:

1. The chief executive officer of any city, town or village *or the corporation counsel, or if there be none, the chief legal officer of any city, town, or village,* in which a person, firm or corporation sells or distributes or is about to sell or distribute or has in his possession with

intent to sell or distribute or is about to acquire possession with intent to sell or distribute any book, magazine, pamphlet, *comic book*, story paper, writing, paper, picture, drawing, photograph, figure, image or any written or printed matter of an indecent character, which is obscene, lewd, lascivious, filthy, indecent or disgusting, or which contains an article or instrument of indecent or immoral use or purports to be for indecent or immoral use or purpose; or [which is principally made up of criminal news, police reports, or accounts of criminal deeds, or pictures, or stories of deeds of bloodshed, lust or crime;] or in any other respect defined in section eleven hundred forty-one of the penal law, may maintain an action for an injunction against such person, firm or corporation in the supreme court to prevent the sale or further sale or the distribution or further distribution or the acquisition [of] *or* possession of any book, magazine, pamphlet, *comic book*, story paper, writing, paper, picture, drawing, photograph, figure or image or any written or printed matter of an indecent character, herein described or described in section eleven hundred forty-one of the penal law.

[2. Before or at the time of the commencement of the action for an injunction herein described the chief executive officer of the city, town or village may apply for an injunction order under section eight hundred seventy-seven of the civil practice act without notice to the person, firm or corporation sought to be enjoined; and such person, firm or corporation may make an application to vacate or modify such injunction order under section eight hundred ninety-seven or section eight hundred ninety-eight of the civil practice act.]

[3.] 2. The person, firm or corporation sought to be enjoined shall be entitled to a trial of the issues within one day after joinder of issue and a decision shall be rendered by the court within two days of the conclusion of the trial.

[4.] 3. In the event that a final order or judgment of injunction be entered in favor of [the chief executive] *such* officer of the city, town or village and against the person, firm or corporation sought to be enjoined, such final order of judgment shall contain a provision directing the person, firm or corporation to surrender to the sheriff of the county in which the action was brought any of the matter described in paragraph one hereof and such sheriff shall be directed to seize and destroy the same.

[5.] 4. In any action brought as herein provided [the chief executive] *such* officer of the city, town or village shall not be required to file any undertaking before the issuance of an injunction order provided for in paragraph two hereof, shall not be liable for costs and shall not be liable for damages sustained by reason of the injunction order in cases where judgment is rendered in favor of the person, firm or corporation sought to be enjoined.

[6.] 5. Every person, firm or corporation who sells, distributes, or acquires possession with intent to sell or distribute any of the

matter described in paragraph one hereof, after the service upon him of a summons and complaint in an action brought by [the chief executive] *such* officer of any city, town or village pursuant to this section is chargeable with knowledge of the contents thereof.

§ 2. This act shall take effect July first, nineteen hundred fifty-four.

EXPLANATION — Matter in *italics* is new; matter in brackets [] is old law to be omitted.

STATE OF NEW YORK

AN ACT

To amend the penal law, in relation to publications devoted to the portrayal of sex or lust

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Legislative findings. It is hereby declared that the continued publication, display, sale and distribution of certain so-called "pocket books" the covers and/or contents of which are devoted to the presentation and exploitation of sex, lust, passion, depravity, sensuality, nudity and immorality are a contributing factor to crime, a basic factor in impairing the ethical and moral development of our youth and a menace to the health, safety and morals of the people of the state.

§ 2. Section eleven hundred forty-one of the penal law is hereby amended by adding thereto a new subdivision, to be subdivision two, to read as follows:

2. Sells, displays for sale, or distributes commercially any so-called "pocket book" the cover of which or, to the knowledge of the person selling or distributing the same, the content thereof, is devoted to the portrayal of sex or lust in a manner which reasonably tends to excite lustful or lecherous desires or to lead to the commission of depraved or immoral acts.

§ 3. Existing subdivision two of section eleven hundred forty-one of such law, as renumbered by chapter six hundred twenty-three of the laws of nineteen hundred fifty, is hereby renumbered subdivision three.

§ 4. This act shall take effect July first, nineteen hundred fifty-four.

EXPLANATION — Matter in *italics* is new; matter in brackets [] is old law to be omitted.

APPENDIX B

STATE OF NEW YORK

AN ACT

To amend the education law, in relation to the issuance of licenses for motion picture films

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Part two of article three of the education law is hereby amended by adding thereto a new section, to be section one hundred twenty-two-a, to read as follows:

§ 122-a. Definitions. 1. For the purpose of section one hundred twenty-two of this chapter, the term "immoral" and the phrase "of such a character that its exhibition would tend to corrupt morals" shall denote a motion picture film or part thereof, the dominant purpose or effect of which is erotic or pornographic; or which portrays acts of sexual immorality, lust, vulgarity, or lewdness, or which expressly or impliedly presents such acts as desirable, acceptable or proper patterns of behavior.

2. Any motion picture or part thereof shall be deemed to tend to incite to crime within the meaning of section one hundred twenty-two of this chapter, when the theme or the manner of its presentation is of such character as to present the commission of criminal acts or contempt for law as constituting profitable, desirable, acceptable, respectable or commonly accepted behavior; or if it advocates or teaches the use of, or the methods of, narcotics or habitforming drugs.

§ 2. This act shall take effect immediately.

EXPLANATION — Matter in *italics* is new; matter in brackets [] is old law to be omitted.

STATE OF NEW YORK

AN ACT

To amend the education law, in relation to the licensing of motion picture films

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Part two of article three of the education law is hereby amended by adding thereto a new section, to be section one hundred twenty-two-a, to read as follows:

§ 122-a. Definitions. 1. Any motion picture film or part thereof shall be deemed to be immoral or of a character that its exhibition

would tend to corrupt morals within the meaning of section one hundred twenty-two of this chapter if:

(a) It expressly or impliedly presents as desirable, acceptable or proper patterns of behavior acts relating to sex which constitute felonies or misdemeanors.

(b) Either the theme or its manner of presentation or both present sex relations as desirable, acceptable or proper patterns of behavior between persons not married to each other.

(c) It portrays explicitly or in detail an act of adultery, fornication, rape or seduction.

(d) It portrays nudity or a simulation thereof, partial nudity offensive to public decency, sexual relations of any kind, or actual human birth, or if it presents scenes portraying sexual hygiene, sex organs, abortion, methods of contraception, or venereal diseases.

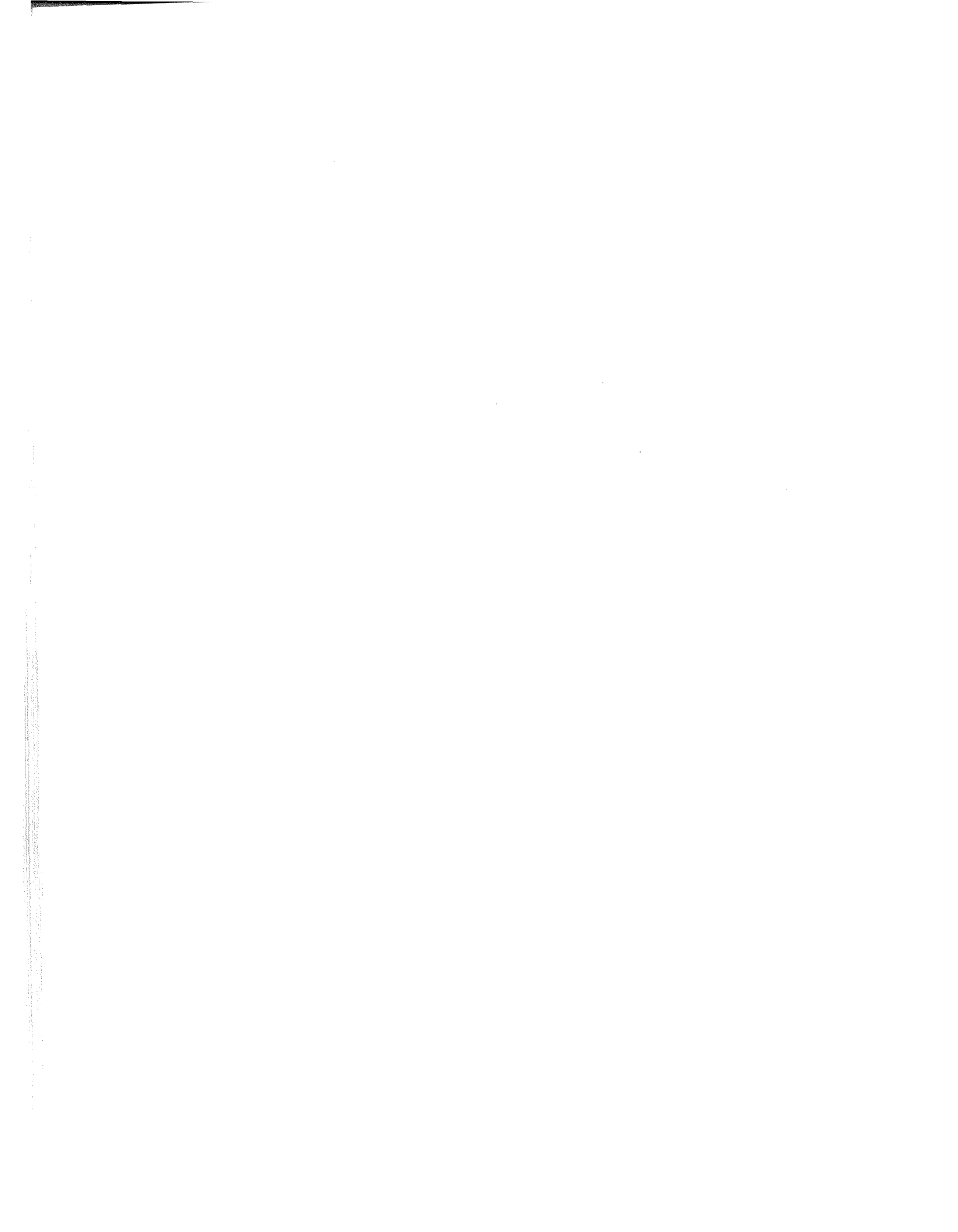
2. Any motion picture or part thereof shall be deemed to tend to incite to crime within the meaning of section one hundred twenty-two of this chapter, when the theme or the manner of its presentation is of such character as to present the commission of criminal acts or contempt for law as constituting profitable, desirable, acceptable, respectable or commonly accepted behavior; or if it advocates or teaches the use of, or the methods of use of, narcotics or habitforming drugs.

