

# The COMICS GUILD

A professional Guild  
to protect the rights of visual creators:  
A Report  
by Gary Groth

*Due to the complexities surrounding the formation of a Comics Guild—which include the new copyright law, the current Marvel and DC contracts, and the problem inherent in lashing together an industry of independent, creative thinkers—this article has been broken down into roughly three sections:*

*First is the main article, which gives an historical interpretation of the Guild to date, a review of the new copyright law, and the problems the formation of the Guild must overcome. Secondly, a survey of 35 professionals in the comics industry as to their feelings about the Guild. And thirdly, an edited transcript of the first major Guild meeting, which took place on May 7, 1978.*

## The New Copyright Law

The idea of an organization of comics professionals, of a Comics Creators Guild, is not a new one.

Burne Hogarth attempted to organize a Guild of comics professionals in the late 40s, and although he had the support of artists such as Alex Toth, Dan Berry, and Frank Robbins, nothing came of it.

ACBA—the Academy of Comic Book Arts—began in 1971 under the aegis of Stan Lee, but dissipated in a few short years.

The new copyright law designed to protect authors and artists that went into effect January 1, 1978 seems, however, to have captured the hearts and minds of many comics professionals—most pronouncedly Neal Adams's—and the seeds of a professional Comics Creators Guild were planted when Neal Adams began organizing professional support in February of this year. Adams familiarized himself with the new copyright law and on February 14, he wrote a letter to Jenette Kahn expressing his dissatisfaction with DC's contractual arrangements with their artists. He also wrote a two-page letter to freelance artists headlined "EVIL EVIL EVIL EVIL" [reproduced here] warning freelancers of the dangers (as Adams saw them) of signing a contract which referred to them as "work for hire." At about this time, Adams distributed copies of Marvel's contract [reproduced here] announcing the first major meeting of comics professionals to talk about forming a Comics Guild.

Copyright laws in the United States stem from a 1710 English Statute known as The Statute of Anne. The Constitution of the United States grants Congress the power "to promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive rights to their respective writings and discoveries." The primary function of the copyright act, according to Marybeth Peters, the Senior-Attorney Advisor, who coordinated the writing of the new copyright law, is "to foster the creation and dissemination of intellectual works for public welfare; an important secondary purpose is to give creators the reward due them for their contributions to society."

The new copyright law assigns the copyright to the author (or artist) of an original work, whereas the old copyright law did not assign a copyright unless the author or artist copyrighted each piece of work upon completion or until the work was printed and the publisher filed for a copyright. Furthermore, under the new copyright law, the author (or artist) must tell the publisher exactly what rights he is selling to him, whereas the old copyright law was less precise as to what the publisher purchased from the creative talent.

Since few enough professionals are familiar with the new copyright statutes, I will assume even fewer

comics fans have waded through the new copyright laws. Here are the two ownership definitions related to the comics creators' situation, as published in the US Copyright Law Public Law 94-553 94th Congress:

- (a) Initial Ownership - Copyright in a work protected under this title vests initially in the author or authors of the work. The authors of a joint work are co owners of copyright in this work.
- (b) Works Made For Hire - In the case of a work made for hire, the employer or other person for whom the work was prepared is considered the author for purposes of this title, and unless the parties have expressly agreed otherwise in a written instrument signed by them, owns all of the rights comprised in the copyright.

A "Work Made For Hire" is defined, in the new copyright law, as:

- (1) a work prepared by an employee within the scope of his or her employment; or
- (2) a work specially ordered or commissioned for use as a contribution to a collective work... if the parties expressly agree in a written instrument signed by them that the work shall be considered a work made for hire.

A "Work Made For Hire," then, is work prepared by an employee of the company or by a freelancer who was specially commissioned to prepare work for a company. Since most comic art is produced for a company under the supervision of an editor, it would appear that most comic art falls under the "Work Made For Hire" clause. However, the protection of the author (or artist) lies in the phrase, "...if the

parties expressly agree in a written instrument signed by them that the work shall be considered a work made for hire." This means that if the authors (or artists) do not sign such an agreement, their work is not considered "Work Made For Hire" and the companies must negotiate separately for the rights they wish to purchase. This is the cornerstone on which Neal Adams began his concept of a Guild dedicated to protecting the rights of comics creators.

[Incidentally, Neal Adams, Guild Ad Hoc Committee Chairman Marshall Rogers, and other professionals refer to a "Work For Hire" clause in the copyright law. No such clause exists. The correct clause is "Work Made For Hire." "Work For Hire," as far as I can tell, is a term created by Neal Adams to refer directly to the creators as opposed to the work the creators produce. But, there is no legal term "Work For Hire," and you will notice that Marvel uses the correct "Work Made For Hire" term in their contract.]

## The Guild and Its Problems

On May 7, 1978, nearly 50 professionals gathered at the studios of Continuity Associates [which Neal Adams owns] to discuss the formation of a Guild. An edited transcript of this meeting appears here and demonstrates the difficulty involved in getting dozens of independent, creative thinkers to agree on anything, much less on all the broad and fine points necessary to form a working Guild.

The formation of the Guild has moved at a snail's pace since the May 7 meeting. (The Guild organizers said the Guild would be functioning by Friday, May 12, and as of August 18, most professionals knew little if anything about the Guild, and no comics publisher has received official notification that a Comics Guild even exists.) The Guild organizers have run into a number of problems, several of which are:

1) The very concept of a Guild is based on a collective voice, but even members of the Ad Hoc Committee don't seem to talk with one another, or to even know what the Guild's progress is. For example, Marshall Rogers, the Ad Hoc Committee Chairman, said that the summer created conflicts with the Ad Hoc Committee members, which means that several members went on vacation or convention hopping during the time the Guild should have been formed. Howard Chaykin went on vacation and said that Walt Simonson had taken his place on the Ad Hoc Committee. Simonson, however, was under the impression that he had taken Jim Starlin's place. Jim Starlin was incommunicado; professionals in New York thought he was in California and professionals in California thought he was in New York.

For an organization that must depend on unity for its survival, this kind of chaos does not bode well.

At the May 7 Guild Meeting, the issue as to whether inkers, letterers, and colorists could dispute a "Work Made For Hire" definition and be protected under a contract was never resolved. At the Guild meeting, Adams said that he didn't see how a Guild could defend inkers, letterers, or colorists as not "Work For Hire." However, on August 18,

AGREEMENT made this day of \_\_\_\_\_ 19\_\_\_\_ by and between  
(herein "Supplier") and the Marvel Comics Group, a division of Cadence Industries Corporation, 575  
Madison Avenue, New York, New York 10022 (herein "Marvel")

WHEREAS MARVEL is in the business of publishing comic books, and the Marvel Comics Group, and

WHEREAS SUPPLIER is in the business of having MARVEL order or commission either written material or art work as a contribution to the collective work known as the Marvel Comics Group, and

WHEREAS MARVEL has informed SUPPLIER that MARVEL or its employees or agents may from time to time commission or order or art work on an "work-for-hire" basis, such as defined pursuant to the Copyright Act of 1976, which may be revised, amended, supplemented or superseded.

NOW, THEREFORE, the parties hereto hereby agree as follows:

In consideration of MARVEL commissioning and ordering from SUPPLIER written material or art work and paying therefor at the rate MARVEL customarily pays for such work, as such rate may be changed from time to time, SUPPLIER hereby acknowledges, agrees and confirms that any and all work, writing, art work material or services (herein the "Work") which have been or are in the future created, prepared or performed by SUPPLIER for the Marvel Comics Group have been and will be specially ordered or commissioned for use as a contribution to a collective work and that as such Work was and is expressly agreed to be considered a work made for hire under the Copyright Act of 1976 and as the same may be revised, amended, supplemented or superseded.

SUPPLIER expressly grants to MARVEL in perpetuity all rights of any kind and nature in and to the Work and agrees that MARVEL is the sole and exclusive copyright proprietor thereof having all rights of ownership therein and thereto as if MARVEL were the sole author thereof. SUPPLIER agrees not to contest MARVEL's exclusive, complete and unrestricted ownership in and to the Work.

In addition, SUPPLIER grants to MARVEL the right to use SUPPLIER's name and likeness in connection with the Work, and the advertising thereof, but in no event shall SUPPLIER be deemed to be endorsing a commercial product without first having obtained SUPPLIER's express written consent.

This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, successors, administrators and assigns.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

Supplier

Marvel Comics Group, a division  
of Cadence Industries Corporation

by \_\_\_\_\_

by \_\_\_\_\_

**URGENT!!**  
**COMICS CONTRACT MEETING**  
**SUNDAY MAY 7, 9 E. 48th ST**  
**THIRD FLOOR 4:00 P.M**

Dick Giordano said, "I think the position [on inkers] might have changed. In my discussion with Neal, it was concluded that any person should be able to make his own deals on the basis of what he felt he did." And on August 18, Marshall Rogers said, "... we've made moves to take care of rights of inkers. It should be worked out with the inker and penciller whenever possible." If I were in inker, I'd be a little worried with statements like this coming from a Guild whose purpose is to protect the rights of creators.

The importance of inkers to comic art is obvious, and the importance of colorists will only increase as printing technology advances and the sophistication of comics publishers grow. Colorists and inkers may well play as important a role in comic art as cinematographers play in film. Sven Nykvist plays no small role in Ingmar Bergman's films, and Richard Corben may play no small role in a comic story he colors.

2) The Ad Hoc Committee members do not appear to be as thoroughly aware of the issues as they should. For instance, Marshall Rogers, the Committee Chairman, admitted to never having read the new copyright law. Nobody seems to be very

familiar with other arts guilds, and how they relate to their members and the publishers. A statement of intent given out at the May 7 meeting said, "The purpose of the Guild is to become recognized as the sole bargaining agent for the free lance talent working in the comic book ... industry." However, it is made clear in the Précis of the Authors Guild and the Authors League of America that their organization does not act as an agent: "No. The League or Guild cannot market material or negotiate contracts for you—the primary functions of an agent." The Authors Guild does give its members legal assistance, keeps them informed on market tendencies and practices, and "speaks with the collective power and voice of all American free-lance writers in matters of joint professional and business concerns."—Which sounds very much like what the Comics Guild is really after.

