Broadcasting stations are being asked what is behind the rumor that an organization called ASCAP intends to bar from the air some of the popular music you have been listening to—unless radio agrees to pay $9,000,000 a year for its use.

Whether or not this threat materializes, radio listeners are entitled to the facts in the case.

ASCAP (short for American Society of Composers, Authors and Publishers) is technically a copyright "pool." Ostensibly it is a "protective" organization whose function is to prevent the unauthorized commercial use of music without royalty payment to the composer or lyric writer. In reality, it is a private club which has gained control of the copyrights of a small but important group of American song-writers.

When, in the early 1920's, radio emerged from wireless telegraphy, a vast new field for music was opened up. Broadcasting then, as
always, wanted to buy the best it could get of all kinds of music —
"popular" as well as "classical" music.

ASCAP, even at that time, controlled much of the popular music
of the day — the music America liked to whistle, hum and sing.

Of course there are thousands of copyrighted songs which ASCAP
did not control then and does not control now. And there is always
a vast body of music which belongs to everybody, since after a period
of years all music becomes "public domain" music. No one, for
example, could seize copyright control of the great symphonies
of Beethoven, Brahms, or Tschaikowsky — or of the lovely songs of Stephen Foster.

But in 1923 broadcasting very much wanted (and still wants) ASCAP’s “popular” music. It included then (and still includes) the works of some of Broadway’s best-loved song-writers.

In order to buy ASCAP’s music, radio stations had to agree to a “blanket” contract.

Under a “blanket” contract a radio station cannot buy and pay just for the music it wants to use, but must pay for all the music
ASCAP controls.

The end of the "toll-road" which broadcasting was forced to take then was not foreseen. The effect of the "blanket" contracts was to create a monopoly. Having bought and paid for ASCAP's supply of music, broadcasting stations could buy very little other music too. That would have meant paying twice for music — and radio stations could not afford that luxury.

So almost the only "popular" music played over the radio was
As a result, "popular" tunes heard on the air were almost always ASCAP tunes

As radio grew and improved.....

ASCAP demanded more and more.

ASCAP music. And the more popular ASCAP music became (thanks to the tremendous popularizing force of radio) the more money ASCAP demanded.

And then, in 1932, ASCAP invented a new device. It demanded that broadcasting pay, not in proportion to its use of music or of ASCAP music, but in proportion to radio's total income. ASCAP wanted a percentage of broadcasting's income from all programs—even programs using no music at all.
Radio was finally forced to pay ASCAP for all programs—
even news broadcasts, speeches and other programs using no music.
Radio broadcasting was not prepared for this sudden holdup. It had to yield once more to ASCAP’s threat to pull its music off the air.

ASCAP, meanwhile, had grown rich through its monopoly. During the 17 years between 1923 and 1940 ASCAP had collected $47,000,000, of which $26,000,000 was paid by broadcasting. In one year broadcasting paid ASCAP more than $4,000,000.

Now, in 1940, ASCAP again sky-rockets its demands. This time it says that if radio stations want to play any ASCAP-controlled music during next year they must pay approximately $9,000,000!

And when another contract period ends, ASCAP may ask $18,000,000 or any other fabulous sum. It is quite clear now that this private club seeks to use its control of music copyrights, not just to get royalties for its members, but to cut in on the business profits of all of the hundreds of broadcasting stations in this country — no matter how little or how much ASCAP music is used.

By the control of one of radio’s many “raw materials” ASCAP seeks to control the whole radio industry.

Ever since it was organized, ASCAP has kept its membership to a minimum. 141 of its members are not composers, but publishing
corporations, some owned and controlled by the movie industry.

If you are a composer or a song-writer, you cannot become a member of this exclusive club until you have had five songs published successfully — and not then unless ASCAP directors let you in.

When you become a member you sign away all performing rights to your past, present and future work for a period of ten years.

And you are guaranteed nothing in return for that. You serve a probationary period as a Non-Participating Member. During this period (usually one year) you get no share of the royalties your music has earned. What, if anything, you will receive after that depends upon what a board of directors decides to pay you. (There are no fixed rules. You are not paid, for example, in proportion to the number of times your music is played or sung.)

The directors are elected by each other. They are a monopoly within a monopoly. They cannot be replaced or ousted by dissatisfied members — and what they say goes.

During the only year for which payments to members have ever been disclosed, song-writer members of the board averaged nearly eight times as much for each performance as they voted to the rest of the song-writer mem-

say ah ah ah

TO BECOME A MEMBER OF ASCAP, YOU MUST BE APPROVED BY THE BOARD...

But-

ASCAP MEMBERS HAVE NO VOICE IN MANAGEMENT, BECAUSE.............
bers of ASCAP.