§ 2. This act shall take effect immediately.

EXPLANATION — Matter in *italics* is new; matter in brackets [] is old law to be omitted.

APPENDIX C

EXHIBITS A-Z, AA-KK



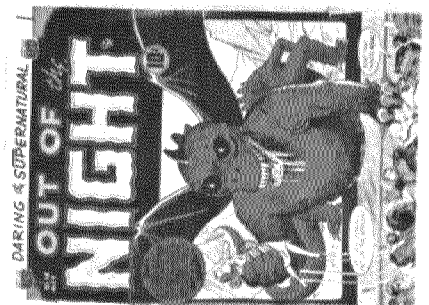
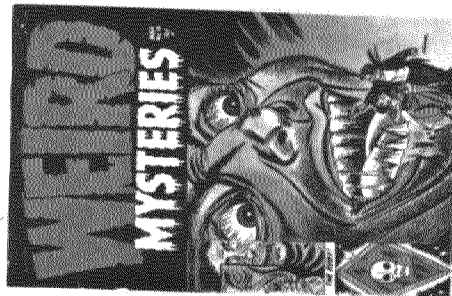
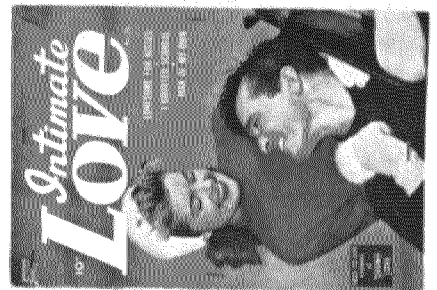
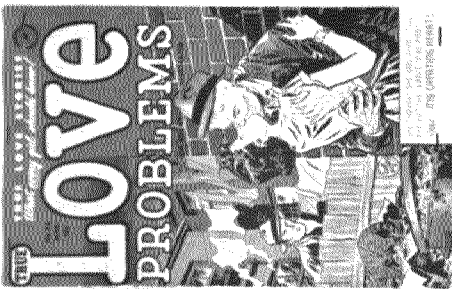
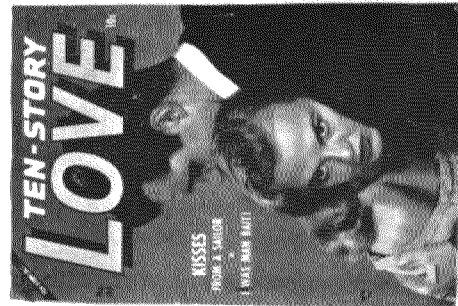
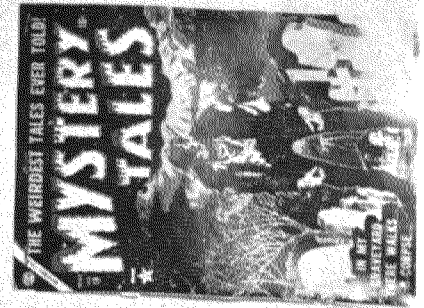
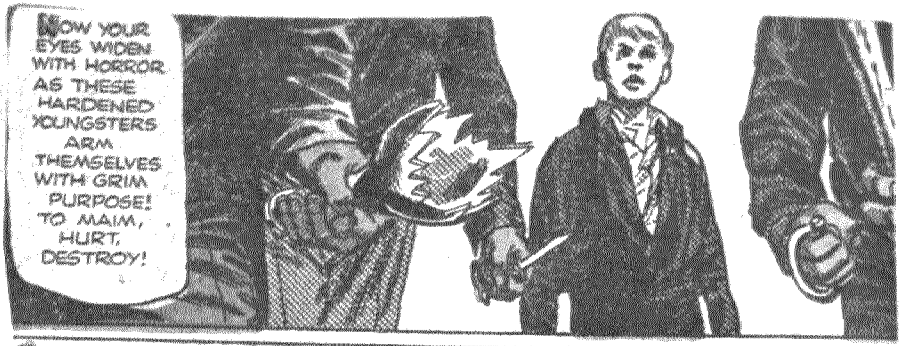


EXHIBIT A



Now your eyes widen with horror as these hardened youngsters arm themselves with grim purpose! To maim, hurt, destroy!

YOU WANT TO RUN, BUT YOU'RE TOO LATE! YOU'RE TRAPPED! THE BATTLE IS ABOUT TO BEGIN



WHO ARE THE SAXONS?

GANG FROM ANOTHER BLOCK! THEY'RE SORE 'CAUSE THE PANTHERS BEAT UP A COUPLE O' THEIR GANG—WE'LL FIX THE PUNKS!

CHUCK



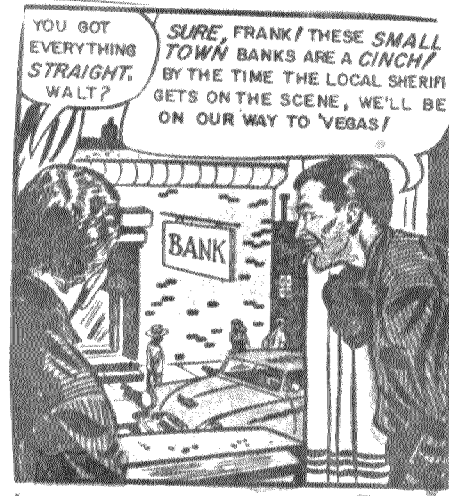
OKAY, PANTHERS—HERE'S WHERE YOU GET YOURS!

COME ON, YA LOUSY PUNKS! LESSEE YA FIGHT!



OKAY, NICK, YOU LOOK ABOUT THE KID'S SIZE! LESSEE IF YA KIN MAKE HIM SAY, "UNCLE!"

A CING! BOMBER!



YOU GOT EVERYTHING STRAIGHT, WALT?

SURE, FRANK! THESE SMALL TOWN BANKS ARE A CINCH! BY THE TIME THE LOCAL SHERIF GETS ON THE SCENE, WE'LL BE ON OUR WAY TO VEGAS!



WOTTA DOPE! THIS KID DON'T KNOW NOTHIN' ABOUT IN-FIGHTIN'!

OH!!!



AND NOW, MISS JANE, YOU AIN'T EVEN GOT A HEAD!

AAAA

POOR HAL... IT'S A NIGHTMARE COME TO LIFE! THE MOB DRIVES TO A DESOLATE SPOT ON THE OUTSKIRTS OF TOWN AND...

EEEEEEEEEE! EVEN HANGING IS TOO GOOD FOR A LOUSE LIKE THAT!



AND WHERE IS LYDIA? OH, NEVER FEAR, SHE'S THERE... AND IF YOU WERE TO LOOK CLOSELY YOU'D SEE A SLOW SMILE SPREAD OVER HER FACE! IT HAD BEEN SO EASY TO RIP HER CLOTHES AND MAKE A SCRATCH ON HER FACE! HER PLAN HAD WORKED... YES, TURNABOUT'S FAIR PLAY!



AND THEN HE FALLS BACK, EXHAUSTED. DARKNESS SLOWLY COMES TO THE DESERT AND HE SLEEPS... IT'S PAST MIDNIGHT WHEN HE AWAKENS TO HEAR CHEWING AND PECKING...



UGHH! THEY'RE FEEDING (GAG) ON HIM!

HE FEELS THE VICE-LIKE JAWS CLUTCH AT HIS FLESH AND SLOWLY, BIT-BY-BIT, THE SKIN IS TORN FROM HIS BODY. BUT HE SCREAMS NO LONGER... THE DESERT IS QUIET EXCEPT FOR THE MUNCHING OF THE FEEDING BIRDS. FRANK IS DEAD....!



THE END

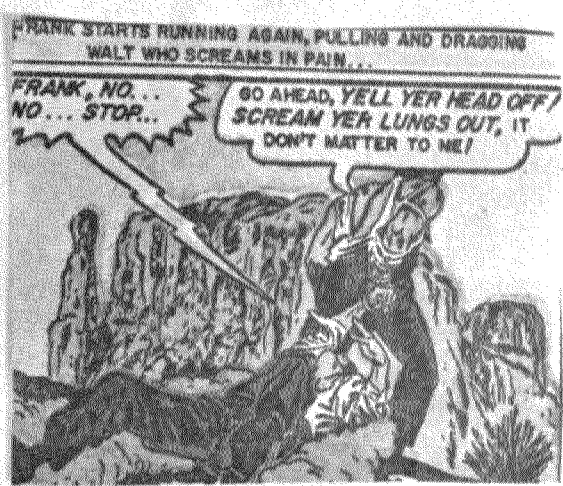


NO, HE DIDN'T HAVE A HEART... HE KILLED HER. KILLED ELANE.

OH, MY GOD! (GAG)

(GAG)H-HE CUT OUT HIS HEART!

THE END



FRANK STARTS RUNNING AGAIN, PULLING AND DRAGGING WALT WHO SCREAMS IN PAIN...

FRANK, NO... NO... STOP..

GO AHEAD, YELL YER HEAD OFF! SCREAM YER LUNGS OUT, IT DON'T MATTER TO ME!

HAL'S BREATH COMES QUICKLY AND HIS HEART POUNDS IN LOUD RAPID BEATS... LYDIA IS GOING TO BE HIS! THEY DRIVE TO A MOTEL ON THE OUTSKIRTS OF TOWN AND WHILE LYDIA WAITS IN THE CAR, HE REGISTERS...



MR. AND MRS. HENRY DANIELS, ENT
OKAY, BUB, CABIN 7!

MINUTES LATER HAL AND LYDIA ARE IN THE COOL DARKNESS OF THE CABIN...