In fact, all of the initial documents' pronouncements have been retracted. The Guild's "recommended pay rates" of \$300 per page for artwork and \$100 per page for scripts was laughed at by knowledgeable professionals and ultimately thrown out by the Ad Hoc Committee.

[An interesting note here is that comic book writers are eligible to join the Authors Guild and reap whatever benefits they can from that association. The Comic Creators Guild would do itself a favor if it looked at how the Authors Guild handles questions of ownership and copyright. For example, a novelist, who works under editorial supervision, signs a contract with a publishing company that is specially drawn up for his work. According to Peter Hegge of the Authors Guild, such a contract would cover paperback rights, hardcover rights, film rights, and more. Hegge said that paperback royalties in the 60s paid 4% on the first 150,000 copies sold, 6% thereafter, although those percentage figures are negotiable and usually higher in 1978. Since the Authors Guild has had 66 years to perfect its functions and organization, it may be a wise idea to find out if some of its functions can be adapted to comics creators' situations. When Marv Wolfman brought up this point at the May 7 meeting and suggested the Guild organizers look at how the Screenwriters Guild functions, he was ignored.]

3) The Guild's Ad Hoc Committee is inefficient and ineffective. Most professionals contacted by the *Comics Journal* knew so little about the Guild's progress, function, and goals that they couldn't comment intelligently about it. Even professionals who had joined (and paid a \$100 membership fee) hadn't heard from the Ad Hoc Committee. Although Neal Adams said that an invitation to become Founding Fathers was sent out to 40 of the most influential professionals in the business, many of the most prolific writers and artists knew nothing about the Guild. Denny O'Neil, Joe Staton, Ross Andru, Jack Kirby, Paul Levitz, Mike Grell, Steve Gerber, Roy Thomas, Gene Colan, and Gil Kane all professed ignorance of any of the Guild's finer points, even though some expressed a willingness to join and some, indeed, had already joined.

4) Finally, one of the most widespread complaints was about the current make-up of the Ad Hoc Committee. Most of the Committee members earn only a small portion of their income from comic book work. As Roy Thomas said, "...they could come in and raise a big stink and leave to go back to their commercial artwork and leave us holding the bag. That was one of my reservations about it."

## Muddled Goals

Although the Guild's goals are somewhat vague (and the *Comics Journal* has received no information from the Ad Hoc Committee, although Marshall Rogers said he would put the *Journal* on their mailing list), and Ad Hoc Committee members are not uniformly well-informed as to the Guild's purpose, Neal Adams described it as follows:

"[The Guild's] total goal is to establish a minimum contract, a Guild contract to be agreed on by the companies. It will set minimum rates, it will set minimum rights. Things like reprint rights, overseas percentages of sales, whatever will benefit the artists and writers, that's what it will be set at.

"The companies make no effort on

behalf of the creative people. On the other hand the creative people have been asked to help the companies all the time. They've been asked to come up with better comic books. They've been asked to submit their ideas to comic books without receiving any reward. The Guild's job is to fight for the creative person. That's all.

"Reprint money is terribly bad. Beyond that, a company should be offering a medical plan to their freelancers on a reasonable basis, not an unreasonable basis. Marvel Comics insists that an artist has to make more than \$15,000 a year with the company before they get a medical plan. Originally it was \$7,500, now it's \$15,000."

In response to Adams's criticism of Marvel's health insurance plan, Editor-in-Chief Jim Shooter said this: "I want to explain something here and Adams knows this full well. We work for Cadence Industries. Because of a bureaucratic inadequacy, when the insurance program came up for review last year, they changed it [from \$7,500 to \$15,000 minimum that a freelancer must earn here before he can be covered in Marvel's health insurance plan]. I complained in person to the Chairman of the Board, to Stan Lee, to Jim Galton. Things are being done about it. They've hired a consultant to review the insurance benefits. Since the [new] program doesn't begin until the beginning of '79, we still have breathing space. It's unjust to say we're permitting this because we're not. I can't say 'We solved that,' but it's being taken care of. We're doing everything in our power to correct it. Everyone is still covered by the \$7,500 policy."

Even the major grievance that brought the professionals together—the "Work Made For Hire" term in the Marvel contract—was disputed by Shooter, who said, "...anyone who works under the supervision of an editor, contract or no contract, is tacitly defined as work for hire."

It is an indication of the uncertainty and vagueness of the goals of the Guild that three months after the initial meeting, no demands have been submitted to the companies yet, nor have the companies even been officially informed of the existence of a Comics Guild. A more precise—even if tentative—formulation of demands would seem to be a *sine qua non* for the establishment of any kind of dialog between the Guild and the industry.

## Son of ACBA?

None of these problems nagging the formation of the Guild would seem so serious if the same kinds of problems had not caused the death of the Academy of Comic Book Arts in late 1974. Dick Giordano said at least one of the reasons ACBA collapsed was because "...those people who participated in the Academy ran out of time to devote to it. Those people who were considered the most influential couldn't find the time to participate on the Board. People who were on the Board in the later stages were the young people who did not command the respect of people like Stan Lee, although I felt they were qualified to serve. When the Stan Lees and John Romitas left, we couldn't get a broad support."

Gil Kane said the reason ACBA failed was because the Academy had a "... great difficulty coming to a consensus on issues. There was political infighting, jealousies, competitiveness on a Lilliputian level, and personality clashes. When you blew away the rhetoric and bullshit, there was nothing there."

Marshall Rogers admits that the professionals on the Ad Hoc Committee can't devote as much time as he would like to the Guild, and one Ad Hoc Committee member who asked to remain anonymous said, "Things are in a stasis at this point." Furthermore, there was a great difficulty in coming to a consensus on issues at the May 7 Guild meeting.

Despite the numerous drawbacks to the current Guild organization, many professionals, though ill-informed as to the Guild's progress and purpose, were enthusiastic about the possibility of a Guild that would work to protect the rights of visual artists and writers. Many professionals felt that a Guild could succeed in improving conditions for creators, and felt the Guild under its current management could make it *despite* its liabilities.

The general consensus seems to be that if the Guild were run by an effective administration, could draw up a concrete set of principles, and impart this information to the professional community, it could succeed. Very few professionals actually showed any enmity towards a Guild, and no professional intimated any philosophical objection to a Guild.

Professionals who have been in the business since the formation and dissolution of ACBA expressed weariness towards the formation of a professional organization, a sort of jaded "Oh, no, here we go again" attitude. Much of the problem in organizing seems to stem from personality clashes and the fact that professionals have different outlooks towards their careers and the comics industry; some aren't willing to compromise their vehement feelings about either, and some simply don't care one way or another. Says Steve Gerber: "This is a very half-assed business and people are used to approaching every aspect of the business that way. They approach their own ailments in the business that way and it sounds like they're approaching the Guild that way. They've been conditioned to do that over a span of 40 years."

A small group of professionals attempted the formidable task of organizing a convention called The Great American Comic Book Arts Exhibition in 1976, and that attempt failed miserably. In a *Journal* interview [issue 39], Paul Levitz described the fiasco as an "unqualified disaster." Steve Gerber, who was the convention's chairman, said that nobody could agree on anything and that professionals would simply get up and walk out in the middle of strategy meetings.

The Comic Creators Guild is still in its inchoate stage, but if it doesn't succeed now, there may not be another opportunity. Chris Claremont put it succinctly: "If there's no Guild now, if we don't stand together now, I don't think there'll ever be one. In a very real sense, it's now or never."

# What do the pros think?

This is an informal survey of 35 professionals, to find out what the reaction to the Comics Creators Guild is. All the professionals were asked to give their feelings on the Guild between August 14 and August 18, with the exception of Marty Pasko and Steve Englehart, who gave their thoughts on the matter immediately after the May 7 Guild meeting. The survey was conducted, transcribed, and edited by Gary Groth.

## ROSS ANDRU:

"I think with things being tight this way, when the industry's hurting this way, this is not the time to push for the Guild. From my past experiences with looking at the ups and downs in the industry — I think the concept of a Guild, in theory, makes sense — but in terms of this industry here and now it doesn't make sense. I may be totally wrong, but I think this is the wrong time to do a Guild. If I were starting a Guild, I would do it when things are booming, when it's a buyer's market in terms of writers and artists. If the artists feel it will work, they're entitled to try. I have not joined. I haven't got the time to devote to it now."

## SERGIO ARAGONES:

"I think [the Guild] is very necessary. With the new copyright law, since the majority of the companies are putting the work-for-hire clause in their contracts, all the comic book artists should get together and fight it like other Guilds are doing — the National Cartoonists' Society, the Cartoonists' Guild, and others. Also, [the Guild] should establish minimum prices. This would probably be the salvation of the comic book industry. Nobody is bringing new ideas into the field and the public knows it. If the creators get a part of the action, they'll bring in new ideas and there'll be a revival. It seems that the companies are working against the artists. I have given [the Guild] all my support because I think it's very important."

"Some of my work was rejected at DC Comics because I didn't want to sign the contract. They tore up my check and gave me my pages back. They were filler pages for the horror books. That was in the end of June. [What DC did was] legal, but I don't think it's just."

"The problem is that some guys can't refuse to sign [the company's contract] because they'll starve to death. I'm lucky that I'm making good royalties from my books."