ASCAP has only itself to blame for the growing public inquiry about it. By "cornering" the "popular" music supply, it has made it virtually impossible for the large number of composers outside ASCAP to gain a hearing on the air. It has refused to reach out and take under its "protective" wing the vast majority of creative artists for whom, presumably, it was organized. It has kept a tight hold on its monopoly for the benefit of a few — and in so doing it has gone a long way toward destroying opportunity for tens of thousands of young creative artists.

That ASCAP has changed its original character, is quite obvious. It still boasts that it is "unincorporated" and "non-profit-making." The value of being unincorporated is clear enough. It cannot be forced to publish financial statements. Its bookkeeping methods are a "closed book." Whether or not it is quite so "non-profit-making" as the phrase seems to suggest, may be seen from the following facts based on the sworn testimony of ASCAP's President during a 1938 lawsuit.

In 1938 about one-third of ASCAP's income went to its management. Of its net income, after expenses and operating costs, about half went, not to creative artists, but to a group of
137 publishers — and eight or ten big Hollywood publishing corporations got the lion’s share.

The remainder (one-third of the total income) went to ASCAP’s “protected” creative artists, but even here there are some strange facts. Ninety-seven per cent of the creative artists’ share went to about 280 members...
(selected by the self-perpetuating board of directors) and 3 per cent went to about 825 members!

Briefly, then, 137 publishers got 33 cents out of every dollar and 825 creative artists got 1 cent.

That is what ASCAP calls “protection.”

And that is the private club which has cornered the copyrights on “popular music.”

Broadcasting stations have been playing ASCAP music under a license which expires December 31, 1940. After that date they cannot play ASCAP music without violating the copyright law. To renew the license, ASCAP demands that every radio station in the country pay ASCAP a substantial percentage of all its income — whether that income is

\[ \text{\( \frac{1}{4} \) of the artists take 32\%} \]

\[ \text{\( \frac{3}{4} \) of the artists get 1\%} \]
from music programs or news broadcasts and other programs which use no music at all. These demands exceed $9,000,000 for one year. Unless these demands are met, ASCAP’s music is to be “pulled off the air.”

Whether ASCAP will risk public attention by carrying out its threat, no one knows. It may bar all of its music from the air. It may, in addition, try by publicity to make the vast radio audience aware that it is not hearing ASCAP music. (ASCAP spends hundreds of thousands of dollars each year publicizing itself as a defender of the “poor” composer.)

The issue, as we see it, is clear. It is music monopoly. Should any small group of men anywhere have the vested right to dictate what kind of music America is to hear on the air?

Broadcasting wants to give its radio listeners all of the best of all kinds of music — including music represented by ASCAP. And broadcasting believes that song-writers should be paid when their music is used on the air. That is what copyright laws are for.

But broadcasting believes that one of its duties is to keep radio’s opportunity an opportunity for all composers and authors. That includes members of ASCAP to whom ASCAP’s management is not passing on the royalties
radio has been paying. It includes also those thousands of composers and authors who have been barred from adequate hearing simply because they have not been elected to ASCAP's private club.

Meanwhile, broadcasting is prepared this time for such an emergency. All of the music of the people who are not members of the ASCAP club, all of the music of other licensing agencies, dozens of whole catalogues of music have been made available to radio's orchestra leaders and program directors.

And in order to amplify and make this music more readily available to the public, broadcasting stations have, at their own expense, organized Broadcast Music, Inc., which is gathering and publishing a great new catalogue of music. A mutual undertaking by 400 radio stations, Broadcast Music, Inc. will do the job ASCAP has consistently refused to do, namely, provide an open door to radio audiences for all composers and song-writers who can claim the right to a hearing on the air.

Broadcast Music, Inc. filled so obvious a need that it has become a great force almost overnight. Hundreds of composers and lyric writers are flocking to it. Already available to its subscribers are more than 140,000 musical
numbers. And already several song-writers — ineligible for ASCAP membership and unlikely to have a chance at any income from ASCAP for years even if admitted to its membership — have started on the road to fortune as well as fame.

Monopolies usually destroy themselves eventually, especially when they have had plenty of opportunity to grow stronger and when they have a clear record of acting against the public interests.

ASCAP may take its tunes off the air. You will still hear the great music which you love and which belongs to America’s cultural tradition. And you will hear fine new exciting music. Perhaps we are entering a new period in radio’s history when radio audiences will have the thrill of watching a whole new group of young American composers make their bid for fame and fortune through popularity on the air.

NATIONAL ASSOCIATION OF BROADCASTERS
These members of the National Association of Broadcasters have already subscribed to Broadcast Music, Inc.

