

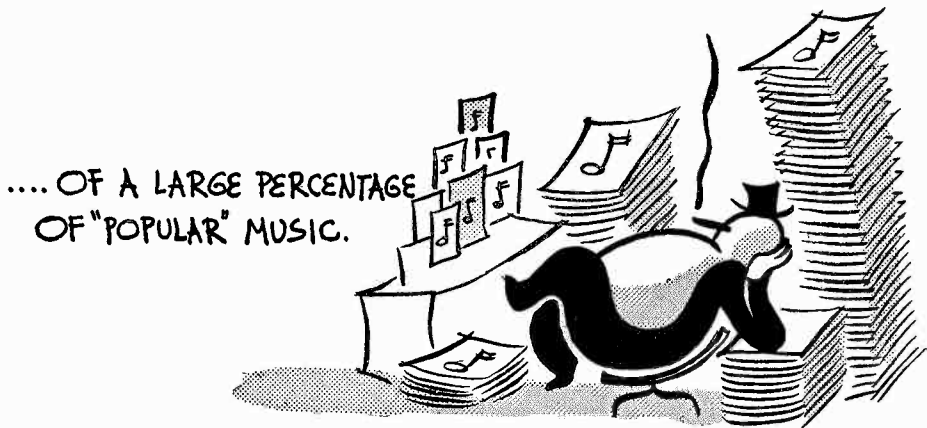
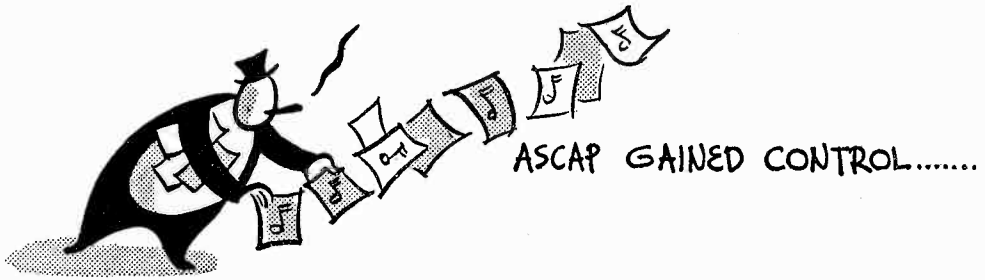
PORTRAIT OF A "PROTECTOR"

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

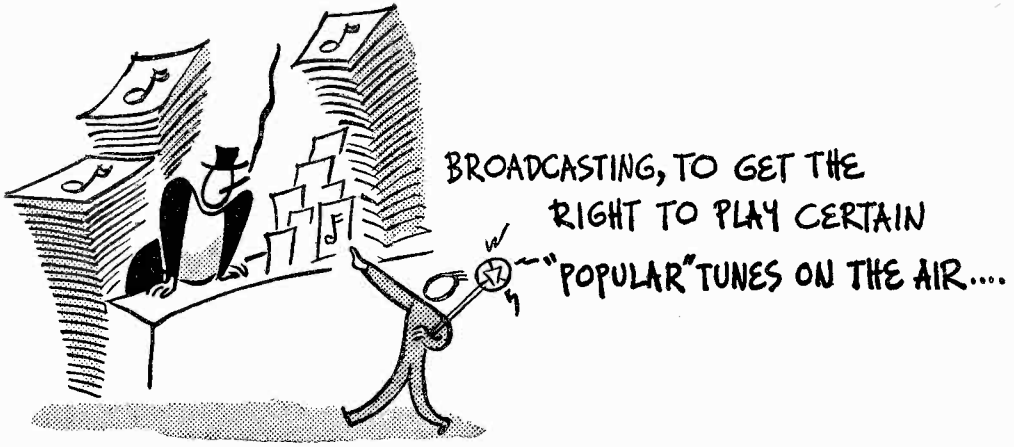


always, wanted to buy the best it could get of all kinds of music — “popular” as well as “classical” music.

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

Chis
x/62242



HAD TO PAY FOR ALL ASCAP MUSIC.



of Beethoven, Brahms, or Tschaiikowsky — 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.

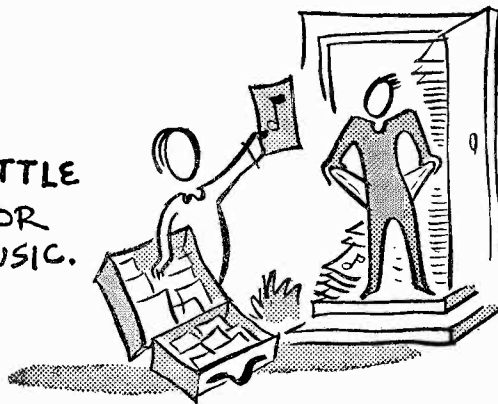
In order to buy ASCAP's music, radio stations had to agree to a "blanket" contract.