## FRANK BRUNNER:

"I joined [the Guild] even though at this point I don't consider myself in comics. My work for comics is very limited at this point, but I feel [the Guild] is a worthwhile thing if it can get off the ground, because it will benefit everybody. The artists and writers will be protected as they are in other legitimate arts. The main reason for the formation of the Guild was in response to the Marvel contract. We're reduced to the level of supplying raw steel to a mill. The employer is the "creator." [Marvel's contract] is the most insidious piece of legal tripe ever written because it doesn't leave anything for the person who works for them."

## CHRIS CLAREMONT:

"I would like to see some reform in the whole structure of the industry. [The Guild] can be a good thing for the industry, although everyone's definition as to what is a good thing for the industry is slightly different."

## HOWARD CHAYKIN:

"I became involved with the Guild because of the contract at Marvel, later rescinded, and replaced with a contract that was just as bad, but worded nicely. I'm a member of the Guild."

## DAVE COCKRUM:

"I don't really want to say anything about it. I don't think [the Guild's] time has come."

## GENE COLAN:

"I haven't joined yet. I don't know if I will. I'm taking a wait and see attitude. I think the premise is a good one, but I really don't know much about it. I'm associated with Marvel and they've treated me pretty decently and I don't want to go off on a limb. It's a little risky at this point and I'm not going to make any waves."

## STEVE DITKO:

"I haven't seen any statements of principles so I don't really know what it's about. It's really too ill-defined to talk about at this stage."

## MARY JO DUFFY:

"I'm not going to join it. I don't see how, when you work in a syndicated medium, how you can have individual creator's rights. When it's a group effort, I don't see how each individual can claim it's his or her work. The Guild is under the control of people who are not major producers or who have proven themselves unreliable in past ventures. There are a lot of good things that could come out of a Guild, but I don't think a group of people whose only interest is getting a better piece of the action for themselves — and there are certain people involved with this Guild, not all of them by any means, who are interested in primarily that — can accomplish those good things."

"Although there has been no threat of reprisals, the fear that there might be reprisals from management may keep some people out of the Guild."

## STEVE ENGLEHART:

"To me, this industry has always been run on a parent-child relationship, instead of a businessman to businessman relationship. I could give you a story to illustrate this, but it's not really necessary. You're always being treated on the basis of "We're your parents and you're the child, you should feel guilty about this, you should not question our decision." It seems to me comics is a real viable business. For years people have been saying comics are gonna become really something, they're on the road and they're gonna become a real artform. It's been a long time, and nothing's been coming out of it. If you go anywhere else in the world, if you go to France, comics is a real thing, done by real people who get paid real money, and they turn out a real product. I don't see any reason why we should all work at low wages so the *Human Fly* can stay in publication. If things fall by the wayside, they do."

## MARK EVANIER:

"I have not joined yet. So far the Guild seems to pertain only to DC and Marvel. The people running it seem not to know there are other comic companies in existence. I have been approached to join, but they seem to be concerned only with those people who live in New York and work for DC or Marvel. Gold Key is now the second largest comic publisher in the world and nobody in the Guild seems to know they exist."

## STEVE GERBER:

"[A Guild] is necessary. The sooner it's formed the better. I don't believe it will be successful without the participation of the older, more prolific, more established professionals, who unfortunately will be the least likely to join. The statements I've heard about the Guild and from the Guild so far have struck me as a little naive and poorly informed. They definitely have my sympathy, which is not to say condolences. I will support any movement that will get it off the ground, with the one provision that I believe it will be handled responsibly and forcefully. I have not joined yet, but if they want to consider a Bill Me Later, they can."

## DICK GIORDANO:

"Obviously I'm entirely for [the Guild], both as a person who's running a business and as a freelance artist. Comic artists have gone too long without talking to each other and talking, collectively, to the people they work for. I don't think of [the Guild] as being a union, but we should speak as a body."

"I don't think rates are so terribly low that they should be raised. Rates are realistic in terms of what publishers make on newsstands. When a comic is popular at newsstands it creates a demand for that character in foreign countries, and in licensing purposes. We could do best to increase our participation in that area."

"The changes at DC have created a vacuum for many artists and writers where they find themselves in an industry that cannot support them. We have provided a service for them to provide them with employment -- we've

put artists in touch with people who could use artwork. That alone would make the Guild a worthwhile project.

"Although I recognize and abhor all the imperfections of the Guild and Ad Hoc Committee, all the people who have criticisms, and correct criticisms, would do best to direct their energies towards correcting the deficiencies rather than backbiting."

#### SAM GLANZMAN:

"I haven't even thought about it. I'm a little out of touch with what's happening in the City. I don't know enough about it to form an opinion."

#### MIKE GRELL:

"I don't really have an awful lot of information on [the Guild]. From what I've heard about it, it sounds pretty darn good. Currently all rights of whatever we do are owned by the companies. As things stand, DC could take Warlord and sell it as a movie and make a million dollars off it. [The Guild] sounds really good. I don't know all the ramifications; I assume we aren't going to go on strike, but I think we'll have some bargaining power. I just hope it can get started and achieve the goals that it set without causing any turmoil in the industry. I was supposed to get information in the mail about a month ago, but I'm going to find out exactly what's going on [before I join]. I'm probably going to join, though."

#### MARK GRUENWALD:

"[The Guild] is a good idea, though Adams's involvement in it is a bit suspect, because he has so little to lose. But I have no philosophical objections to [a Guild]."

"I'm just trying to do the best stories I can right now. I'm trying to prove Marvel can be as creative now as they were a couple of years ago. Right now I'm learning to be a writer; once I have a handle on that I'll worry about being a well-paid writer."

#### JACK C. HARRIS:

"I know very little about [the Guild], virtually nothing, and I'd like to keep it that way. I'm not planning on joining it."

#### JENETTE KAHN:

"In general, I feel creative people should protect themselves. I don't feel sufficiently informed to agree or disagree with the things this Guild stands for. We aren't kept up on their activities and I can't take a position on something I'm ignorant about."

#### GIL KANE:

"I didn't know there was a Guild. This is the first time I've heard of it. They must have a list of names and I must be low on their priorities. Most of the older artists are totally out of touch with what's happening and I would assume that's the way the younger guys want it. [The professionals who make up the Guild Ad Hoc committee] are the young turks and I'm willing to bet I'm not the only guy of my age group that hasn't gotten any notification. For a Guild devoted to working to establish the rights of visual artists and creators, they have self-serving motives that are as questionable as the publishers'. Their motivations are clearly self-serving."

"I would like to know as much as possible [about the Guild]. I'm sure there has been some substantial exchange, some literature. It seems to me to be an elitist group, simply self-serving and self-justifying."

"[The members of the Ad Hoc Committee] probably turn out more shit than anybody else, but shit has its own integrity. [The Guild] smacks of political attitudes as shitty as the attitudes of the publishers, so what's the difference? I can't imagine [my not being notified] is an oversight. I would assume the desire of this group is to exclude certain people by choice. If the artists aren't interested in helping me, I can't concern myself with helping them."

"In terms of production, Neal [Adams] has less right to be involved with it than anyone else. I don't know if it's a private club, but it should be interesting to see what happens. ... I'm surprised every day by things that happen in my life, so I wouldn't be surprised if it succeeds."

#### JACK KIRBY:

"I don't know much about [the Guild]. I know something's being done. I don't know what their plans are or what the membership consists of, or anything. I can't make a statement on it—I know so little about it."

#### STEVE LEIALOHA:

"I certainly agree with all the reasons behind the Guild. I learned about the Guild from a Guild panel at the 1978 San Diego Con — Burne Hogarth, Neal Adams, Marshall Rogers, Steve Gerber, Jim Starlin, and Sergio Aragones were on it. I've applied [for membership in the Guild], but I haven't paid any

money yet. I'm on the Bill Me Later plan. [The Guild Committee] is a little slow on the mailing end of things. I had to call them several times for information and it took me two months to get it."

#### PAUL LEVITZ:

"As a freelancer I would dearly love to see a Guild formed in the interests of working comics freelancers. Because I have not been personally contacted to support the Guild I can't fairly judge what they're doing, but certainly their initial "propositions" and the makeup of the Ad Hoc Committee indicated to me that it was a group of people who don't work in the industry working for a set of idealistic goals without regard to the real interests of freelancers. I have not been invited to join, though I've expressed interest on several occasions. To the best of my knowledge, the offer to join has been offered to only 40 major contributors (whatever that term means). I wonder who is figuring out who the major talents are."

"I don't accept the premise that individuals earning a fraction of their income in comics or who are dabbling in the field for art's sake are qualified to represent the needs of the people who are the backbone of the industry and who make the vast majority of their living from comics."

#### BILL MANTLO:

"A Guild isn't strong enough. We need a union. The threat exists, as it always does, that Stan can replace us with anyone off the streets. There's still the feeling that people would pay to write Spider-Man. But, when [these people] get their own books, they realize they're part of this machine. This attitude does not do much for our bargaining power."

"A Guild is powerless. The one thing a union has is the back-up of a strike. People have been talking about a Guild for two years, but nothing was done until it was a crisis situation. What we need is a solid, bargaining council, not dilettantes who can live without the industry. All of my income is tied up with Marvel Comics. I'm not a Neal Adams or a Val Mayerick."

"[The Guild] didn't want to consider inkers and colorists and letterers as artists. You can't produce a comic without a letterer and a colorist. I think the production staff should be involved in the Guild. I think what happened [with the Guild] was that the irrational elements really cut off a lot of people and I don't really know if they'll win those people back."

#### DENNY O'NEIL:

"My objections to the Guild: The Guild's current management is essentially the same management as ACBA's. I don't want it to meet a similar fate. I think it should be a sustained effort."

"Point two: The demands are very heavily weighted to artists in general, pencilers in particular. Inkers and writers seem to be neglected in their scheme of what they want to accomplish, which eliminates two thirds of the creative people."