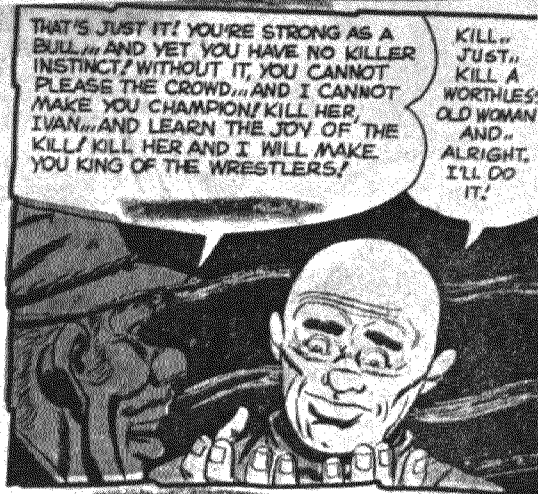
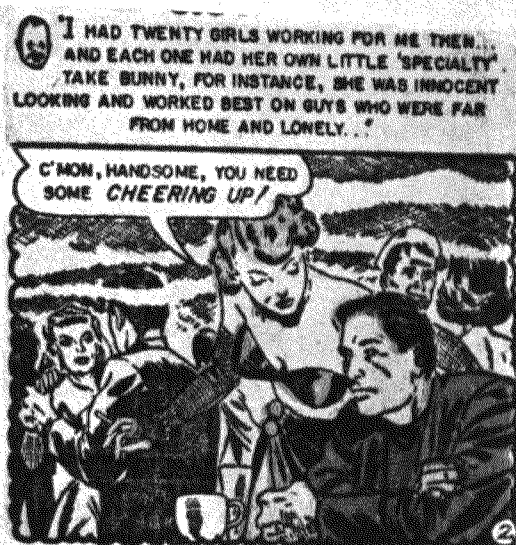
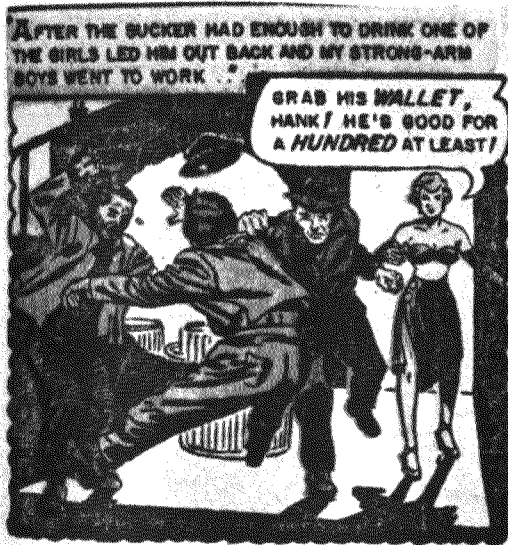


EXHIBIT D





AND AT THAT MOMENT STRONG CLAWS SEIZED LARS' ANKLES, AND BEGAN TO DRAG HIM BACK. THE CLAWS THAT SEEMED LIKE BLAZING HOT STEEL BANDS!

NO, LET ME GO! YOU CAN'T TAKE ME! NO! I'M NOT DEAD YET! I'M NOT DEAD YET!!!



NO? JUST WHO DO YOU THINK I AM LARS SWENSON??!!





EXHIBIT G

ANC

MANHUNT

DETECTIVE STORY MONTHLY

THE OLD FLAME
by
James T. Farrell
author of
STUDS LONIGAN

PLUS —
FRANK KANE
RICHARD DEMING
JACK WEBB
EVAN HUNTER
— and others



MAY
35 CENTS

EVERY STORY NEW!

PURCHASED BY A SIXTEEN YEAR OLD BOY

EXHIBIT H

25¢



501

The Intimate Story of a Wanton Woman

the Untamed Wife of *Louis Scott*

(THE GIFT OF GLORY)



W. CARROL
MUNRO

COMPLETE AND UNABRIDGED

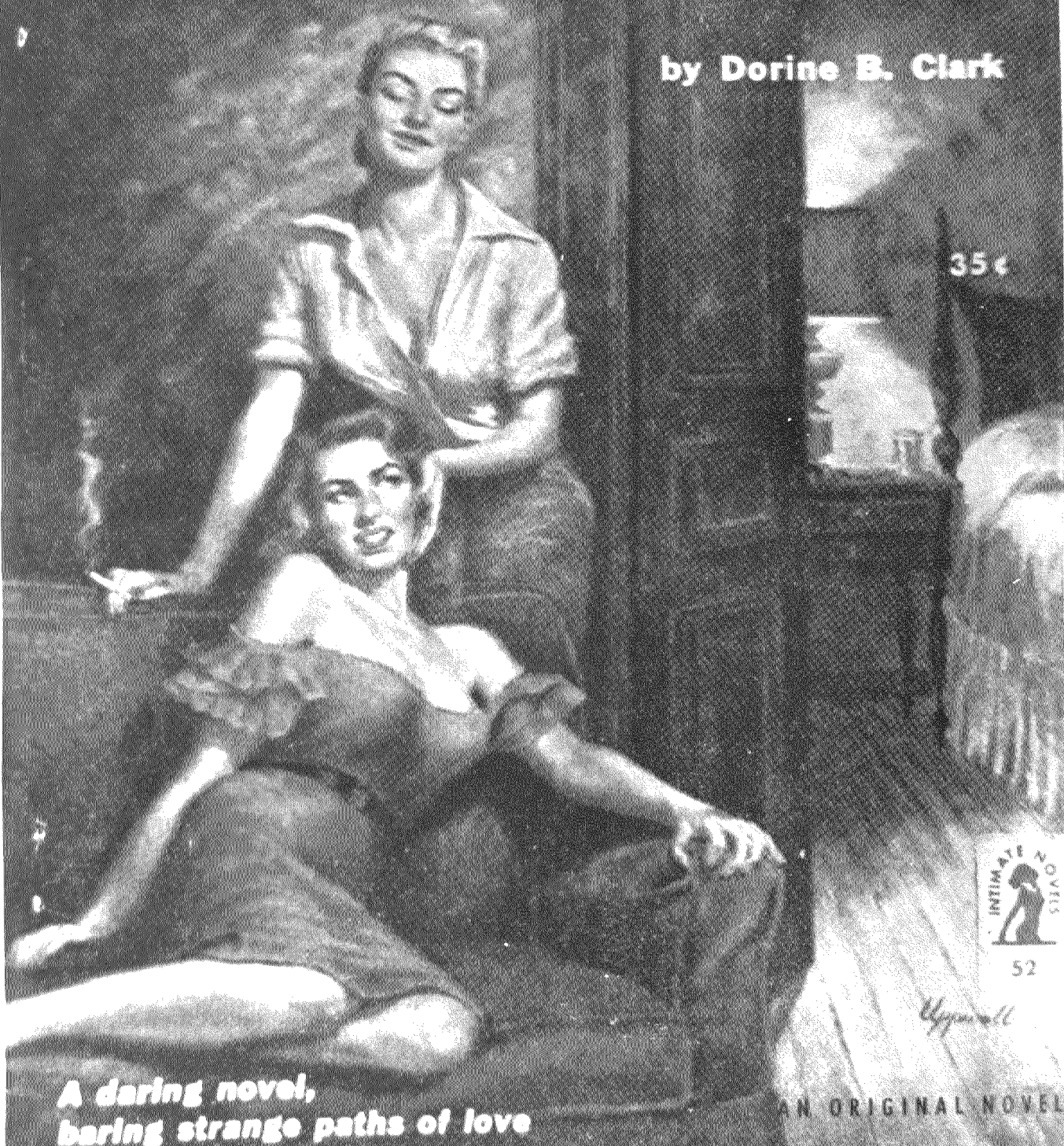
EXHIBIT I

She Was A Hollywood Star, But Her Home Was The Gutter...

Gutter Star

by Dorine B. Clark

35¢



52

Uppercut

***A daring novel,
bearing strange paths of love***

AN ORIGINAL NOVEL

EXHIBIT J

993

SIGNET
BOOKS

LOVE • JEALOUSY • VIOLENCE

By the author of "The Snow Was Black"

