July 27, 2004

To William Drake

From: Applicant

Re: In Re Marian Banner

Dear Mr. Drake,

My office represents Dr. Nicole Hall, (nee) daughter of Dr. Marian Banner. Dr. Hall is infuriated by the intent of SECA. It is our belief that you acquired Dr. Marian Banner's personal effects unintentionally. Dr. Nicole Hall would appreciate the return of all of her mother's personal effects as soon as possible and would request that
your group refrain from using Dr. Marian Banner's name in any more of SECA's for-profit activities, or she will be filing a claim against SECA for copyright infringement & violation of right to publish. My client would like you to understand her reasons for wanting these materials returned as expeditiously as possible.

Dr. Marian Banner spent her long-lived life of eighty-one years trying to figure out how to best serve children and how to preserve education. She fought for racial segregation and won the Bancroft Prize in History in 1955. One of her main
Objectives was to provide publicly funded, operated & controlled school systems to allow everyone an opportunity to attend school.

She won many awards in her lifetime - but the biggest reward would only come when educational equity was accomplished.

In 2003, Dr. Marion Baner passed away, leaving her legacy to her child, Dr. Nicole Hall. Dr. Nicole Hall was to receive all of Dr. Baner's personal effects, journal, and impo. papers so one would be able to continue the world of her mother's knowledge. Dr. Hall was stripped of this right and is...
willing to do anything she has to, to get her mother's legacy back. Dr. Nicole Bell will initiate a claim against JCHA for copyright infringement and as grounds, argue as follows:

COPYRIGHT INFRINGEMENT

Pursuant to use, 1 § 107 fair use factors to be used in determining if a work is a fair use.

Subsection 1 provides what one factor to be used in determining fair use is if the "purposes and character are for commercial or non profit educational purposes." The
Supreme Court in Campbell provided a definition of what was meant by purpose. It stated that it was imperative to analyze whether "new work" to determine if the new work merely superseded the object... or adds something new... if the new work is transformative, NO NEW IDEAS.

In light of the Supreme Court's interpretation of proving one of the tests, it is clear what BECA intends to use. Dr. Marian Bonner's work unfairly. They want to use it clearly to make a profit and have failed to add anything to change...
the works and thus copyright still belongs to Dr. Dean still through the conveyance of the will of Dr. Marian Bonner.

Secondly, subsection (2) of USC 17, §107 provided the second factor to be used in determining fair use, and that is the nature of the work. In Campbell, the CT states that some works are more intended for copyright protection than others. The CT states that creative expression are usually more protected than those factual in nature.

It is our contention that Dr. Marian Bonner’s works should be looked at as a journal of
creative expression. She spent her whole
entire life trying to figure out how to best
solve the problem of educational equity.
This proves that all of the personal papers
that the SecA has are items of creative
expression rather than factual in nature.
The third factor to consider is "the
amount of substantially of the portion, used, from
§107(3). The [has] interpreted this to
mean that small portions would be okay.
However, it is our argument that you
intend to use her entire creative expression
more than a substantial portion, superseeding
The last factor to be considered in the effect upon the potential market for or value, from USC 17, § 107(4). The court in Campbell interpreted this to mean that a mere replacement would harm the market.

Section 501 of USC Title 17 provides that "anyone who violates any exclusive rights of copyright of the owner is an infringer."

For all the reasons stated above, SEC has infringed on the rights of the owner, Dr. Ardel Hall, through her mother, Dr. Nicole Hall.
Additionally we are going to pursue
the claim of right of publicity and as
grounds states: that SECA is intended
use of Dr. Martin Reimer's name is a
right that should be protected from unconsented
to invasion. In the case Martin Luther King
v. Franklin Supreme Ct. Stated that
right to privacy is personal and the
relatives of the deceased may protect the
memory from unconsented to invasion. It
stated that "the publication of biographical data
for the purpose of capitalizing on the name
by using it in connection with a commercial progr
violates the right of publicity.

The Franklin Supreme Court also found that
the right of publicity may, in certain circumstances,
survive the death of the owner. The biggest
concern of the set is the unauthorized exploita-
tion of images for commercial purposes.

This is exactly what SeaA is doing to Dr
Mariam Baner. They are exploiting her
great name and all she has worked to
defend and collecting the benefits. Even
though she opposed all that SeaA stands for.

The set in Franklin decided that "if a
person avoids exploitation during life then
should be protected from exploitation at death.

Dr. Marian Bonner could have exercised
on her name, but she chose not to. It is
our argument that she should not be
exploited by the use of her name with
the SSCA org.

Our office strongly recommends you pay
very close attention to this demand letter.

If we do not receive in our possession
by the close of business Aug. 15, 2004
all of the documents, journals, letters,

etc. that you have received authored by
Dr. Marian Bonner, to include all copia
This office will be forced to pursue our lawsuit against you for copyright infringement and the violation of rights of publicity.

We have provided for you all of the factors and vibrations that have committed.

We would prefer to handle this with as little public notice as possible because that is now Dr. Marian Brenner was. However, we are willing to do whatever is necessary to ensure that Dr. Hall is compensated for all that she has had to endure.