"Point three: Their financial demands are totally untenable. No labor leader in history has ever asked for more than a 10% raise in any bargaining session, and usually only a 5-6% raise. To ask for a 100% or 200% raise in one session makes the whole thing a farce."

"I was offended at not being approached. After I approached them there was no follow-up. There's probably no project I'd support more wholeheartedly than the Comics Guild if I perceived there was something to support."

"I'd like to see some payment for the overseas stuff, some insurance benefits, and a cost of living raise according to the GNP."

#### MARTIN PASKO:

"I'd just like to say the following for the record: I am leaving this meeting [First Guild meeting, see transcript] as convinced as I was when I walked in that this is a dying industry and regardless of anything that is done by the people, by the freelancers in this business as a result of this meeting, even if this meeting had not taken place, that the business will eventually die, and I feel my time is better spent applying my efforts, not to the formation of a Guild, but towards making preparations to leave the industry and seek employment elsewhere. A lot of the prime movers on this meeting here today seem to me to have a history of tilting at windmills, and I would like to say to those Don Quixotes that this time I'm not getting on the horse with them."

#### MARSHALL ROGERS:

"As far as [the Guild] is concerned, nobody should be forced to work under work-for-hire, and we've made moves to take care of the rights of inkers. This should be worked out with the inker and penciller whenever possible. Dick Giordano has announced to DC that all work should be returned to the penciller and that he and the penciller will make provisions from there."

"The real purpose of the Guild is not to be a guideline for ridiculous demands and negotiations. It is more to be a guideline for ethics and general knowledge within the industry so that every member can evaluate his own worth."

"We're artists, not organizers. The formation of Guilds is not our major knowledge. I'm pretty sick that it's taken so long [to organize the Guild], but it's not our sole purpose in life. There is no monetary compensation for any of the Ad Hoc committee members and we have to eat, too. If some fans would be interested in donating time to help us, it would be greatly appreciated."

#### JIM SHOOTER:

"As far as I know, officially, there is no Comics Guild. The effect so far has been nil, nothing. Even though I do a lot of freelance and insist that I'm as creative as anybody in this business, I don't think it's proper for the editor of Marvel to join a Guild. I don't necessarily think I'm the person they'd want at their meetings."

"It could be a very, very good guild or a very, very bad guild. [A Guild] could destroy the industry. It should be obvious to everybody that a Guild represents potential harm as well as good. I would hope people in the Guild are responsible and wise enough not to destroy the basis for all our livelihoods. I've seen a lot of newspapers go under because of union demands."

"Warner and Cadence have no God-given obligation to supply the United States with comic books. If the possibility of making money is convincingly removed, they'll drop the comic books and buy a chain of movie theatres."

#### WALT SIMONSON:

"The idea of a Guild is a very reasonable idea. I really don't know enough as to where the Guild is as far as organization and how it's put together to be able to know how effective it's going to be or just how well it'll work."

"I've applied for membership, but I haven't heard from them."

#### JOE STATON:

"I don't really have many feelings about [the Guild]. If it ever comes to any action, I'll probably help out. At the moment, I'm not particularly interested in it. I haven't gotten any direct communication on it. Joining it would depend on who's in charge."

#### ROY THOMAS:

"I joined [the Guild]. I'm not really knowledgeable about it. Since I joined it, I haven't heard a thing from them. I did

refuse to be on the Ad Hoc committee as I was asked to because you have to agree with everything they do. They called me [when they initially were asking \$100 a page for scripts] and said, 'You mean you don't think the companies can afford it?' and after I got finished laughing I said, 'Of course they can't afford it.' I'm in favor of a Guild only when the demands are reasonable. I'm very much in favor of the idea of a Guild and always have been. There should be some minimum things established, but they have to be reasonable."

"There are a few too many [members of the Ad Hoc committee] who earn maybe 10% or 30% or 40% of their money in comics, which means they could come in and raise a big stink and leave to go back to their commercial artwork and leave us holding the bag. That was one of my reservations about it. I'm neither a wild-eyed radical, nor do I have a foot in the door of management, because I've had some run-ins with management."

"I'm not that dissatisfied about rates. Surely they could be higher. As long as there isn't some sort of profit sharing, or participation by the creators, I think the comics field is going to have real trouble getting something new. More and more people are becoming more and more reluctant to create new characters. Except for somebody just coming into the field, increasingly there will be a reluctance to create characters."

#### FRANK THORNE:

"After the initial contact and the excitement over the Marvel contract, the initial excitement and concept behind the Guild was lost because of the delay. The general assessment by the pros was that it wouldn't work. But, it's certainly needed, there's no question about that. I do support it."

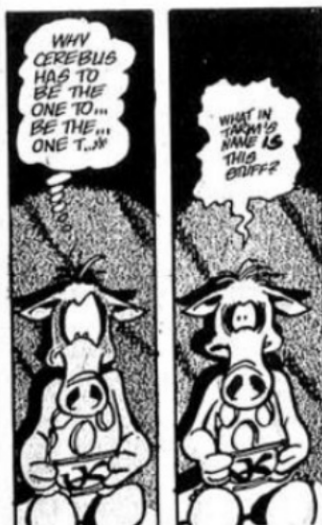
#### ALEX TOTH:

"I don't know anything about [the Guild]. All I know about it is what I heard at the San Diego Con. I would like to see the comics publishers grow up and come into the 20th century and write a contract for original properties developed outside [the company]. Editors would have to abdicate their rights to anything they create on company time, but a freelancer is in a different position. There ought to be a standard contract equitable to both sides. If the publisher prospers the creator should prosper as well."

See THE PROS SPEAK, page 32

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# Birth of the Guild

## May 7, 1978

### Transcribed & Edited by Gary Groth

The following is a heavily edited transcript of the first major meeting of 44 professionals to discuss the formation of the Comic Creators Guild. Please keep in mind that, at times, a half a dozen people would speak at once, which would result in the discussion veering off into an entirely different direction. If the speakers sometimes seem to speak in short, staccato bursts, or ignore a speaker's previous point, or drag in an irrelevancy, it is only because the transcript, edited as it is, is faithful to the tone and temper of the meeting itself.

Professionals in attendance were: Neal Adams, John Albano, Terry Austin, Mike Barr, Cary Bates, Rick Bryant, Mike Catron, Howard Chaykin, Chris Claremont, Tony DeZuniga, Tony Disposito, Steve Ditko, Bob Downs, Peter Gillis, Chris Goldberg, Mike Golden, Archie Goodwin, Mike Hinge, Klaus Janson, Joe Juski, Alan Kupperberg, Paul Levitz, Rick Marschall, Roger McKenzie, Bob McLeod, Frank Miller, Mike Nasser, Marty Pasko, Carl Potts, Ralph Reese, Marshall Rogers, Joe Rubinstein, Jim Salicrup, Jim Sherman, Jim Shooter, Walt Simonson, Roger Slifer, Bob Smith, Jim Starlin, Greg Theakston, Len Wein, Alan Weiss, Bob Wiacek, and Marv Wolfman.

Marv Wolfman opened the meeting by asking how specific the Guild's knowledge was of Marvel and DC's profits and losses, making the point that such knowledge would put the Guild in a better position when requesting higher remuneration for work.

ADAMS: "The fact is that we do not specifically know the profits and losses of each company. The question is not whether or not they made a profit or loss. The question is this: The day the company invites us in to look at the books, the day the company invites us in to talk about how they can possibly pay these new suggested rates, the day they have us sit down and give them business advice, is the day when we should go in and try to give them business advice. But, I'll tell you this: They are not going to ask us to give them business advice, they are not going to tell us about their profits. Their attitude is, 'You take care of yourself.' Our attitude has to be, 'If we make demands that we feel are fair and we can justify those demands, then our job is to present those demands.' It's their job to find the money to pay for those demands. If we're not invited in to tell them how they can make the money to pay us, how can we logically then go aside and say, 'Obviously, they can't afford to pay us any more money.'"

ENGLEHART: "I don't think any other

industry, when the workers make the initial demands on management, if you look at the history of any labor negotiations, the initial demands are what we [actually] want. What happens then in a negotiation between the workers and management is people sitting down and determining where the money is, if there's any money. What you're talking about is the second stage."

ADAMS: "If anyone is concerned whether or not the companies can afford to pay us—the companies aren't going to tell us if they can afford to pay us—it can be researched. But I can tell you that there are clues to this. I can tell you specifically that a license is being sought to get the Tolkien material for both DC and Marvel and a bid of up to \$85,000\* has been submitted by one of the companies. I know the bid went from \$65,000 to \$85,000. This is not the kind of money that any company has ever offered to any property in the past because the companies have not had that money to throw around." Adams said that in the last year of Infantino's reign, the company was in the red. The next year, the company was in the black. DC, he added, was in the black as a sales company, exclusive of the licensing and merchandising. Adams claimed licensing and merchandising are accounted for separately from the comics department.

ADAMS: "The tube is covered with comic book characters. The licensing fees paid for these are astronomical. The companies are now paying astronomical licensing fees to get products to do. The money is there.

"The companies have never invited us in to look at their books or to give them advice on how they can make money. They're not going to do that. When the printers come in and the engravers come in and the tree-choppers come in and say, 'Gee, our union just raised it this much,' the companies don't say, 'Gee, we can't afford to pay it.' The company wants to stay in business, they consider it, they do a little negotiation, very little negotiation, and they pay the money. So a guy who's making \$50 25 years ago makes \$300 now. The money was paid, the price of the magazine goes up, it's paid for.

"Our lawyer sat here and humiliated us to some small extent by pointing out that if a man became a dishwasher and if he was told by his boss, 'Sorry, we won't pay workman's compensation,' he had that company, that little diner, by the short hairs. That company had to pay workman's compensation. We don't

\* Marvel disputes this amount, and says the amount is somewhat lower. See "Marvel's Full-Color Magazines" in News-watch this issue.

have workman's compensation. We're lower than anybody! We have nothing! We have the rate we can get, when we're sick we don't get money, when we're out of work we don't get money because we're freelancers and we don't have a job, we don't have a retirement fund, and we're paid according to 1958 standards.