Act of Passion

GEORGES SIMENON



A SIGNET BOOK
Complete and Unabridged

EXHIBIT K

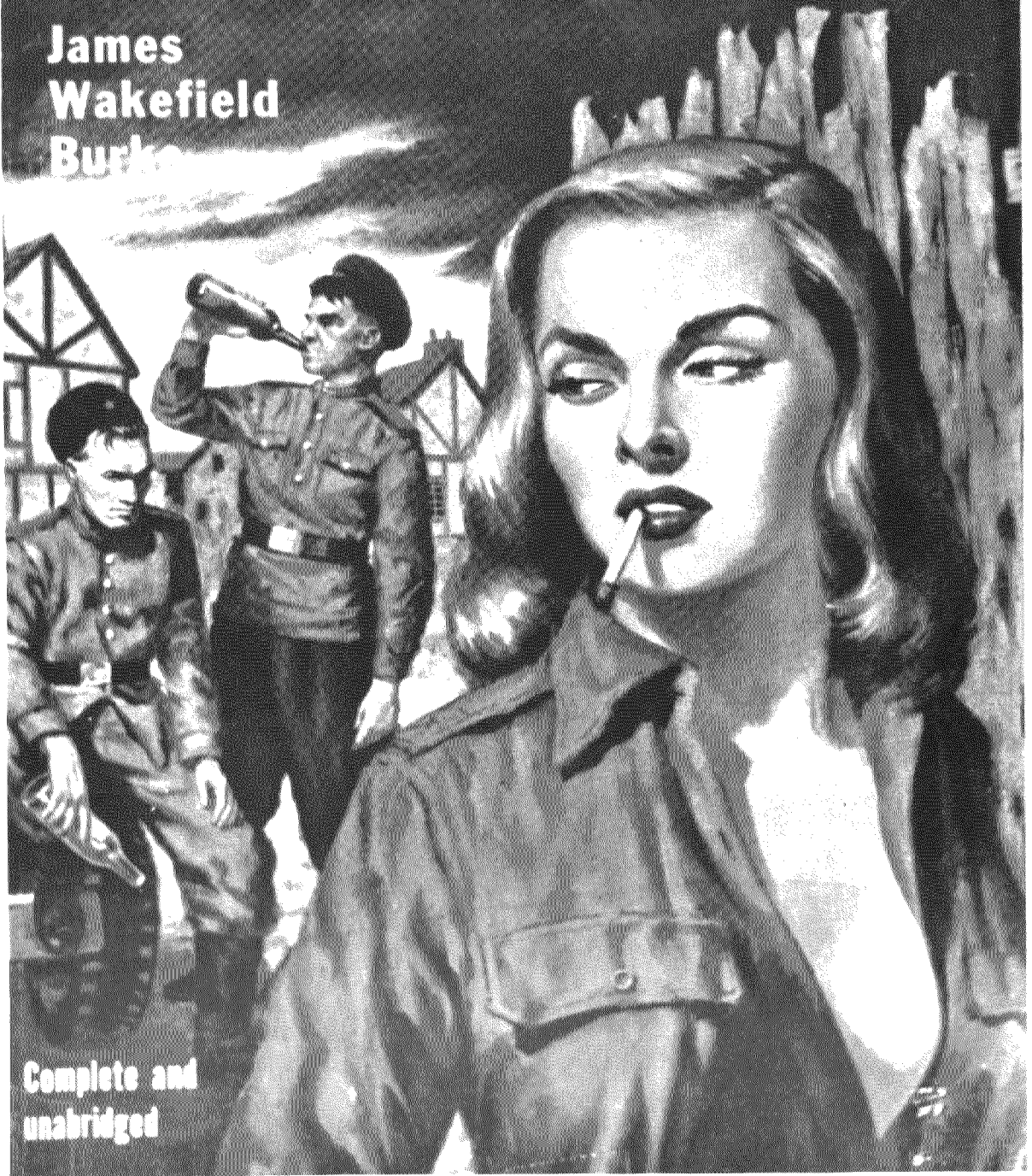
She Traded Her Passion for Revenge

POPULAR
GIANT 35¢

G126

THE BIG RAPE

James
Wakefield
Burke



Complete and
unabridged

EXHIBIT L

Vengeance And Passion In Exotic Malaya

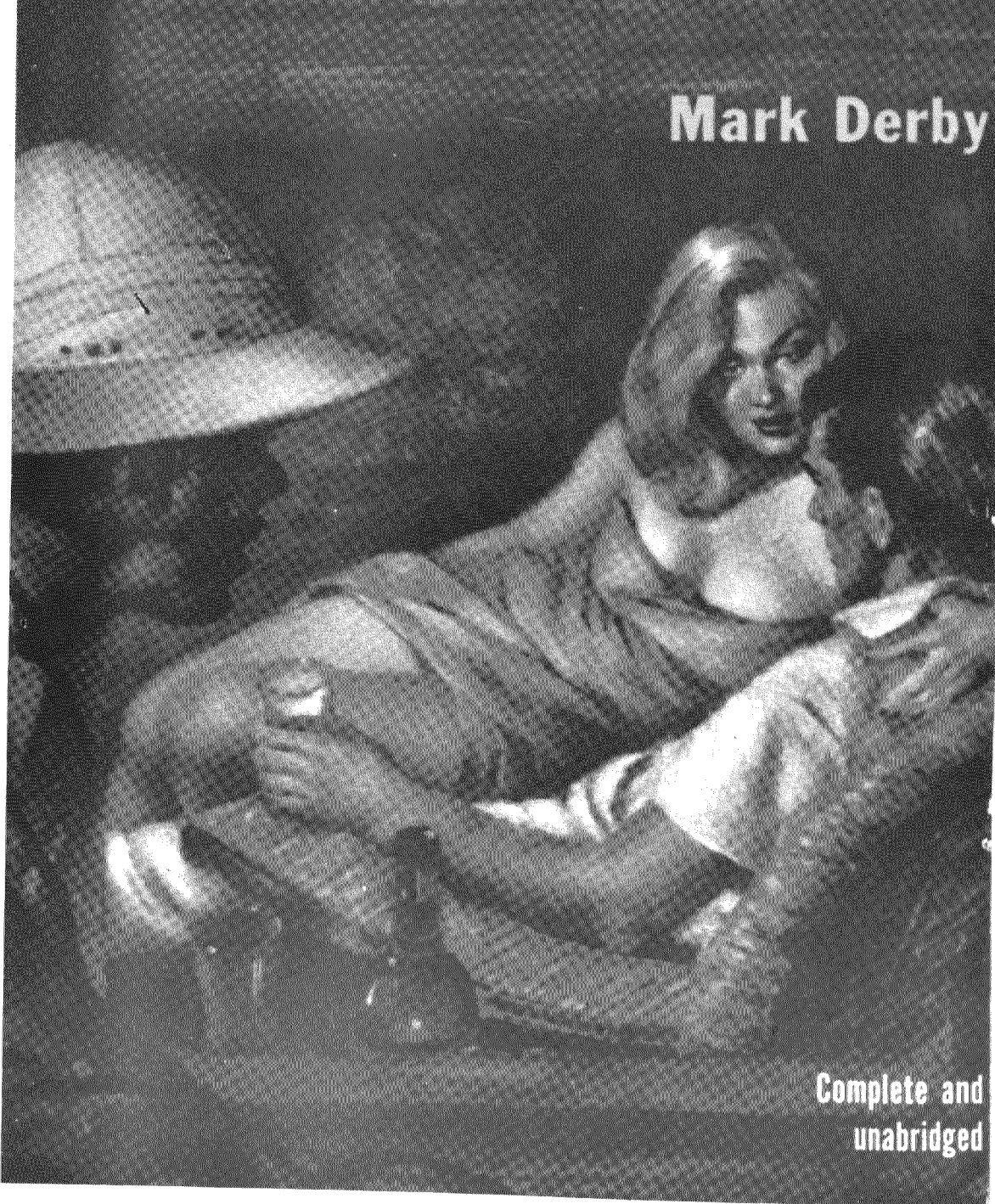
POPULAR
GIANT

35^c

G124

AFRAID in the DARK

Mark Derby



Complete and
unabridged

EXHIBIT M

FLAME Was Too Hot To Handle

SIN IS A REDHEAD

Another lusty best seller by
STEVE HARRAGAN
America's newest smash-hit writer



35c

UNI
44

**No figured she
must be bad—and
he was right!**

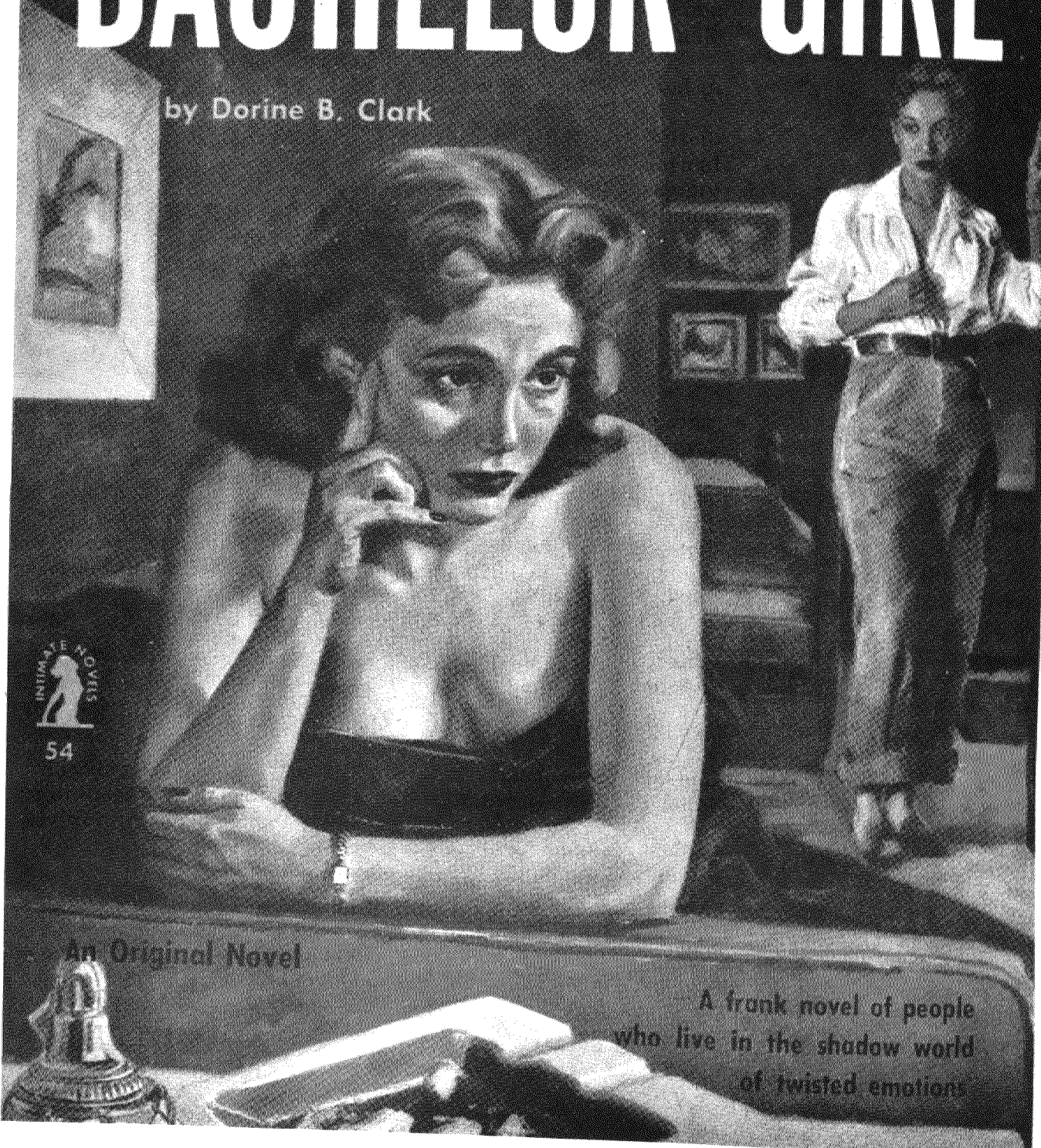
EXHIBIT N

She searched for love—and found forbidden ecstasy!