<table>
<thead>
<tr>
<th>ALABAMA</th>
<th>WAPI  - Birmingham</th>
<th>WBRC - Birmingham</th>
<th>WSGN - Birmingham</th>
<th>WSFA - Montgomery</th>
</tr>
</thead>
<tbody>
<tr>
<td>ARIZONA</td>
<td>KSUN   - Lowell</td>
<td>KOY    - Phoenix</td>
<td>KTUC   - Tucson</td>
<td></td>
</tr>
<tr>
<td>CALIFORNIA</td>
<td>KERN   - Bakersfield</td>
<td>KPMC  - Bakersfield</td>
<td>KMPF  - Beverly Hills</td>
<td>KHSI - Chico</td>
</tr>
<tr>
<td>ARKANSAS</td>
<td>KWFC   - Hot Springs</td>
<td>KARK  - Little Rock</td>
<td></td>
<td></td>
</tr>
<tr>
<td>COLORADO</td>
<td>KXIE   - Montery</td>
<td>KLS    - Oakland</td>
<td>KVCK   - So. of Redding</td>
<td>KPFX - Grand Junction</td>
</tr>
<tr>
<td>WICC - Bridgeport</td>
<td>WDRB - Hartford</td>
<td>WHTT - Hartford</td>
<td>WYPC - Hartford</td>
<td></td>
</tr>
<tr>
<td>WATR - Waterbury</td>
<td>WBRW - Waterbury</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DELAWARE</td>
<td>WJTV   - Wilmington</td>
<td>WCAE - Pittsburgh</td>
<td>WWSW - Pittsburgh</td>
<td>WEGU - Reading</td>
</tr>
<tr>
<td>FLORIDA</td>
<td>WFTM   - Fort Myers</td>
<td>WXPF - Jacksonville</td>
<td>WMBD - Jacksonville</td>
<td>WIOD - Miami</td>
</tr>
<tr>
<td>IDAHO</td>
<td>KRLC   - Lewiston</td>
<td>KFZD - Nampa</td>
<td>KSEI - Pocatello</td>
<td>KTPI - Twin Falls</td>
</tr>
<tr>
<td>ILLINOIS</td>
<td>WAFF   - Chicago</td>
<td>WBBM - Chicago</td>
<td>WENN - Chicago</td>
<td>WGN - Chicago</td>
</tr>
<tr>
<td>INDIANA</td>
<td>WTRC   - Elkhart</td>
<td>WQBP - Evansville</td>
<td>WGL  - Fort Wayne</td>
<td>WOWO - Fort Wayne</td>
</tr>
<tr>
<td>KANSAS</td>
<td>KGGM   - Coffeyville</td>
<td>KGNO - Dodge City</td>
<td></td>
<td></td>
</tr>
<tr>
<td>KS</td>
<td>- Emporia</td>
<td>KVGB - Great Bend</td>
<td>KCKN - Kansas City</td>
<td>KSAI - Salina</td>
</tr>
<tr>
<td>MONTANA</td>
<td>KGVO   - Missoula</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MISSOURI</td>
<td>WJRT   - Springfield</td>
<td>WMSR - Springfield</td>
<td>WSBR - Springfield</td>
<td>WSBR - Springfield</td>
</tr>
<tr>
<td>MICHIGAN</td>
<td>WKBK   - Battle Creek</td>
<td>WJIB - Detroit</td>
<td>WJIR - Detroit</td>
<td>WWJ - Detroit</td>
</tr>
<tr>
<td>MINNESOTA</td>
<td>KATE   - Albert Lea</td>
<td>WCCO - Minneapolis</td>
<td>WDGY - Minneapolis</td>
<td>WTCN - Minneapolis</td>
</tr>
<tr>
<td>NORTH CAROLINA</td>
<td>WWNC - Asheville</td>
<td>WSB - Charlotte</td>
<td>WSOA - Charlotte</td>
<td>WDRN - Durham</td>
</tr>
<tr>
<td>OHIO</td>
<td>WJKY   - Akron</td>
<td>WHBC - Canton</td>
<td>WCKY - Cincinnati</td>
<td>WKRQ - Cincinnati</td>
</tr>
<tr>
<td>OKLAHOMA</td>
<td>KGRC   - Enid</td>
<td>KOCY - Oklahoma City</td>
<td>KOQA - Oklahoma City</td>
<td>KVOO - Tulsa</td>
</tr>
<tr>
<td>OREGON</td>
<td>KAST   - Astoria</td>
<td>KBND - Bend</td>
<td>KORE - Eugene</td>
<td>KUIN - Grants Pass</td>
</tr>
<tr>
<td>PENNSYLVANIA</td>
<td>WJAC - Johnstown</td>
<td>WGAL - Lancaster</td>
<td>WKPA - New Kensington</td>
<td>KYY - Philadelphia</td>
</tr>
<tr>
<td>WTTM - New York City</td>
<td>WEF - New York City</td>
<td>WINS - New York City</td>
<td>WJZ - New York City</td>
<td></td>
</tr>
<tr>
<td>PORTLAND</td>
<td>WIPC   - Rochester</td>
<td>WSMO - Schenectady</td>
<td>WBFL - Syracuse</td>
<td>WSYR - Syracuse</td>
</tr>
<tr>
<td>RALEIGH</td>
<td>WTPF   - Raleigh</td>
<td>WSTP - Salisbury</td>
<td>WSJS - Winston-Salem</td>
<td>WAIR - Winston-Salem</td>
</tr>
<tr>
<td>SAN ANTONIO</td>
<td>KJPN - San Antonio</td>
<td>KKLR - Sacramento</td>
<td>KSAN - Sacramento</td>
<td>KPSD - San Diego</td>
</tr>
<tr>
<td>SOUTHERN CALIFORNIA</td>
<td>KUSI - San Diego</td>
<td>KXIS - San Diego</td>
<td>KJBS - San Francisco</td>
<td>KQMD - San Francisco</td>
</tr>
<tr>
<td>TSU - Tulsa</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(Continued on next page)
These broadcasting stations have also subscribed to Broadcast Music, Inc.