"...At some point we have to stop worrying about whether the company can pay us. Let's go in, make our demands, talk back and forth, compromise. If they say they can't afford it, have them bring out the books and show us how they can't afford it, let's see their profit and loss statements. It is not our job to raise the price of comic books. It is our job to watch out for us, to protect us, and to take care of us. And we're not doing it well.

"This industry cannot support an artist who will take the time and effort to do a page in two days because he sincerely wants to do it, cannot support a writer who wants to rewrite his script because he didn't think it was good enough the first time. We can afford only to become hacks.

"I'm really sorry that Jack Kirby is going out of the business because he was ready to take a gun out and shoot up the place."

Next, the floor was open to comments on the Guild documents.

ADAMS: "What we're gonna do is ask everybody here to take [the Guild contract] with them and, according to their own judgment, hand it in Monday or hand it in with their jobs, and try to get it through. The only way we're going to get it through is to present it. Beyond that, if there is any question, the lawyer has agreed to represent us, his name and phone number have been handwritten here, so if one is faced with a question, it can be referred to this lawyer. The lawyer will be glad to talk with any representative of the company about this.

"...The individual can't take it by himself. He can be threatened too easily. He hands it in, 'This is the contract I'd like signed, this is the contract under which I'll work, and if you want to change it or do anything about it, please call our lawyer.' If people do this, within a week [by May 15] we'll have some communications going that make some sort of sense. This takes the place of, what in the advertising business, we call a Purchasing Order. It basically outlines the conditions under which you work."

Marv Wolfman asked how the Guild was being financed. Adams answered that the money at this point came from 15 people who met at Continuity and came up with the idea.

ADAMS: "The membership fee will be

\$100. There will be no monthly meetings. There will be a yearly meeting, and a voting on the contract will take place at the annual meeting."

Nike Catron asked if Provision 3 of the Guild contract [refer to Guild contract reprinted here] provided a reasonable amount of time (30 days) to withdraw permission to the Company to use a creator's name for promotional purposes. Levitz answered: "Not 30 days before publication. Thirty days before publication the plates are on the press." Someone suggested the time should be just before the plates are ready to be put on the press. Jim Shooter commented, "At Marvel the plates are made about three days before the books go on sale." Levitz suggested 30 days prior to the making of the plates. Wolfman suggested looking at the Screenwriters' Guild to see how it is written there.

Wolfman then asked, "Who do you consider the Talent? The penciller, the inker, etc.?"

ADAMS: "Under the terms of the new law, the physical property is separated from the services so the company may insist, for example, that lettering be considered work-for-hire. It would be difficult to fight them on this, because the company is hiring them to provide that service. Similarly, it would be difficult to defend the position that an inker is not a service. In other words, an inker is given material and is forced to work over that material. This takes the decision out of the hands of the publisher.

"A penciller hands in a physical piece of property and the company then hires people to work on that physical piece of property at their discretion. They make that decision. When the company makes those decisions, the company makes its own obligations to the inker and the letterer. If the inker does not want to work under a work-for-hire contract, then it's up to the company, if they want to keep that inker, to create a condition under which he can work. The company may ask the penciller to give up a certain amount of the work, or the inker could work on overlays so the inker can keep his own work. The point is, the company is obligated to return the physical object to the person it got it from. Our ethics then enter into it, our ethics become a problem. It's between the people who produce a comic book to decide how artwork is to be distributed among themselves. If you make an agreement ahead of time as to how that stuff is to be distributed it's up to your ethics to make that decision. The law says it's not the publisher's job to decide who gets what under what conditions. The publisher returns what it gets. For example, I have an agreement with Dick Giordano: one third [of the pages he inks] will go to Dick, two thirds will go to myself. But the company is returning the work to me."

Wolfman brought up finishers—people who finish, and tighten up pencils—and asked how that would be resolved. Adams suggested that the company has the responsibility to settle that situation. The company should create an occasional compensation for the finisher.

ADAMS: It's up to the individuals to work out his situation ethically..."

CLAREMONT: "A lot of the reason behind finishers is because many pencillers don't feel they can make a living doing full pencils." If the rates went up, Claremont implied, finishers might not be needed.

Wolfman wanted to know who signs

EVIL EVIL EVIL EVIL  
EVIL WORK FOR HIRE EVIL  
EVIL EVIL

FREELANCER. Have you seen the slimy words lately "work for hire"? Think hard. Perhaps on a piece of paper you have been asked to sign? DON'T SIGN IT!

Unless you are bound and determined to do what Jerry Siegal and Joe Shuster did in 1938: give away all your rights to your work forever..for no reason.

We freelance artists are about to get a royal screwing by those three words.

Even though there is a NEW COPYRIGHT LAW made to protect ARTISTS...PUBLISHERS have found the loophole...and because we artists and writers haven't got the sense to protect ourselves by consulting lawyers...and because all publishers have highly-paid law advice...we are going to be taken for the fools we are!

A new copyright law? That's right! (Say, can I depend on you to read and absorb what I'm about to talk to you about? Good. Okay, here goes).

Under the NEW law...in a contract with you as a FREELANCER, the publisher can no longer insist on ALL RIGHTS. You got that? They can't, by law, have ALL RIGHTS. YOU have ALL RIGHTS as author! You can sell, by contract, SPECIFIC rights, which are to be clearly defined in your contract or purchase order. (Example: if they buy first and second book rights and reprint rights and foreign book rights; you still own poster rights, newspaper syndicate rights, tattoo [sic] rights, hardback book rights, merchandise art rights, etc, etc. Get it?) As long as you are referred to as a FREELANCER, you and your creations are protected by law!

The law says your creation is YOURS...unless...yes, unless you, allow yourself to be referred to as "work for hire".

"Work for hire". This puts you into the category of plumber. They buy your time! You are a part-time factory piece-worker...all you do belongs to them because you are being bought! (Letterers and inkers who work directly for the company on top of another person's art may validly find themselves in the "work for hire" category, but writers, pencillers, and in some cases inkers who work directly with their pencillers are AUTHORS and therefore freelancers!)

You MUST NOT be referred to in any contract or purchase order as "work for hire". Burn it into your brain! You are a FREELANCER! An author! A FREELANCER!

What to do:

- 1) Refuse to sign, UNDER ANY CONDITION, any agreement which refers to you as "work for hire"!!!
- 2) If you are handed an agreement in which you are referred to as "work for hire", simply cross out (and initial the change) those words and replace them with the word FREELANCER. Then ask to have the rights being purchased carefully delineated.
- 3) PULEESE talk to a lawyer...if not, talk to your fellow freelancers. Understand any contract or purchase order CAN be changed in part or in whole; remember, YOU are one-half on that contract and it should have been half-written by you.
- 4) Remember this: everytime [sic] a pro freelancer signs away his rights in a work-for-hire contract he is allowing HIS NAME to be used to PRESSURE other freelancers into complying with this outrageous theivery [sic] by the publishers.
- 5) This, above all remember: a lot of people fought for this new copyright law for US. If it doesn't help us we'll know who to blame.

Neal Adams

the contract, penciller, inker, or writer?

CHAYKIN: "The point is kind of irrelevant here because what we're talking about here is the agreement between the penciller, the inker, the layout man, the finisher, whatever, it's still their agreement. It has

nothing to do with what the company says."

WOLFMAN: "Neal did say it goes to the Talent, and you are assuming whoever signs one of these is the Talent. It has to be predetermined in some sort of a way. If it is signed by the penciller, the original guy, then it should say



## RECOMMENDED PAYMENT RATES

The following rates of payment are recommended for work performed under contracts, agreements or purchase orders from Comic Book and Magazine Publishers as of May 15, 1978.

## FEES FOR FIRST NORTH AMERICAN PUBLICATION RIGHTS\*

Art Work, per page	\$ 300.00
Script, per page	100.00
Lettering, per page	40.00
Coloring, per page	70.00

## FEES FOR FOREIGN FIRST PUBLICATION RIGHTS

25% of the fees for first North American Publication rights.

## FEES FOR REPRINTS

50% of the fees for first North American Publication rights.

All work used by Comic Book and/or Magazine Publishers under licensing agreements of any sort shall result in a payment to the Talent equal to the payment for the first North American Publication Rights.

## THE COMIC BOOK CREATORS GUILD

to the original person, not to X Talent."

SHOOTER: "Traditionally, these decisions are made by the editor — who pencils, who inks, who colors, etc. What you're doing is trying to push the whole thing over into producing a package. As far as I understand the law, and I read it very thoroughly, anyone who works under the supervision of an editor, contract or no contract, is tacitly defined as work-for-hire. Furthermore, anyone who works on a serialized thing is tacitly already defined as work-for-hire, piece of paper or no."

ADAMS: "Not true!"

SHOOTER: "If you're trying to shift it over to a person... producing packaged products, it won't work as far as the companies are set up at all. If you work with an inker you don't get along with, and he wants some of the artwork, who decides this? Should the company not give it to an inker on the grounds that you don't like it?"

Adams said the artwork originates with the penciller and the company uses the services of inkers, colorists, letterers, etc. The penciller therefore, said Adams, has the moral responsibility to decide what the breakup should be.

Chaykin suggested the Guild should have a board within it to take care of disputes: "For years we have relied on the ethics of the companies to decide who owns what. In this case we'll have a board of peers making that decision."

GOODWIN: "I'd like to hear from inkers on this because it seems to me you're setting up a situation where you'll alienate a third of the people who would make up the worthwhile members of your guild."