35c

BACHELOR GIRL

by Dorine B. Clark



54

An Original Novel

A frank novel of people
who live in the shadow world
of twisted emotions

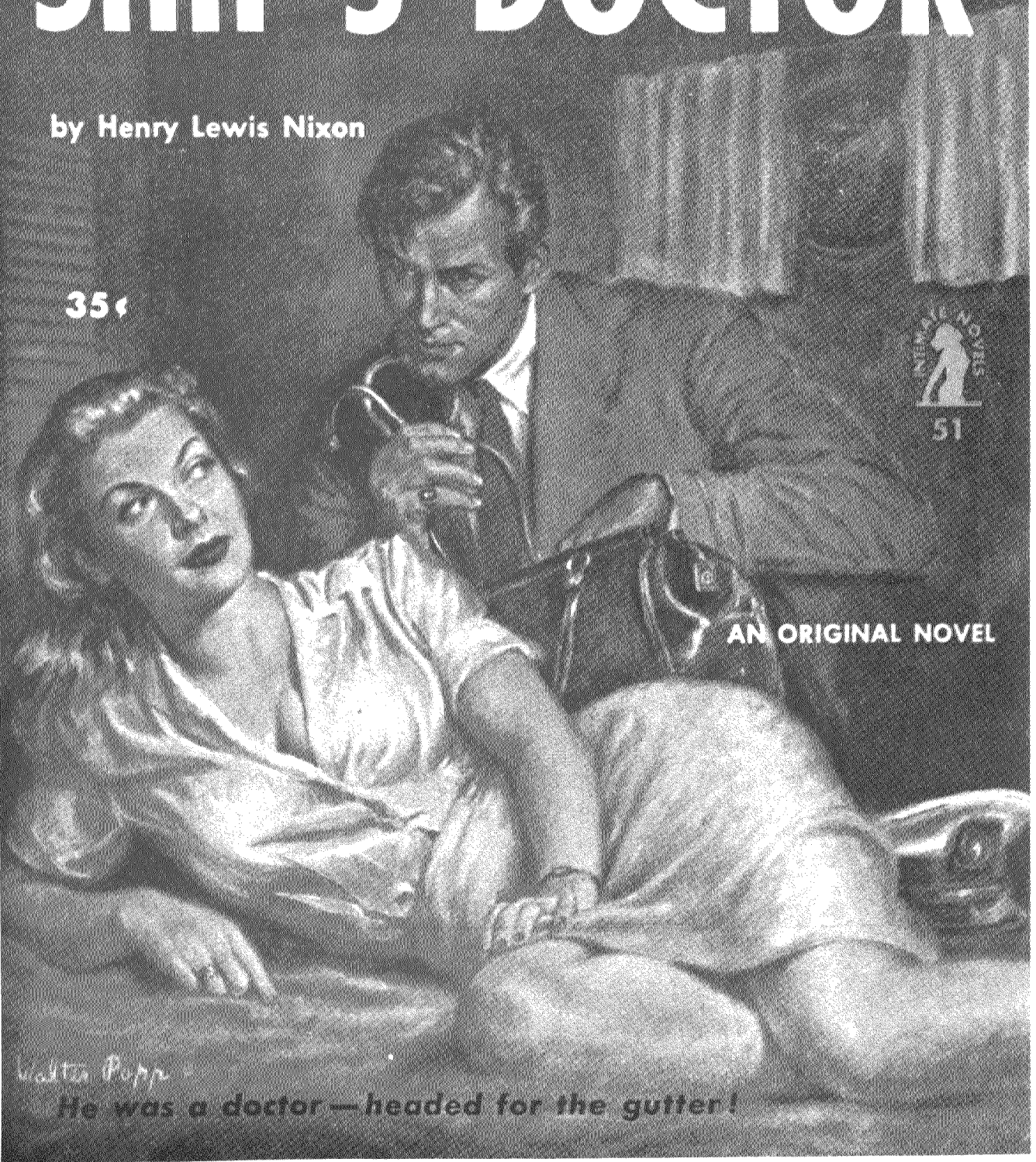
EXHIBIT O

No Surgery Could Cut Away His Hunger For Her

SHIP'S DOCTOR

by Henry Lewis Nixon

35¢



AN ORIGINAL NOVEL

Walter Popp

He was a doctor—headed for the gutter!

EXHIBIT P

A1136

A BANTAM
GIANT

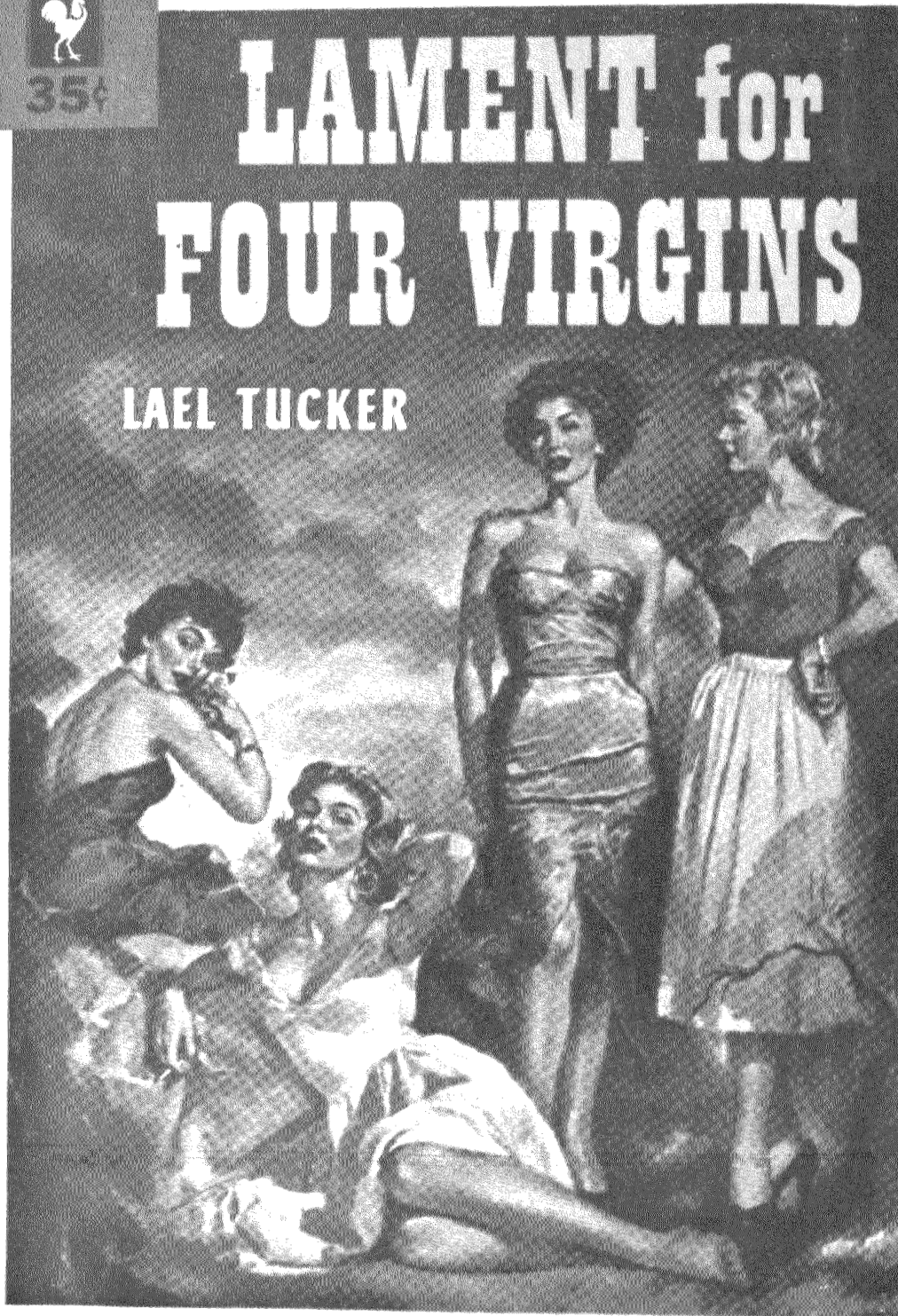


35¢

ANGELA • HOPE • ELLEN TERRA • CARRIE —
Four Southern Girls Awake to Womanhood

LAMENT for FOUR VIRGINS

LAEL TUCKER



A BANTAM GIANT
COMPLETE AND UNABRIDGED

EXHIBIT Q

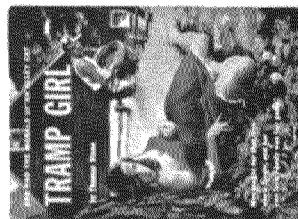
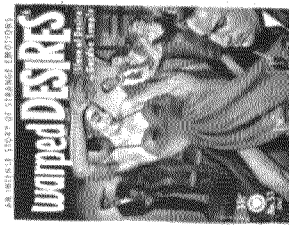
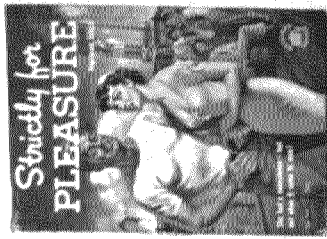


EXHIBIT R

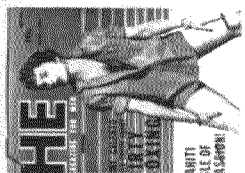


EXHIBIT S

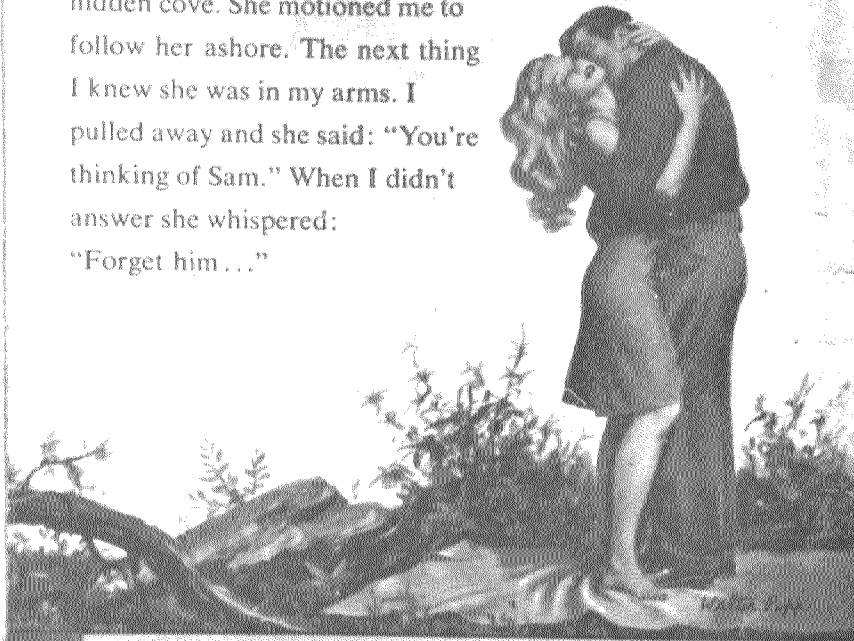
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COMPLETE • UNABRIDGED

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Her husband was in my way!

At first she was Mrs. Sam Fowler and I was Mr. Richmond. But soon she was Jean and I was Steve. An invitation followed to a party on Big Burnt Island. Since I had no canoe Jean offered to take me in hers while Sam went on ahead to set things up. While following the other canoes, Jean suddenly turned into a hidden cove. She motioned me to follow her ashore. The next thing I knew she was in my arms. I pulled away and she said: "You're thinking of Sam." When I didn't answer she whispered: "Forget him..."



