

EXHIBIT II

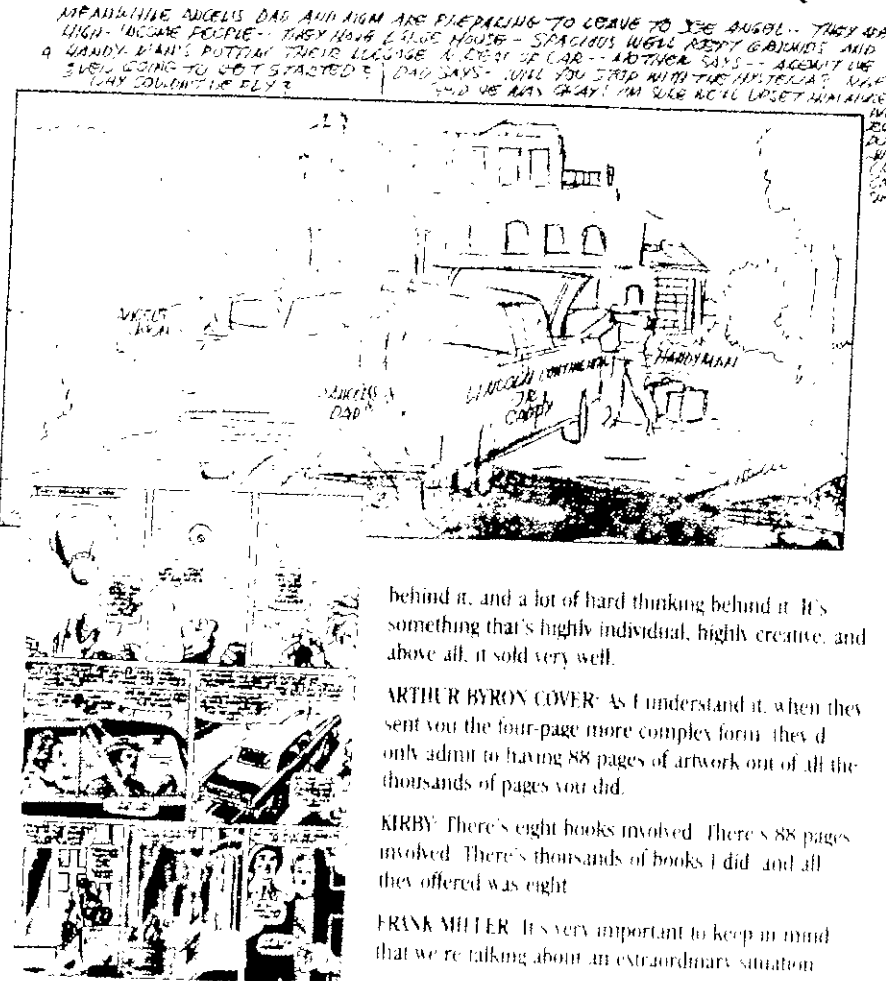
HOUR TWENTY-FIVE

Excerpts from the 1986 KPFF 90.7 FM Los Angeles science fiction talk radio show where Jack Kirby, Frank Miller, Mark Evanier, Arthur Byron Cover and Steve Gerber discussed Jack's battle with Marvel Comics over the return of his original art. Transcribed by John Morrow

"You can hide a platoon of assassins in a complex deal!"

Don Rickles, Jimmy Olsen #141 (1971), p. 16

The top panel of page 19 of X-Men #17 (bottom) was pasted over. Shown here are Jack's unused pencil layouts and margin notes that remain under the paste-up.



HOIR 25: If you're a writer, you get to keep your manuscripts. If you're an artist, this does not necessarily obtain. Jack, what happened?

JACK KIRBY: What happened was that Marvel decided to return the pages to the artists, and they sent the releases out to the various artists that did work for them over the years. My release was quite different than the others. It was a release I couldn't sign, and that created a controversy. It mystified me: I don't know why I got this kind of a release. It was a four-page release; it was almost like a contract, whereas the average release was something I could sign. I would've signed it, and there would have been an ordinary exchange of release and pages. They created a situation in which I was stuck; it became a legal thing, and I'm sorry about the circumstance itself — but it was they who sent the release out, and it was I who can't sign it. So they kept my pages.

HOIR 25: You have done thousands and thousands of pages over the years. And I must say it's only Marvel we're talking about; with DC, there's no problem.

KIRBY: According to statistics, I've done one quarter of Marvel's entire output. There's a lot of hard work

here; Jack's work is the basic stuff that Marvel Comics has, across twenty years or so, turned into the most powerful comic book publisher in the country. The ideas that sprang from him into pictures — into a visual style they use full-time, all the time now — have not been credited to him by Marvel. Everyone in the industry, everyone anywhere near it, knows what his contribution was. Marvel is refusing to acknowledge this, and now they're withholding from him his own physical artwork which they are withholding from no one else. I read these documents they want him to sign; it's the most offensive legal creation I've ever read. It's very insulting.

STEVE GERBER: I think it's important to point out also that they never paid for the physical artwork. They don't own the physical artwork, it's there only because, apparently, possession is nine-tenths of the law at the moment.

COVER: In the latest issue of *The Comics Journal*, they had cataloged and accounted for three-quarters of the pages. For some reason since then, they've decided that there's only 88 pages, and if the situation's changed, they're not saying how or why.

HOIR 25: Did they give you a straightforward reason for this, Jack?

KIRBY: I can only guess, and I'm not going to discuss any guessing on my part. It's very hard to communicate with Marvel; they rarely answer. I leave it entirely to my lawyers. I'm trying to do it in a conventional and sensible legal manner, I try not to offend Marvel in any way. I try to be as polite as possible. I regard management as important people to work for; I always have. My job has always been to sell books. When you sell books, you benefit the publisher as well as yourself. What I do is not out of any innate disregard for management. I see it as a business, I've been a publisher myself.

HOIR 25: *The Comics Journal* reported there was a panel at Comic-Con in San Diego last July, and Jim Shooter paneled with you and Frank Miller, and some others discussing this. Shooter was in the audience, and he stood up and said at one point that he thought you should have the art back. He also said that as Editor In Chief at Marvel, no decisions were made without his concurrence. That would seem to be a reasonable way to work things out, but it seems the reasonableness ended right there.

KIRBY: They'll return my art, if I'll sign that release, and I can't sign it.

MILLER: Beyond the amount of work Jack did and how well it sold, the fact is it's still making money. The most popular comic book in the country is the *X-Men*, which is one of Jack's. If you go down the list, probably five out of the next six down will be his. What he did for comics was enormous. The whole shape of comics in these times is based on Jack's work.