Pasko brought up a situation whereby a writer might legitimately be considered work-for-hire. PASKO: "As a writer, I go into Julie Schwartz's office and outline a plot for the next issue of whatever. He throws it out and says, 'This is the plot you have to write' and I go home and write that plot. As opposed to the situation whereby I hand him a plot, he says

'Fine' and I go home and write it, in which case I am very much the sole author of the story. In the first situation, where I'm given a plot by the editor, could a company not conceivably argue, then, that in that specific instance I am a writer-for-hire because the principal impetus in that story did not come from me?"

ADAMS: "There are always going to be grey areas. There are always going to be areas where we say, 'Am I truly the creator?' The question is not that. The question is when push comes to shove, are we work-for-hire or are we the creators? My answer to that question: The editor is hired by the company and paid a salary, paid workmen's compensation, paid all the things we're not paid to do that job. The writer goes into the editor's office with the assumption that he is creating."

The discussion then turned back to the question as to whether letterers, inkers, and colorists would fall into the work-for-hire category.

ADAMS: "There is a difficulty here. The companies can argue that letterers fall under work-for-hire. I say this to you: I cannot defend this. I can't imagine a Guild defending this. They may argue that inkers fall under work-for-hire. I don't know what the defense for this is. Any inker who thinks enough of his work can create conditions under which he will not be considered work-for-hire by inking the material or working out an agreement with the penciller ahead of time and coming in with a contract that's slightly altered. Otherwise, he will have to work under work-for-hire. I don't like to say this, but I cannot ethically defend the point of view that a company would take that an inker would be considered work-for-hire, because he is hired specifically to ink that page that is provided for him by someone out of the company. It creates additional problems."

SHOOTER: "The way the company is going to look at it — and I'm talking as an objective individual and not as a representative of the company — is that all five categories are work-for-

hire. That is the way they're going to look at it." Adams laughs. "I don't see any difference between your [Adams's] arguing against inkers and their [the companies'] arguing against pencillers."

ADAMS: "You must understand that under a tyrannical system, the guy who's in power can say anything he wants unless the guys who are down there say, 'I'm sorry, I don't accept that. I've had a copyright law written that makes it possible to refer to myself and be thought of this way.' As long as there's not an organization fighting for him to present him in another way, yes he will be thought of that way. I say to you: We have been thought of that way for thirty-fucking-five years —" Adams bangs fist on armchair; Wein yawns. "— and it's about time that we think of ourselves differently."

SHOOTER: "Neal, you keep saying 'we' and you mean 'I.'"

ADAMS: "No, I don't mean 'I.'"

SHOOTER: "The word Talent is in here and you're talking about the industry. I presume you're talking about the letterers, the colorists, the inkers. But when it comes down to it, the biggest beneficiaries [sic] here are the pencillers and the writers."

ADAMS: "Unfortunately, yes."

SHOOTER: "You're saying, 'Hey, guys, it will be great for us, if you tag along we'll get you better rates.'"

Pandemonium erupted, with everyone talking at the same time. Adams insisted that letterers, colorists, and inkers work on somebody else's work and that the Guild has very little to offer them as far as retaining rights to their work.

WOLFMAN: "Two questions. Is this contract, therefore, only for pencillers and writers, and two, how do all the inkers, who have come, obviously, to take part in this, feel about that?"

KLAUS JANSON: "I'm not here to get just a higher rate of pay. I'm here also for dignity and respect, as you are. I want to be considered an artist. I don't want to be considered work-for-hire. I think the return of original art should be decided by the penciller and inker, and that is the only thing that should not be mentioned in the contract. It should be pre-determined how many pages go to each person. The company hires a penciller, the company hires an inker."

ENGLEHART: "Going back to Detective Comics: I sat down, without Schwartz's help, and thought up a story. I'm a creator and I should get my benefits. I gave it to Marshall, and he drew stuff that came directly out of his head. He should get benefits. Then it went to Terry Austin, and Terry did stuff that was far beyond inking what Marshall put down there. I'd be willing to argue the fact that Terry is a creator. I'm not so sure you should, a priori, say, 'We'll concede letterers and inkers.'"

PASKO: "What you're saying is each step is more interpretive than the previous step. The writer starts out with a blank piece of paper. The artist interprets that. The inker interprets the penciller. If you use that argument to deny a title to the colorist and the letterer, then you have to apply the argument in the other direction. Why can't the writer have all the art, because actually the penciller is interpreting the art. You can't use that argument. However you define who has a right to what part of the artwork, fine by me, but you have to find a sounder argument."

GOODWIN: "It goes back to the problem

that you're presenting a paper that mentions the Guild when you don't have a Guild. If you had a Guild, a Guild on a yearly basis can work out things. The important thing is to get the Guild. I even wonder if you can legally present something that refers to the Comic Book Creators Guild if there isn't an existing Comic Creators Guild. The most offensive thing about the Marvel document is that the Big Daddy is deciding for all us kids."

ADAMS: "It seems to me as far as the freelancer is concerned, the Marvel contract is a terrible document. From the point of view of letting it be known that that document is out of order, it seems to me logical that another document should be submitted from this side of the fence so that the company can react to that document rather than writing another document which says exactly the same as the previous document, but in nicer terms."

WOLFMAN wanted to know precisely who the Guild encompasses: "If we are unilaterally deciding, 'Screw you inkers, letterers, and colorists,' they could say, 'screw you pencilers and writers.' We have to be the whole industry or nothing of the industry. We can't say, 'We'll give them the inkers, letterers, and the colorists.' You don't do that. You have to fight for everyone or nobody."

ADAMS: "I don't think we can logically represent letterers at this time except as far as minimum rates are concerned, not as creators."

WOLFMAN: "How do you feel you have the right to do that? I'd hate to have my scripts go out with blank pages!"

ADAMS: "Excuse me, Marv, I'm just expressing my opinion. I don't think we can defend as creators inkers except in those cases..." Screams of "Neal!" from the floor. "Wait a minute! Let me finish! An inker should have a separate contract as an inker. I think an inker should have a specific contract. Even a penciler and a writer should have separate contracts. This tends to cover everything. Logically, we should have separate contracts for everybody."

CHAYKIN: "What we're setting up is a Guild encompassing four, five, six disciplines, each discipline being represented in that Guild. ...It is no business of the publisher how the decision to return art is made within this group."

Claremont steered the discussion back to the point Pasko had brought up: what the writer's rights are if he is working over a plot by an editor or even accepts ideas for the plot by other writers.

PASKO: "The question of editorial input is so important because we are making the distinction between work-for-hire and a freelance artist/writer situation. If you've read DC's work agreements, you get the specific impression that they make known the fact that the work is done to editorial requirements as a basis for defining the fact that we are workers for hire. If we're going to say that we are not workers for hire we are going to have to address ourselves to the question of editorial input so that we are also prepared to deal with the argument that because of that editorial requirement factor, we are indeed workers for hire and not creative individuals."

ADAMS: "We're hired because we're creative talent. We're adaptable to an editorial position. Although we don't work in a garret, part of the editorial process is to have an

## THE COMIC BOOK CREATORS GUILD

THE PURPOSE OF THE GUILD IS TO BECOME RECOGNIZED AS THE SOLE BARGAINING AGENT FOR THE FREE LANCE TALENT WORKING IN THE COMIC BOOK AND MAGAZINE PUBLISHING INDUSTRY. IN THIS RESPECT WE ARE EMULATING THE SCREEN ACTORS' GUILD, THE AMERICAN FEDERATION OF MUSICIANS, THE NEWSPAPER GUILD, ETC. IN JOINING TOGETHER A GROUP OF FREE LANCE TALENTED INDIVIDUALS TO OBTAIN EQUITABLE TREATMENT AND CONDITION OF WORK ORDERS OR COMMISSIONS.

THE ARTISTS AND WRITERS WORKING IN THE FIELD OF COMICS HAVE BEEN UNDERPAID AND TREATED AS MISCHIEVOUS CHILDREN WHEN IN REALITY THEY ARE TALENTED, HARD WORKING MEN AND WOMEN.

ONLY BY JOINING TOGETHER CAN WE IMPROVE THE CONDITIONS UNDER WHICH WE WORK.

THE COMIC BOOK CREATORS GUILD ASKS YOU TO JOIN WITH US IN THIS EFFORT TO IMPROVE OUR CONDITIONS OF PAYMENT AND TO OBTAIN A FAIR TREATMENT OF OUR ENDEAVORS.

editorial direction thrown at us and for us to adapt to that editorial direction because we're talented and creative people. Artwork is not any less a creation of mine because I followed somebody's direction. It merely means that in some cases I'm more talented than if I went out to paint or draw what I wanted to."

Wolfman suggested, again, that they go to the Screenwriters' Guild and find out how they handle collaboration and editorial direction/input.

ADAMS: "I don't think the degree to which we are creative is so much the point. We are expressing our own ability funnelled through an editorial attitude."

PASKO: "We're arguing semantics. You get into trouble when you use the term 'creative.' You can't argue that lettering is not a creative function, or you'll have trouble. I think using the term 'originative' in that context would be prudent because you can argue that lettering is not an originative function."

ENGLEHART: "Wait a minute! It's the companies' position to argue that letterers are not creative. I've said it before and I'll say it again—I'm willing to argue that they are."

ADAMS: "Are we at a point where we can say, 'Let's submit this contract,' make it known to the companies, or shall we wait?"

CHAYKIN: "It would be ill-advised to submit this first contract because there is enough individual and general disagreement here..."

STEVE DITKO: "This is so vulnerable that it could be shot down too fast."

Neal Adams thought a revised Marvel contract would be submitted by May 8. Shooter presented the revised contract to the members. It was the same contract worded "in English." Goodwin asked why this contract was only being directed at Marvel, to which Adams replied it was a matter of time. Wolfman suggested that the name of the company be removed and replaced with a blank which could be filled in with any company's name. There followed a discussion on how much time the pros had to write a new contract before Marvel lowered the boom.