25

BOOKS OF PROVEN MERIT

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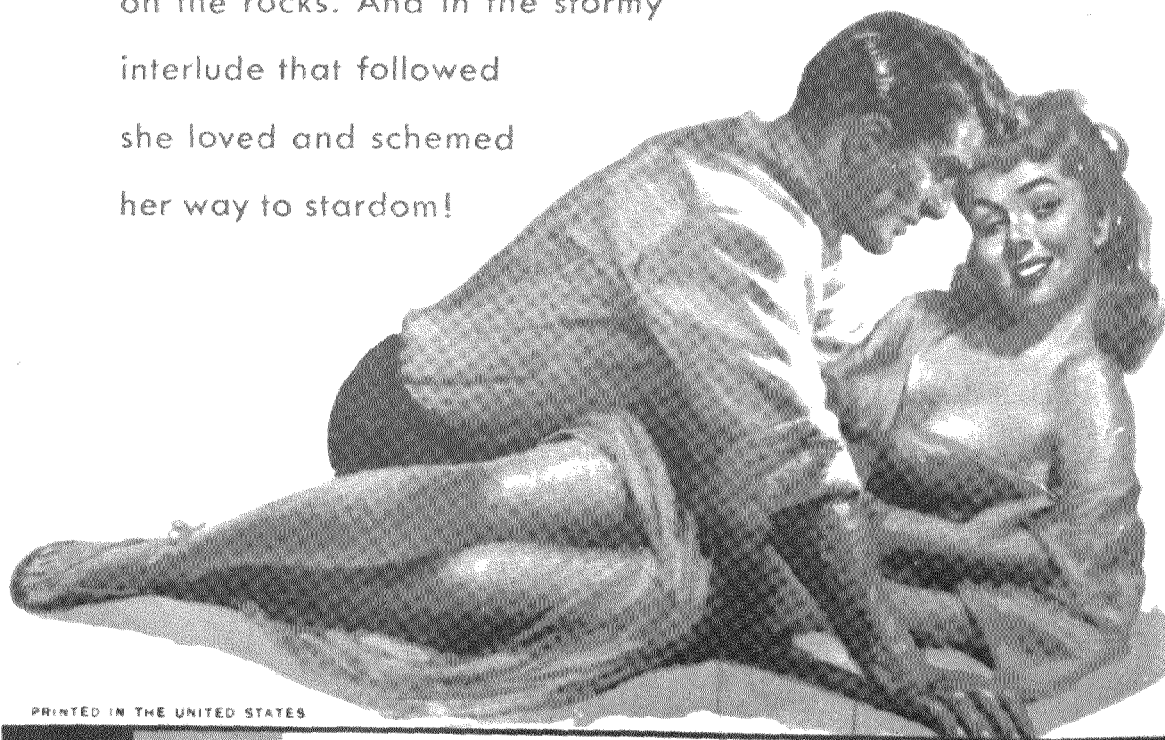
A TYPICAL EXAMPLE OF THE BACK COVER OF A "POCKET BOOK". NOTE THE SUGGESTION OF ADULTERY THAT ACTUALLY IS DESCRIBED IN THE BOOK AND THE COMPLETE LACK OF MORALITY THAT IS INDICATED .

EXHIBIT T

35c**POPULAR
GIANT****COMPLETE • UNABRIDGED**

ANYTHING GOES

That was Mollie Binning's motto in life. At 13 she was a blonde trouble maker in Mrs. Baker's School for Young Ladies. At 15 she had become a lush package. At 16, she had already married two men and left them both. By the time she was 18 she knew what she wanted out of life. And what she wanted was Mike Zelsmith fabulously successful Hollywood producer. Before she was finished with him his marriage went on the rocks. And in the stormy interlude that followed she loved and schemed her way to stardom!



PRINTED IN THE UNITED STATES

35c**POPULAR
GIANT****BOOKS OF PROVEN MERIT**

EXHIBIT U

Sunk in a Sea of Desire!

They reached the stern of the ship and looked out at the moon that lighted up the sea as far as the horizon.

"Are you cold?" he asked.

"A little. Put your arm around me, Ric."

But, as they stood there, Helen was thinking of Marzak, about his steel grip and the wiry hair on his chest. She remembered her night with him, how he had taken her more completely than she had known was possible, how he had made her lose all self-respect and cry out in the night. It had been as if he had opened the door of her soul and had taken the key that would always unlock her and leave her defenseless before him.

But maybe all those feelings would go away when she married Ric. He was strong in a good way, not in a sinister way like Marzak. She was glad that they would be married the next day.

She needed protection against Marzak . . . and the evil part of her own soul.

—*from* SHIP'S DOCTOR

AN ORIGINAL NOVEL—NOT A REPRINT

EXHIBIT V

She Came to My Apartment . . .

She sat down on the edge of the low divan and I stood behind her and leaned over to help her take her coat off. She turned her head around towards me and smiled up at me and I got another good lungful of that perfume.

I took the green corduroy coat away from her gently, and dropped it on the floor behind me and leaned over her again. She leaned her head back and half-closed her eyes and her lips parted a little. She was breathing through her mouth.

I slid my hands forward under her armpits and held her like that. She quivered and closed her eyes tight. I put my lips down to hers and kissed her.

She kissed me right back. Her body went rigid between my hands. Flame! She was well named, brother. That was just what she was like, straining hard backwards against me, nuzzling her shoulder into me, panting, and her breath going into my mouth like sweet-tasting fire.

— *from* SIN IS A REDHEAD

EXHIBIT W

The boys stood around on Saturday nights, ready for action. Between the ages of fifteen and twenty-two, they stood on the corners and discussed the deadly gossip of rackets: whores, guys who were cut up, and the dough you could make from one sweet job. Their voices, purposely brutalized and wildly boisterous, attracted little attention from the strollers on Pitkin Avenue, but as young men and women approached the corners they walked close to the curbs to minimize the jeers and dirty comments that were tossed at them. The bunches spoiled for a fight, and their technique was swift and murderous: a kick in the ankle, a hook to the groin, a clout behind the ear—their hands were quick in the kidneys and head, and t

BOY GANGS

"Come in," Crazy Shak said. "We've got a hooper in the back.

"I saw the sign go out."

"We just got her here."

"She ever been down before?"

"No," Crazy replied. "Two of the boys picked her up in Donalson's. She's about thirty. A regular bum."

"Ah," Frank sniffed, "she doesn't sound so hot."

"She's all right," Crazy said. "And all she's asking is a buck apiece."

GANG CLUB PROSTITUTION

Crazy put his foot in the pit of kicked her into the middle of the r backward on her high heels she scree with her skirt above her thighs.

None of the boys spoke as she sobbed. "Let me out of here, you d wept.

"When you give us our dough," Larry said.

She stood up and looked at them. "You dirty bastards!"

"You want a kick in the ass?" Crazy asked her.

CRUELTY AND FOUL LANGUAGE

He drew his spring knife and approached one of them and jabbed him in the arm and ripped down. The boy screamed with pain, and Crazy kicked him in the face. Then he started to run and the Dukes ran after him.

"You stupid son-of-a-bitch," Mitch said to Crazy "what did ya cut him for?"

SPRING KNIFE AND BRUTALITY

Frank heard the rough exchange of lines that meant only one thing: Kenny was going to lay Ann, but not before she had asked him what made him so fresh and who did he think he was and where did he get the idea that he could mess her up and did he think she was a pushover and if he didn't cut it out she was going to walk home and why was he in such a rush and couldn't he wait until they knew each other better and she didn't like doing it in a car and honest, she wasn't a teaser, and she'd prove it when they went back to his apartment that night. He was glad he was driving.

DISCUSSION OF ILLICIT SEX

It was half-past one when they walked out of the lobby into the street, and the bright warm sun made them blink. They stood in front of the theater, and now that Frank could see the girl he'd been necking he was glad he had swapped with Kenny. She was about sixteen and wore high-heeled shoes with Betty Jane straps that came across her ankles, and the hem of her gray flannel skirt was above her knees. She had nice legs and she knew it. She wore a red blouse open at the collar, and Frank could feel himself getting warm when he imagined what it would have been like if she'd let him give her a real feel. The gray flannel jacket was so long that it almost covered her skirt. When she laughed he

EROTICISM

"The son-of-a-bitch, he did. This morning the kid was looking out of the window and she was wearing her nightgown, and Crazy saw her and did something. He can't do that to

FOUL LANGUAGE AND INSINUATIONS

She pressed his hand down on a breast. "I'm only kidding you. We can go anyplace you say."

"Down my club?"

"All right with me." She nodded.

"Look, babe," Frank said to her. "I'm a square guy. If you go out with me you've got to come across. I'm one guy that don't like passion cramps."

"won't give you any, honey," she whispered to him. me watch the

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FOUL CONVERSATION

ling, Crazy shoved his mother aside and with one w and curse he hurled Frank from the roof. With arms and legs Frank fell and hit the rail of the joy fire escape, then caromed out in an arc the street, screaming his life away.

MURDER

"Shut your goddamn mouth," Larry Tunafish advised the stranger. "No one's asking you what you like."

Crazy Shak pushed his way forward "Where you

PROFANITY

They pushed onto the bus, and Frank watched Black Kenny and Mike get a nice-looking broad between them and give her a rub. Mike and Kenny hemmed the girl between them, skillfully pocketing her and preventing her escape. In her eyes there was loathing and fear of the two hoodlums, who did not look at her but nevertheless pressed against her lasciviously, pinioning her against their rigid hot bodies. Mike pushed against the girl's buttocks, thighs, and legs while Kenny pressed against her stomach and breasts. The girl wanted to scream, to cry out, but she did not dare, for innocence shone in the eyes of Black Kenny and Mike, between whom no sign of recognition had passed, and she feared to create a scene. Frank watched them, the snicker of a dirty smile playing about his lips. As the bus lurched to a stop at Livonia Avenue, Kenny fell forward against the girl, and his free hand, seemingly by accident, passed across her breasts.

EROTICISM

EXHIBIT X

"I bet," Gail riposted acidly. "Sour grapes!" Her next statement made Angela speechless. "There's no such thing as sin. The sin label has been attached to most daring and joyful experiences which those who decry it are either too old or too unattractive to enjoy."
 "I've always wondered about sin," said Angela dreamily. "Whatever

IMMORALITY

"As I was saying," she went on, looking into Angela's eyes, "the first time with a man should be something special." Her mouth set in hard lines. "Don't give virginity away cheap. Well, enough lecturing," she smiled into Angela's luminous eyes. "It's getting hot," she said, and jumping up, she shook off the gown with a quick motion.

Breathlessly Angela stared at her pink loveliness, taking in the flawless perfection of softly falling shoulders with the firm cups of her breasts staring boldly at her. Her eyes flitted over the concave abdomen and ran down the sweet perfection of thighs and legs.