**ALABAMA**
- WCOV — Montgomery

**ARKANSAS**
- KLKN — Blytheville

**CALIFORNIA**
- KFSC — Los Angeles
- KMTR — Los Angeles
- KMVC — Marysville
- KROW — Oakland
- KGB — San Diego
- KFRC — Santa Barbara
- KWG — Stockton

**COLORADO**
- KVOR — Colorado Springs
- KLZ — Denver
- KUIP — Durango
- KFKA — Greeley

**CONNECTICUT**
- WNbc — New Britain
- WELI — New Haven
- WNLc — New London

**DELAWARE**
- WDEL — Wilmington

**FLORIDA**
- WMFJ — Daytona Beach

**GEORGIA**
- WGST — Atlanta
- WBLJ — Dalton
- WKEU — Griffin
- WMGA — Moultrie
- WSAV — Savannah

**INDIANA**
- WEOA — Evansville
- WIND — Gary
- WSBT — South Bend

**IOWA**
- *KWLC — Decorah
- WKB — Dubuque
- KTRI — Sioux City

**KANSAS**
- WREN — Lawrence

**KENTUCKY**
- *WBKY — Beattyville
- WOMI — Owensboro

**LOUISIANA**
- KMLE — Monroe
- KTBS — Shreveport

**MASSACHUSETTS**
- WHDH — Boston
- WORL — Boston
- WOGB — Hyannis

**MICHIGAN**
- WXYZ — Detroit
- WASH — Grand Rapids
- WOOD — Grand Rapids

**MINNESOTA**
- *WCAL — Northfield

**MISSISSIPPI**
- WJPR — Greenville
- WFOR — Hattiesburg
- WJDX — Jackson
- WAML — Laurel

**MISSOURI**
- KFQ — St. Joseph

**NEBRASKA**
- KHAS — Hastings
- KFOR — Lincoln

**NEW JERSEY**
- WHOM — Jersey City

**NEW HAMPSHIRE**
- WFEA — Manchester

**NEW MEXICO**
- KOB — Albuquerque
- KICA — Clovis

**NEW YORK**
- WMO — Auburn
- WNB — Birmingham
- *WBBR — Brooklyn
- WKBW — Buffalo
- WOV — New York City
- WNEZ — Saranac Lake

**NORTH CAROLINA**
- WISE — Asheville
- WQNC — Gastonia
- WHKY — Hickory
- WGBT — Roanoke Rapids
- WEED — Rocky Mount

**NORTH DAKOTA**
- KLPM — Minot

**OHIO**
- WADC — Akron
- WICA — Ashtabula
- WCPQ — Cincinnati
- WSTV — Steubenville
- WTOL — Toledo

**OKLAHOMA**
- WKY — Oklahoma City
- KTUL — Tulsa

**OREGON**
- *KOAC — Corvallis
- KGW — Portland

**PENNSYLVANIA**
- WEST — Easton
- WLEU — Erie
- WIBG — Glenside
- WBKO — Harrisburg
- WAZL — Hazleton
- WPEN — Philadelphia
- WRAW — Reading
- WORK — York

**SOUTH DAKOTA**
- *KFDFY — Brookings

**TENNESSEE**
- WDOD — Chattanooga
- WNOX — Knoxville
- WHBQ — Memphis

**TEXAS**
- *WTAW — College Station

**UTAH**
- KEUB — Price

**VIRGINIA**
- WSL — Roanoke

**WISCONSIN**
- *WHA — Madison