WOLFMAN: "Archie and I both went up to see Jim Galton and Stan, and the attitude, from what I gathered from Jim Galton, is that there wasn't an immediate deadline. In which case there would be time for you to rewrite the contract within a reasonable amount of time—say a week and a half."

ADAMS: "Does it make sense that this be presented as a model document that we're going to work from so that the companies are aware that we're working on such a document?"

GOODWIN: "I think that as a result of this meeting, the companies will be aware we are working on a document." [Laughter]

ADAMS: "It seems to me this should officially happen, though. It doesn't seem to me that allowing it to leak out is the honorable thing to do."

CLAREMONT [question directed to Shooter]: "Jim, will material be accepted without Marvel's contract being signed?"

SHOOTER: "Yes. Chris, if they ever give me a deadline, you'll be the first to know."

"As a writer, I love the idea [of a Guild]. I'm also very much of a pessimist. If I were here and had no relation to Marvel except as a writer I would have to say I don't think it will happen. It doesn't sound right to me, and I've read the laws. On the other hand, as a person from Marvel, who's on the inside, I also don't think it can happen. From what I know of the companies and the economic situation..."

ADAMS: "I'm sure that the formation of every Guild that's taken place, there's been somebody at the meeting who said 'I don't think it will take place.' In the end, Jim, much as I hate to say this, an opinion like that has no value. If it will take place it will take place, and if it doesn't, it doesn't."

There followed a discussion on how best to inform the companies of the Guild's plans and how to present a contract to the companies in the shortest amount of time.

WOLFMAN: "I propose straight out—and let's bring it to a vote—that we have the lawyer work out the contract without all the loopholes that are in the current one, for the various professions—pencilers, inkers, writers, letterers, colorists, etc.—present an accurate contract to the Guild, and then take it to the publishers..."

ADAMS: "In that case, would those people who feel strongly about this... volunteer to meet with the lawyer on Tuesday [May 11] and go over this material clearly and take the time to define what it has to be?"

It was decided to have two people represent each category—pencilers, inkers, writers, etc.

AGREEMENT made this day of . 19 , by and between residing at (herein "Supplier") and the Marvel Comics Group, a division of Cadence Industries Corporation, 575 Madison Avenue, New York, New York 10022 (herein "Marvel").

MARVEL is in the business of publishing comic and other magazines known as the Marvel Comics Group, and SUPPLIER wishes to have MARVEL order or commission either written material or art work as a contribution to the collective work known as the Marvel Comics Group. MARVEL has informed SUPPLIER that MARVEL only orders or commissions such written material or art work on an employee-for-hire basis.

THEREFORE, the parties agree as follows:

In consideration of MARVEL's commissioning and ordering from SUPPLIER written material or art work and paying therefor, SUPPLIER acknowledges, agrees and confirms that any and all work, writing, art work material or services (the "Work") which have been or are in the future created, prepared or performed by SUPPLIER for the Marvel Comics Group have been and will be specially ordered or commissioned for use as a contribution to a collective work and that as such Work was

and is expressly agreed to be considered a work made for hire.

SUPPLIER expressly grants to MARVEL forever all rights of any kind and nature in and to the Work, the right to use SUPPLIER's name in connection therewith and agrees that MARVEL is the sole and exclusive copyright proprietor thereof having all rights of ownership therein. SUPPLIER agrees not to contest MARVEL's exclusive, complete and unrestricted ownership in and to the work.

This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, successors, administrators and assigns.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

SUPPLIER

MARVEL COMICS GROUP, a division of Cadence Industries Corporation

by \_\_\_\_\_ by \_\_\_\_\_

Reproduction of Marvel's revised contract

ENGLEHART: "I would not really say that I am a working professional as much as a lot of other people who are in this room at this time. If there is another writer who would like to get in on this..."

ADAMS: "Marv?"

WOLFMAN: "The fact that I am given a salary by Marvel, the fact that I am given an editorial credit by Marvel — if you feel this interferes with my judgment, I feel you should state that now."

ADAMS: "Do you feel it would interfere with your judgment?"

WOLFMAN: "I think I'm God. Who knows what I know?" [Laughter]

ENGLEHART: "How do you [Wolfman] feel about this document? Are you generally in agreement?"

At this point Pasko interjected by asking what recourse he would have to contest his work-for-hire status since he had already signed the DC contract.

ADAMS: "If there is a Guild, the Guild contract will supersede any contract that has been written on an individual basis."

Englehart and Claremont were picked to represent writers. At this point Rick Marschall shoved his way through the crowd.

MARSHALL: "If the objection is over the term 'employee for hire' the argument is with the government, not with Marvel or DC. If that term is taken out of the contract, then it affects to a very large way reprint rights and it will affect the economic situation of the companies." [Snickering from crowd.] "Take that a step further: This is a supply and demand industry. It's common knowledge..."

ADAMS: "We've been all over this..."

MARSHALL: "...that many books are on the borderline. And with the kind of rates you're talking about..."

CLAREMONT: "It seems to me the thing that has hamstrung us all these years is that we've all gone in as individuals and confronted the companies — or, actually, been run over the companies as individuals. Any one of us in this room can be chucked out tomorrow and the company will not give a damn. I don't care what Brancatelli says or prints, no one in this room knows for a fact what we're dealing with in all of its ramifications. We've got to make a start somewhere. We've got to stand up and present an opening position that is exclusively in our favor. I mean,

the end result may be light years from what we're starting from. We cannot sit around and have someone come down and say, 'By the way, you're getting a 50¢ a page rate increase,' which over your books over the year means you lost 4% on the standard of living. As Archie said, everything that has been done to us in the past years has been from the attitude, 'Here, my boy, have a lollypop.' It's been a parent dealing with an unruly child. We're not children! We're people! We're creators! It's about time we stood up and made them take notice of that fact."

MARSHALL: "All I'm trying to say is that I hope it doesn't get to the point where there are cutbacks because there are changes in the contract and only the cream is going to get the work. What has the Newspaper Guild done to newspapers in New York?"

CLAREMONT: "I don't think the Newspaper Guild per se has done shit to papers more than the Printers' Union and the Engravers' Union and the demographics of a changing urban environment. That's absurd!"

SHOOTER: "Along those lines, a couple of years ago, we were selling 700 and some million comics a year. Now we're selling 225 million a year."

ADAMS: "What? Where do you have these figures? I have been following through an organization of magazine publishers, comic magazine publishers — the Code newsletter... We haven't had as many titles, for example, since 1953. As far as magazine sales are concerned, magazine sales are nowhere near what you suggest. I really, honestly defy you to find those figures. They don't exist."

LEVITZ: "The figures for every comic book company are publicly available from the Audit Bureau of Circulation. They're what the advertising rates are based on. If you write the Audit Bureau of Circulation, you'll find out very easily what our figures are, vs. ten years ago, the aggregate of the industry. The aggregate of the industry is a fraction of what it was ten years ago."

ADAMS: "That's not true."

SHOOTER: "Marvel puts out 12 million a month. That's 144 million a year. That's it."

LEVITZ: "I don't state it as fact on my behalf. I'm saying this is a publicly available document. There are legal statements that are binding on

the companies. They have entered into contracts to provide real figures."

ADAMS: "What is the difference in sales [for DC's books] between now and ten years ago?"

LEVITZ: "I don't have those figures..."

ADAMS: "What about Marvel Comics?"

LEVITZ: "They're significantly more."

ADAMS: "Isn't it true that the reason for it is that there are now fewer companies?"

LEVITZ: "The print run of Superman in 1966 was one million, 200 thousand copies. There is no print run in the industry today, with the possible exception of the tabloid specials or a very unique product that is half that figure."

ADAMS: "Can you provide these figures?"

LEVITZ: "The Audit Bureau of Circulation can provide you with the aggregate figures, which are the only relevant ones."

ADAMS: "Can you provide them for us?"

LEVITZ: "The Audit Bureau of Circulation can. I don't think, quite frankly, that this organization should be in the position of accepting facts I present to it about the companies' standpoint when those facts are publicly available and you can look them up yourself. I point out to you that this fact is a matter of public record."

ADAMS: "Perhaps you can tell us whether or not DC Comics is making money."

LEVITZ: "As far as I am aware, DC Comics is making money."

ADAMS: "Is it a modest profit?"

LEVITZ: "I would say the publishing industry as a whole makes a very bad profit margin. I would say the comic book publishers make a worse publishing profit and have a worse margin off publishing, and possibly with licensing an equal margin to the abysmal margin that all of publishing exists under. It is the corporate policy of Warner Communications not to divulge the profits, costs, or statistics of any individual companies. Any information I have I have with the agreement not to divulge any."

ENGLEHART: "Let me just make a counter argument. It just may be that if rates are raised some books will be cancelled. It may be also that books don't sell all that well in the comic book industry because there are a lot of shit books turned out by people who have to hack it out because they're not making very much money per page. If comic books were

AGREEMENT, made this day of , 1978 by and between , hereinafter called "the Talent" and the Marvel Comics Group a Division of Cadence Industries Corporation, 575 Madison Avenue, New York, N. Y. 10022 hereinafter called "Marvel".

WHEREAS, Marvel is in the business of publishing comic art in the magazine known as the Marvel Comic (sic) Group, and

WHEREAS, the Talent has certain abilities and skills which Marvel seeks to utilize, and

WHEREAS, the Talent is a Free Lance Artist, Writer or other allied discipline.

NOW, THEREFORE, the parties agree as follows:

In consideration of Marvel commissioning and ordering from the Talent art work or written material and paying therefor the sum of , the Talent hereby acknowledges, agrees and confirms that any and all work, writing or art work, material or services hereinafter called the "Work" which has been or are in the future created, prepared or in any other way produced by the Talent for Marvel have been or will be specially ordered or commissioned for use under the conditions outlined below:

1. The fee herein entitles MARVEL to the first standard North American reproduction rights only. Further reproduction rights shall require additional compensation as set forth by the rates attached hereto as recommended by The Comic Book Creators Guild and made a part hereof.