"Let's compare notes." Gail's laughter sounded brittle. The pink gown slid from Angela's shoulders. Gail's eyes were burning into her flesh. A searing sensation went down her body.

As Gail bent over her, kissing her on the lips, she let go. Let the unknown overwhelm her, let the other's passion contaminate her. She closed her eyes. Dams burst and rivers overflowed. She felt herself sinking into a bottomless, rose-colored pit of pleasurable sensations. And she moaned softly.

Both girls rested side by side, drained of emotion.

Presently Gail jumped up lightly, kissed Angela on the cheek. I said:

"That was lesson number four. Of course, this is the next best thing. . . . And now, we'd better get ready. Hans should be here any minute. Try my green suit. It should fit."

SORDID SEX

And now his hands were on her, and the rustle of clothing broke the stillness. She stood before him, eyes downcast and humble while his eyes feasted on her slight pink figure. A strange moan escaped his throat and his fingers caressed her curves. Then he was depositing tiny, fluttering kisses on her cheeks, the lobes of her ear. He sank his teeth into the elastic flesh of her upper arm and she cried out in pain bathed in a pool of fire.

The sweet ache in her breasts became unbearable as his lips wandered. Her tactile nerves were on edge, anticipating, feeling and re-feeling the lightest touch. She kept her eyes open and saw the tortured rapt expression on his face. Her toes curled and icy shivers were chasing down her back. Her hands came down on his shoulders as a deep tremor shook her body. Then sweet balm melted pain into pleasure. . . .

PASSION

she peered into the other bedroom. No one was there.

Finally she stood in the door to the living room, staring at the spectacle. Revolting though it seemed, she could not take her eyes off the picture. Pale, slim Diana lying on the cushions before the fire. Two men there beside her. One was Norman. The other Ken. They did not see her, not the men. They were too busy. Diana was softly moaning.

Angela watched breath

ORGY

wanting to admit it, her used. Now Diana had her

EXHIBIT Y

Again his lips were on hers, drawing her breath, searing her flesh. His impatient hands fumbled with the gown. And then, his hard, hot hands were on her. He drew her whiteness close to him, wrapped his arms tightly about her, one hand caressing her back lightly, making her every nerve respond to his touch. She felt herself melting, all softness against his hardness.

He picked her up and carried her into the other room. He threw her on the bed, knelt down and started kissing her.

Angela experienced ecstasy she had never known before, felt herself sinking into a pool of scented oil, being bathed and submerged in its balmy sweetness. As his hard body covered her, a tongue of fire seemed to explode inside of her. His lips sought hers and a red flame enveloped them, hurling them up into dizzying heights of ecstasy, then making them drop, limply exhausted, on the soft cushion of oblivion as they experienced the serenity that comes after fulfillment. For a short while they lay motionless in sweet torpor. Then again the flame leaped high and they melted into each other, being intimately woven into one, in another more intense ecstasy of delight.

Angela looked at this male body which made her thrill to the deepest core of her womanhood. She thought, I am bad, I have no morals. But was it bad to follow a natural instinct, to submit to an

EROTICISM AND IMMORALITY

the lobes of her ear. She felt his hot breath and trembled all over. Waves of fire engulfed her. Now, lightly his lips touched her pressed down harder. Angela was outraged to discover that she liked all of it, his male nearness, his touch and his kisses. He smelled good, a strong, clean smell. Now his arms held her tight, his lips moved over the lace front of her dress. She had been right not to wear décolleté. But, through the filmy material, his lips found their target and stayed glued there till she moaned slightly.

SPRING KNIFE

Boldly, her hands inspected his body, aroused by her touch. Her teeth fastened in the crisp hair of his chest, pulling ferociously. His arms clamped down and held her firmly. She felt like dying a sweet death, dissolving into nothing, as again, he made her his.

She fell asleep with her head on his chest

SEXUAL PASSION

He came eagerly with a fire of his own to match hers, a fire that was undiminished for having burned often before. This time his mouth was warm and it was hers that was harsh and hot, dry and searing him with its first touch. Only as their kiss deepened and grew longer did her mouth soften, did the lips grow wet and did the tongue dart hotly into his mouth, inflaming both him and her into a crescendo of desire.

LUSTFUL PASSION

Then he picked her roughly into his arms and carried her to the fourposter and threw her down hard on it. Her brassiere came loose and slipped down and then she felt his mouth on her, burning her and she no longer cared whether it was love or lust, whether he had asked her or not, but only that it should not stop now and she reached out herself and pulled him down to her with a moan that was half cry and half demand.

It was just heat now, heat and movement and sensation, flaying her with each frantic movement of her body, build

PASSION AND LUST

EXHIBIT Z

ups, a hesitant kiss at first, for Linda's lips were innocent and baby-soft beneath hers, and then suddenly Nora was kissing her as a boy kisses a girl. Linda felt astonishment; she stiffened. She knew some of the other girls were sweethearts, that they were jealous and fought like lovers, but Nora—she never thought of Nora being like that.

Now she heard Nora's soft pleading whisper. "Don't be afraid of me, honey . . . I love you . . ."

Then, suddenly, Linda wasn't afraid. As on that first

LESBIANISM

"She don't want to take outside calls to begin," Nora said, her tone placating. "She's new at the business, see? Put her in a hotel first, see? Let her take calls to the rooms. She's young and pretty, she ought to get a fin a trick. How about the Regal? You need a girl there?"

Gil dialed the phone, spoke to someone in a curious jargon Linda didn't comprehend. He hung up and turned to her. "Room five-one-eight, the Regal. Just go over and ask the desk clerk for the key, say Gil sent you." Then to Nora, "Maybe you better take her. Tomorrow you fix her up, clothes and stuff. She wants to work tonight, she can. Jerry asks ten for her, she keeps four. Okay?"

"Sure." Nora said to Linda, "That's a good deal, honey. Gil has to give the clerk and the bellhop their cut and make a profit, too. No more calls for me tonight, Gil. I'll be back in a half hour."

The phone rang. Gil picked up a pencil, answered it. The girls went out.

CALL-GIRL

For a moment the fury in his face frightened her, then he bent his head and kissed her mouth, his own mouth hurting and savage. He held her that way so long, so fiercely, his hands and mouth so urgent and demanding, that she felt herself responding, infected by his wild passionate need of her. She couldn't think, away. Her own warring emotions made and love, heat and cold, fear and triumph

Suddenly he picked her up and carried

PASSION

little afraid. But he took two marijuana cigarettes out of his pocket, lit hers first, then his own. They stood near the window, sipping at the cigarettes, drawing in air.

After awhile they sipped again at the cigarettes, feeling a tiny breeze over their bodies, and there was no time, and yet there was all the time in the world.

USE OF MARIJUANA

He transferred the cigarette to his left hand. His right hand moved leisurely into his pocket, came out holding the knife. His thumb pressed the spring. The steel of the pointed, razor-edged blade gleamed in the lamp light. His voice rasped at her, "You dizzy broad, you. You think a pad like this an' a mink coat changes anythin'? You're

SWITCH BLADE KNIFE

I forget about you bein' a whore, see? I'm out an' you're my girl. Nobody from here on but me, see? We get a place, an' shack up, you'n me."

IMMORALITY

Those first weeks Linda listened and learned. Most of the girls were in for prostitution. They compared notes, boasting about the money they'd made and the numbers of men they'd had. None of them were over seventeen.

"I worked Times Square," Nora said. "Sailors and soldiers mostly, and I made good dough, too. When I was fourteen I was gettin' five bucks a trick an' this time, when they picked me up, I had a swell setup. I was in a

PROSTITUTION

"Can't you leave me be?" she cried.

His open hand caught her on the side of the head and knocked her to the floor. He picked her up by the front of her blouse, ripping it at the seams, and slapped her with stinging blows, first one side of her face, then the other. In that rasping whisper, he said, "Get them clothes

CRUELTY

with a cry of pain. Rusty lunged at Bart, the knife ready to slash. Bart shot him through the head. Rusty reeled sideways and crumpled into a heap on the rug.

Linda knelt beside him, staring down into his face. A wavering, choking cry came from her. "He's—dead. You—killed him—Russ is dead—"

MURDER

He never asked her to share the needle. He didn't have to. She was well aware of his scheming, of why he made her give him a fix. Rusty just lived for the day he could get her on the needle again. When that day came she would belong to the needle, not to Bart, not to Rusty, not

But Rusty would possess her, because Rusty e junk for her. In that hour, on that day, she iger be able to do without Rusty.

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USE OF NARCOTICS

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h was amused, his eyes guarded. "I'll be honest with you," he said. "I don't think we will see each other again. I am very expensive. Linda. You're a work-

attentions to the highest bidders. Usually women in their forties and fifties, bored with their husbands, able to afford me. That way I manage to live in the luxury I must have. The only reason I was free tonight is because my

Linda had listened in consternation. She was smart enough to perceive the irony of the situation. They were birds of a feather, she and Larry. Both of them prostitutes. Neither of them with scruples. But it made no difference in the intensity of her desire for him.

