

NATIONAL ASSOCIATION OF BROADCASTERS

NORMANDY BUILDING - 1626 K STREET, N.W.

WASHINGTON, D. C.

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TO AMERICAN MUSIC-LOVERS:

The American Society of Composers, Authors and Publishers (commonly called ASCAP) controls the copyrights to a large part of American music. Radio stations are not now permitted to play over the air any of that music. We want you to know why.

Under Federal law composers can copyright music they create. Each copyright is good for 56 years. At the end of that time the music automatically becomes public property.

Among other things, a copyright enables the composer to collect a fee whenever his music is played in public for somebody's profit.

ASCAP is a private club which started out 25 years ago as a "protective society." It said to selected composers, "Assign to us your copyrights. We'll collect all fees and pay you each year what, if anything, our board of directors decides you are entitled to."

So composers who were elected to this private club signed over to ASCAP the copyrights to all of their music, until ASCAP got control of most of the popular music that has been written in America during the past 56 years — as well as new arrangements of music written much longer ago than that.

With the advent of radio, the money that could be collected by ASCAP grew

by leaps and bounds. During the past 17 years radio stations have paid ASCAP \$26,000,000 — more than all public users of music put together, including theatres, restaurants and the movies.

But most of ASCAP's composer-members got very little of this money. Two-thirds of it went into the pockets of 139 publishing corporations, into the treasuries of foreign connections and into management salaries and expenses. And a few "inner-circle" song-writers got most of the one-third that was left! *75% of ASCAP's composer-members actually were forced to divide only a meagre one cent out of every dollar received by ASCAP!*

This gross mismanagement is the fault of a small group of men who are in complete control of ASCAP. For ASCAP is run by a self-perpetuating board of 24 directors, twelve of whom are representatives of publishing corporations. Their word is law. ASCAP members have no voice whatever in the management of what is supposed to be their own mutual organization.

What started out twenty-five years ago as a society to protect the interests of song-writers thus became a racket which exploited them. It became, moreover, a music monopoly in control of a very large percentage of the music that is familiar and dear to all of us, music that America loves to whistle and hum — religious music, patriotic music, song-hits, currently popular tunes, as well as published arrangements of classical music.

A few months ago, ASCAP's management notified radio stations throughout the country that if they expected to play over the air after December 31st any music written by ASCAP members, broadcasting would have to pay twice as much per year as heretofore (\$9,000,000 instead of \$4,500,000). Furthermore, said ASCAP, radio stations would have to pay a percentage of the income from all radio programs, including news broadcasts, speeches, and other programs using no music whatever! Our answer to ASCAP was this:

We want to pay ASCAP when ASCAP music is used on radio programs. We

want to pay others when their music is used. But we refuse to pay ASCAP for music when no music at all is used.

ASCAP's management stood firm, believing that its hold on American music was strong enough to force radio stations to knuckle under at the last minute.

But we decided not to "knuckle under."

A monopoly is a "corner" on the source of supply. As everyone knows, its stifling grip can be broken by creating other sources of supply. That makes an open market again, where things can be bought and sold on their merits.

That is exactly what we did during the last months of 1940. We — 660 radio stations — all contributed to build a new source of supply for copyrighted music. We called it Broadcast Music, Inc.

By getting together all of the music that was public property and publishing new music by song-writers who had been refused membership in ASCAP's private club, Broadcast Music, Inc. performed in a few months the almost incredible task of clearing for use on the air almost 600,000 different musical selections! This included music of all kinds — religious, symphonic, classical and popular. That is the music you are now hearing on the air.

But there is a great deal of music that we are not allowed to play for you — and we thought you ought to know about it. We are not allowed to play it simply because a small private club, entirely directed by 12 publishers and 12 song-writers, believes that its hold on American music is so strong as to enable it to dictate to American radio listeners what music they can and what music they cannot hear over the radio in their homes!

How long will it be before we can play this music for you once more?

We do not know.

We have told ASCAP's management again and again that the only thing that is

blocking negotiations is their insistence that ASCAP be paid for all radio programs — including programs using no music whatsoever.

But, for reasons best known to themselves, ASCAP's management is "sitting tight" — in spite of the fact that a Federal Court has recently denounced ASCAP as a "trust" with "unclean hands."

We believe that sooner or later ASCAP's management — or new management — will change the illegal principles on which the society is run. And then we hope to play for you again the splendid music it now controls — and the money which we want to pay for that privilege can go into the hands of the composers who created the music, not into the fat purses of exploiters.

We hope that we have acted as you would have us act. For it is you, the radio listener, for whom and by whom the American system of broadcasting has been developed.

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