2. All scripts & art work shall remain the property of the Talent and shall be returned to same within a reasonable time.

3. Talent grants to Marvel the right to use Talent's name and likeness in connection with the Work, and the advertising thereof, but in no event shall the Talent be deemed to be endorsing a commercial product without separate written permission from the Talent. Talent may withdraw above permission with or without cause by written notice to Marvel at least 30 days prior to publication of the Work.

4. Marvel and Talent agree to accept, abide by and comply with all provisions of any agreement between Marvel and the Comic Book Creators Guild, in effect on the date of this Agreement, which are not inconsistent with the provisions of this contract.

5. All disputes and controversies of every kind and nature arising out of or in connection with this agreement shall be determined by arbitration in accordance with the procedures and provisions of the American Arbitration Association.

IN WITNESS WHEREOF, the parties hereto have executed as of the date above this agreement.

by: \_\_\_\_\_  
TALENT: \_\_\_\_\_ MARVEL COMICS GROUP

Reproduction of original Guild contract

suddenly to be done by people who could get more money and spend more time and could turn out a better product, they would be bought by more people."

LEVITZ: "Agreed. Had this been done 20 years ago I contend the industry wouldn't be in the shape it's in today. We would be able to afford better talent. I contend, however, if you go in assuming a reality that you can check on, it's really silly not to have every available fact and figure in your hands so you can have an idea..."

ADAMS: "I suggest to you, Paul, what you say is true: that these figures will not be made available to us. I suggest also that we're operating in the dark and will operate in the dark basically. I think we have a unique situation. I'm sure the engravers that engrave the comic book plates do not have a Paul Levitz who can manage to give us some figures on one side and cannot manage to give us some figures on the other side..."

LEVITZ: "I've given you nothing that is not publicly known..."

ADAMS: "...to tell us why we should not possibly ask for more money. So what happens..."

LEVITZ: "Excuse me. Excuse me! You just put words in my mouth! I have at no time in the course of this discussion suggested any reason why you should not ask for more money. I have at no time said you would not get more money. I'm saying that from my knowledge, it is extraordinarily unlikely that you will succeed in getting the companies to choose to accept you're not on a for-hire basis. I think it's extremely unlikely that you will convince them that we, the creators, are four times more valuable than they have previously estimated our worth to be. But that does not necessarily mean that I don't think the creators should try."

ADAMS: "That's an incredibly valuable opinion. I thank you for it. Across the board in the publishing business, the creators are working against this work-for-hire contract. For all I know, they'll all fail — cartoonists, illustrators, the Society of Authors

and Journalists. In my opinion, if we don't put up a fight with them, we won't have the opportunity to succeed. We'll be just where we've always been. To be perfectly honest, I don't think any opinions to the negative have any value here because the negative exists, the negative is already here. We cannot get any worse than we are. We can only get better."

PASKO: "I think there is one negative argument that we can't afford to overlook, and I'm getting a little impatient that the issue has been skirted. We're talking about the Guild, I think it's about time we brought up something here. Implicit in the formation of a Guild that is going to make demands, is that you strike. I'll throw out a hypothetical scenario, because I think we need to be prepared to deal with it if we seriously talk about strike, which will eventually happen."

"All right, we form a Guild, Let us suppose we do come up with a 90% effective strike, which I think is highly unlikely to begin with. The companies' response will be, I submit, 'Fine. Fuck you. We have vaults of material, in some cases going back to 1938. We have processes by which we can reproduce most of it if not all. We will continue to produce reprint material. We don't need you any more.'"

ENGLEHART: "I would submit, Marty, that for years, whenever an argument like this is made, the company has said, 'If you fuck with us, we'll go reprint.' I also submit that the businessmen running the companies, if they could go reprint, would have gone reprint by now and got rid of all the hassles of having to produce this stuff. In 1971, National tried to fill out its 25¢ books by putting reprinted material in them and they died. People who are out there want to read new adventures of Superman. You may be able to go back in the vaults and pull out a lot of Superman, but you can't run a viable industry for very long reprinting stuff..."

PASKO: "It's not a viable industry now! They'll turn the sixth floor of Warner Communications into a parking

lot before they'll accede to these demands!"

CLAREMONT: "Marty!"

PASKO: "They don't need comic books!"

CLAREMONT: "Marty! By the same token, half the material Marvel prints now is reprints of all the major books you would expect to replace — Thor, Avengers, FF, Spidey, Rawhide Kid, Sgt. Fury — The second thing is — strike is the last resort. There are a helluva lot of things you can do before you get to strike. We're talking about being rational."

SHOOTER: "Steve, you talked about a viable industry. Steve, it's not at the moment a really strong, viable industry. It's sick."

ENGLEHART: "I don't believe you, Jim."

SHOOTER: "The money they're making is in licensing, they're from overseas sales. If there were no comic books, they could still license things based on a cartoon show or based on nothing, or based on the newspaper strip, which reaches 60 million people or however many it does, every day, when the Spider-Man comic reaches half a million — maybe. Please, look at it from the companies' point of view."

ADAMS: "We do think of whether or not the company will make it. We love our business, we love being in it. We want to be in it, most of us, for the rest of our lives. So, we're constantly saying, 'Is this gonna hurt 'em?' and at the same time we're being hurt ourselves. When the engravers who engrave those plates sit down and work out the cost of living increases, I can't imagine that they go in and say, 'Gee, I wonder if it will hurt National or Marvel.' They throw the problem at the company, the company says, 'Well, we're going up 5¢,' and they go up. We've thought about the companies long enough. Let's think about ourselves."

WOLFMAN: "This was my point before. Keep it in mind..."

ADAMS [voice rising]: Everybody in this room is going to keep it in mind! Let's not have so much disrespect for everybody here. We all want to be in business. We're all not stupid. We're not going to go out and say, 'You do it

or we'll all gonna go out on strike!' What we will do is say, 'Please,' Then we'll say, 'Really, please.' Then we're gonna say, 'My God, don't you see what's happening? Please!' And after a certain point, if the company is so insensitive — I have never heard a publisher, either Stan Lee or Jenette Kahn, say 'we'll put in reprints' — I've never heard it. I've heard it from freelancers. If it comes to that point, I'm telling you there are old pros, and I'm talking about guys who aren't in this room, but guys who turn out tremendous amounts of work, who say, 'I'll go to the wall. If I have to go to the wall, I'll go to the wall. I'll take up a teaching position if I have to.' And I say to them, 'Listen, we're not going to go to the wall.' If it ever comes to it and the company wants to see what we can do, we'll be late for awhile. Incur late charges."

PASKO: "Some of us have already done that..."

ADAMS: "Some people will turn down one job, will say, 'Aw, I can't do that issue of so-and-so. I have a poster thing to do for some fanzine.' We'll all do it one month so the company will feel the surge of what would happen. Underneath it all, the company respects us. I don't think the company respects us for not standing up together, having one voice. I think they want to hear that voice. ...Stan Lee does not want to be a bad guy. Sol Harrison and Jenette Kahn do not want to be bad guys. I think we're presenting a valid position."

CLAREMONT: "Neal, Marty, for once we might be dealing with Galton or Shelly

Feinberg, or whoever runs Warner Publishing, in terms they can understand. Unions, I would assume as far as Warner's goes, is a fact of life. I don't know how Cadence deals with its corporate subdivisions..."

At this point, the group got back to discussing who they were going to choose to represent the different divisions of labor.

LEVITZ: "It's being suggested that we present a contract that is based on a Guild-negotiated agreement, and a Guild-negotiated agreement is based on a precept of the Guild. But, at no point while I've been here, has the point been addressed as to what the Guild is."

ADAMS: "An invitational letter is being sent out on Tuesday (May 9) — and this is being done for the protection of everybody — to major producers of comic material, both writers and artists, to be the founding members of the Guild. Those people will basically be the Guild. Those people will be used, if I may use the word, to let everyone know that they need not be quite so afraid to join the Guild. The Ad Hoc committee will work on things until a Board can actually be elected by the members of the Guild. We'll probably have a Board in a month."

WOLFMAN: "Neal, what do you consider the requirements of the people you're sending the letter to?"

ADAMS: "What we've tried to do is find people who are major contributors to comics. Not the Neal Adamses and Gray Morrrows, but the major producers of comic book material, the guys who produce a lot of pages."

WOLFMAN: "Do you know who they are?"

PASKO: "None of them are in this room."

ADAMS: "None of them are in this room, except for some writers. We know who they are, don't we? The Buscemas, and the Colans, and the Curt Swans, guys like that. It's no big secret, is it folks? Those are the guys who make all the comic books."

CHAYKIN: "Christ, I produce a shitload of work a month..."

ADAMS: "You're not getting a letter." [Laughter]

WOLFMAN: "The reason I bring this up, and I'll make it very personal simply because it is very personal, okay? You brought it up before that you have spoken to x-number of people who are considered the top producers in comic books. At Marvel Comics I am probably the third largest producer, perhaps the second largest producer and have been' such for the last four years in comics, yet those questions were never brought up to me. Therefore, I am asking, do you really know who are the fastest producers in comics?"

ADAMS: "You'll probably get a letter. Actually I have spoken to you about it many times."


WOLFMAN: "Not that I remember."

ADAMS: "At Academy meetings, and meet meetings of that sort. You have expressed an interest in a Guild. I wouldn't use you as testimony, but you have expressed interest in a Guild. So has Len [Wein]. Such an interest has been expressed. Shall we say this is true?"

WOLFMAN: "'Interest' is a good word." Dick Giordano and Terry Austin were picked as inking representatives.

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