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Article Title: Comics, Courts and Controversy: The Cases of the Comic Book Legal Defense Fund

Synopsis: The literary form we call “comics” or “comic books”, encompasses a much larger range of works than traditional superhero adventures. The use of sequential graphics and concurrent dialogue or narration to tell a story is a form of expression and entertainment that has been in use for thousands of years. Current examples of this storytelling format can be found in what are referred to as “graphic novels” as well as the more commonly known comic book or magazine.

These novels often have adult themes and illustration, and are sold exclusively to adult audiences.

Like any works intended for adult audiences, these graphic novels often draw the attention of law enforcement agencies seeking to prevent dissemination to minors. Sometimes those enforcement efforts conflict with the First Amendment free speech rights of the creators or distributors of these literary works. It is at that point that the Comic Book Legal Defense Fund (CBLDF), a relatively unknown group of lawyers and their supporters, enter the scene and provide critically needed legal support for those artists and shop owners.

The focus of this article is to examine, in detail, the legal issues involved in three of the more celebrated cases in which the CBLDF has provided legal assistance. The first is the case of *People v. Lee*, in which the State of Georgia prosecuted a multi-count distribution of obscenity to a minor case, involving a graphic novel, entitled *The Salon*. A free copy of a sampler of graphic novel excerpts, which included a panel from *The Salon* in which a reader, looking closely, could see a drawing of the artist Picasso, and his penis, was mistakenly given to a young boy. The subsequent prosecution by the state threatened the store owner with a 21 year jail sentence. The article examines the legal and procedural issues that arose in this case, and offers a discussion of the social and legal implications of this kind of prosecution.

The second case examined is an ongoing case, *People v. Handley*, an Iowa Federal Court prosecution of Christopher Handley for violation of the PROTECT Act, (118 USC §1446(a)), in which the defendant, an adult, who purchased Japanese manga comics directly from Japan, is being prosecuted for receiving and possessing material with explicit adult content.

Pre-trial motions to date have involved an extensive analysis of whether the terms of the PROTECT Act violate the obscenity definition established by the Supreme Court in *Miller v. California*, 413 U.S. 15 (1973), and whether the receipt and subsequent possession of adult material in one’s own home is protected under the holding of *Stanley v.*

Georgia, 394 U.S. 557 (1969). The article will examine the issues raised thus far in this case, and will question whether the decisions of the Iowa District Court will survive appellate court scrutiny.

Lastly, the article will examine the legal issues confronted by the CBLDF in their participation in the case of *Mavrides v. Board of Equalization*, in which the Paul Mavrides, one of the creators of the 60’s era characters, The Fabulous Furry Freak Brothers, challenged a ruling of the Board of Equalization regarding at what point in the process of creating drawings for a comic book, a sale of the artwork is deemed to have occurred, for sales tax purposes. The CBLDF’s successful advocacy in this case resulted in substantial tax savings