MALE PROSTITUTION

She felt the reluctance in him as she led him into the bedroom and it made her frantic. She was afraid he might change his mind. His body was as beautiful as his face. Deeply tanned, smooth-skinned, gracefully proportioned. She was feverish with the wanting to possess him. She

LUST

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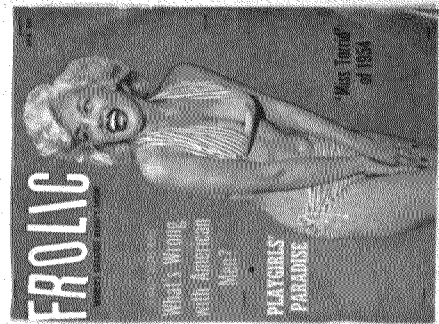
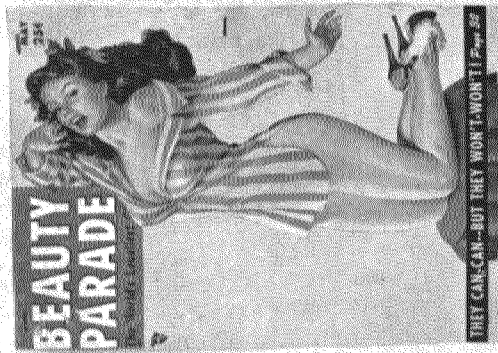
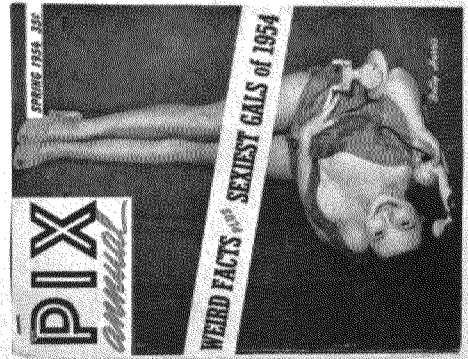
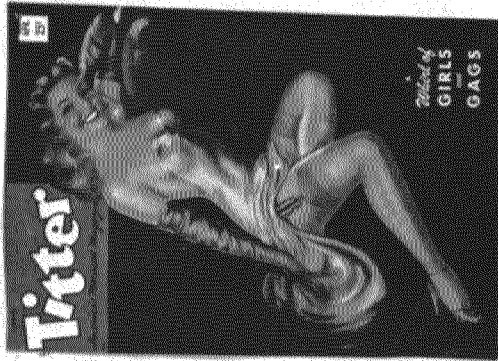
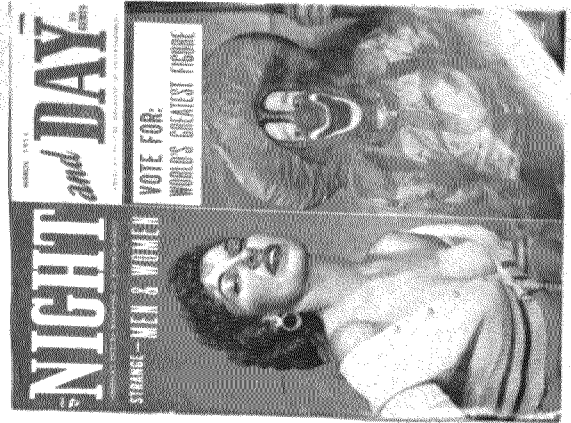
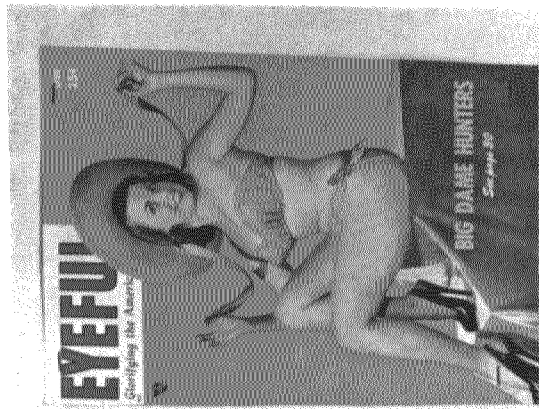
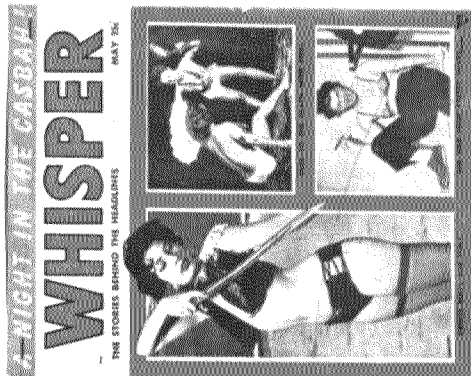
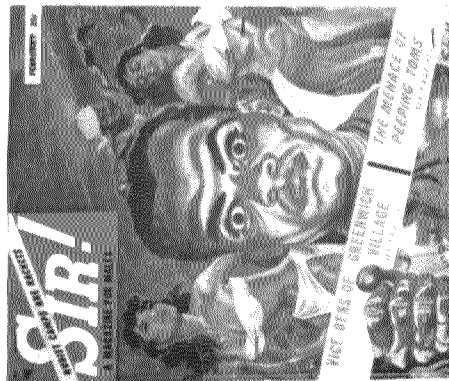
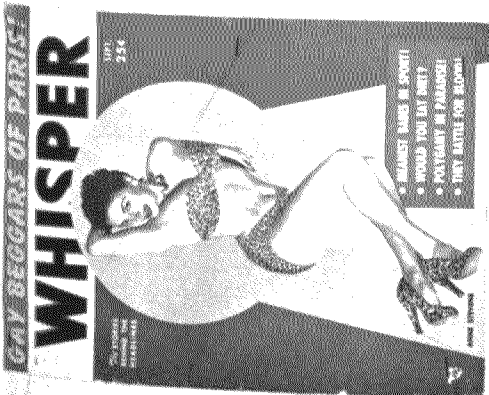


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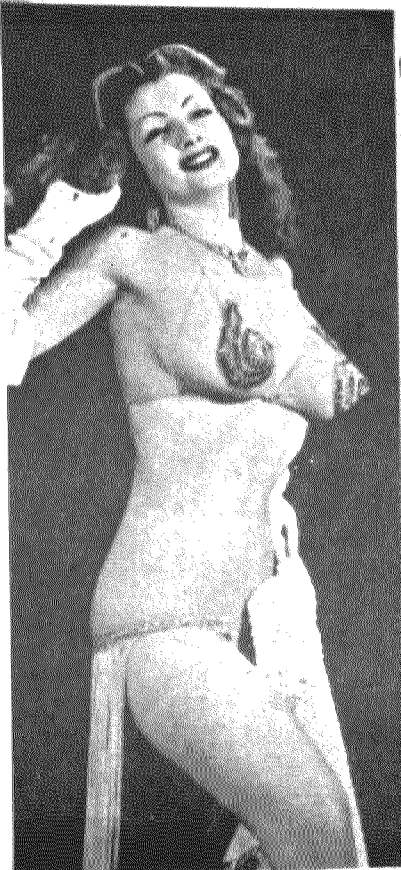
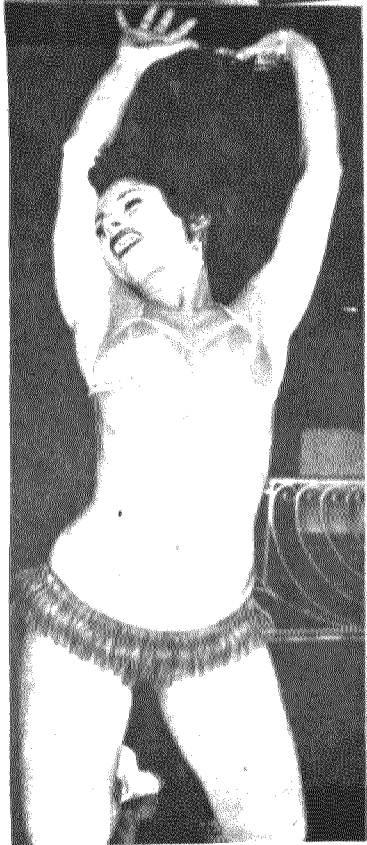
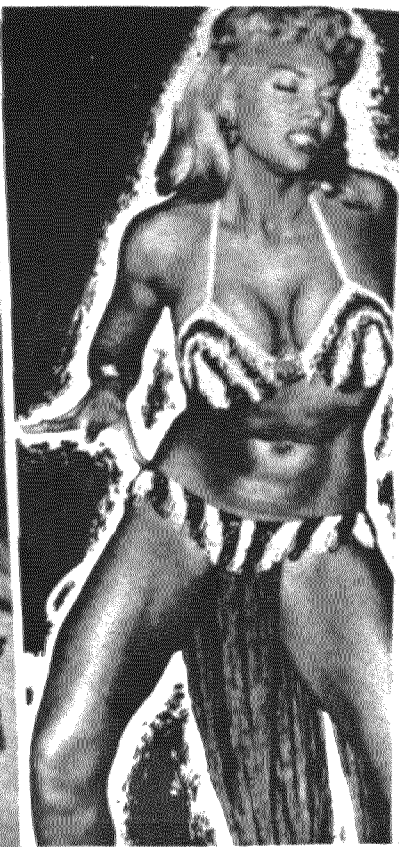


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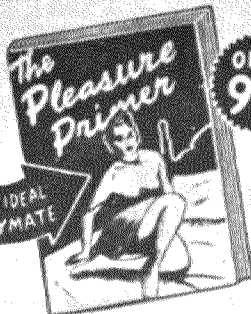


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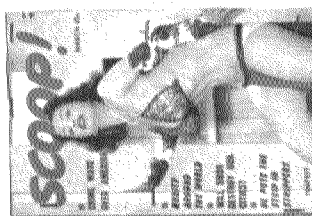
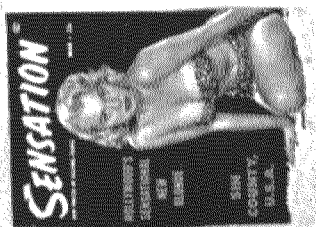
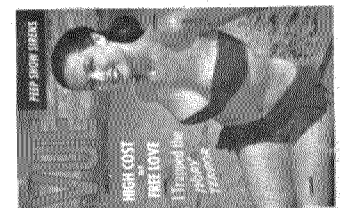
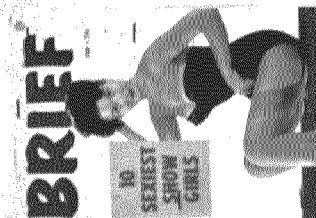
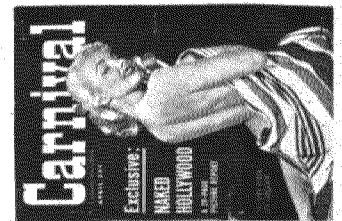
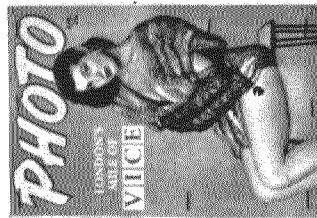
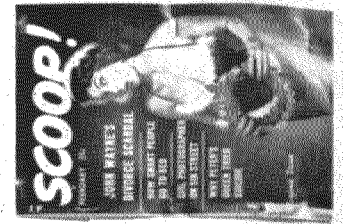
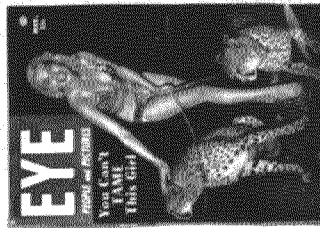
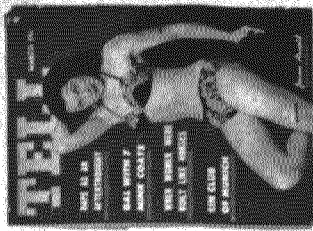


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