

DRAWING

## MINORITY OPINION

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October 12, 1940

Remitter: Frank Raymaker (24045) - Class?  
203 North Wabash Avenue  
Chicago, Illinois

Title: "Fanfoto Frame and Layout for Miniature Pictures for Engraving  
and Printing" (published April 5, 1940)

Question: Whether assembly of lines forming the frame constitutes a copy-  
rightable work

The undersigned dissents from the opinion of Mrs. Brady and Mr. Smith that the work in question contains no original copyright matter. The border design and the assembly of the lines inside seem to the undersigned to present an original and graphic form whereby a quickly balanced positioning of minute photographs or prints on the frame can be achieved. This achievement is arrived at solely by means of the linear drawing and assembly of lines in the technical manner illustrated. The drawing, indeed, may not be a work of pretentious merit. Yet, it evidences some original intellectual merit as to conception, composition, and arrangement which, with the fact that registration was granted for the work in unpublished form thereby compelling deposit of published copies with claim of copyright, persuades the undersigned to the view that registration should be granted.

*Richard S. MacCartney*  
Richard S. MacCartney

Register: "Already registered in Class I-2 as unpublished drawing. Section 11 especially requires deposit of copies on subsequent publication."--H.A.Howell.

Obscene?

## MINORITY MEMORANDUM

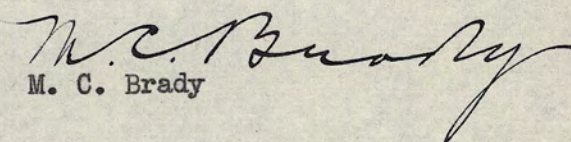
October 14, 1940

Remitter: Mark Linder (No. 64507)--Class D.

Title: "Sex Madness; or Oh, What a Night"

Questions: Registrability

The undersigned dissents from the opinion of Mr. Smith and Mr. MacCarteney with respect to registering this drama, because, in her opinion, it is an outstanding example of inexcusable prurience. The deposit is described as a drama, and has the required dialogue, directions for action, and division into acts and scenes, but the public performance of such action and the accompanying dialogue would not in my opinion be permitted in any decent community. It is doubtful that even such theatres as are identified as Burlesque and Gaiety Theatres would be permitted to present such a play. Furthermore, this drama does not appear to me to be the kind of writing of an author for which Article 1, Section 8 of the Constitution of the United States carefully provided protection.

  
M. C. Brady

Enter by order of Mr. Howell, October 15, 1940

DRAMATIC COMPOSITION  
(See "Obscene"?)

M E M O R A N D U M

October 14, 1940

Remitter: Mark Linder (No. 64507)--Class D.

Title: "Sex Madness; or Oh, What a Night"

Question: Division of opinion as to whether material is obscene.

Enter by order of Mr. Howell, Oct. 15, 1940.