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



HAVING BOUGHT AND PAID FOR
ALL ASCAP MUSIC.....

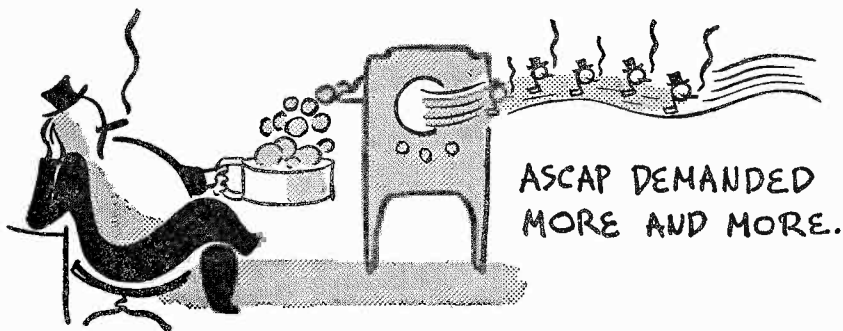
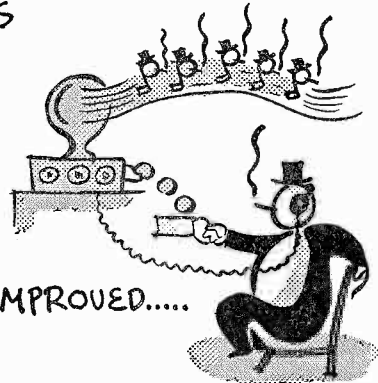
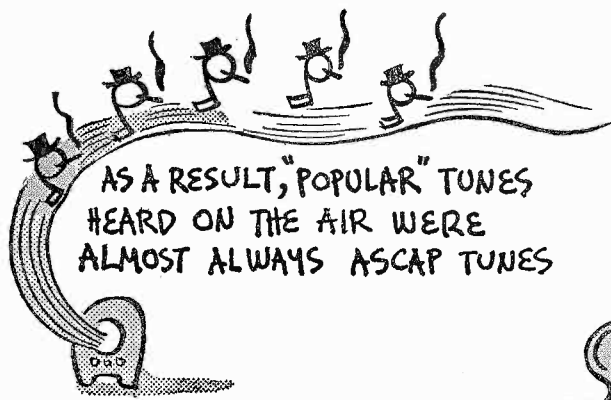
.... BROADCASTING HAD LITTLE
LEFT IN ITS BUDGET FOR
OTHER COPYRIGHTED MUSIC.



ASCAP controls.

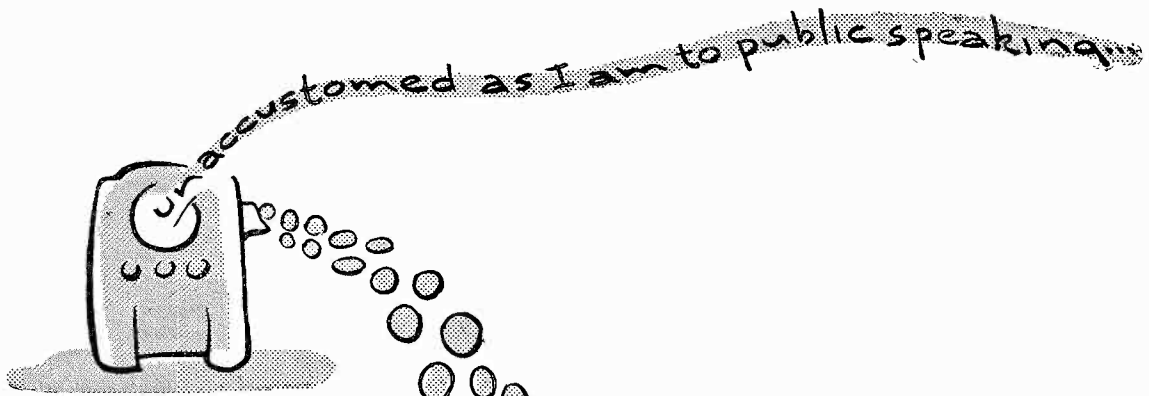
The end of the “toll-road” which broadcasting was forced to take then was not foreseen. The effect of the “blanket” contracts was to create a monopoly. Having bought and paid for ASCAP’s supply of music, broadcasting stations could buy very little other music too. That would have meant paying twice for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

So almost the *only* “popular” music played over the radio was



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.

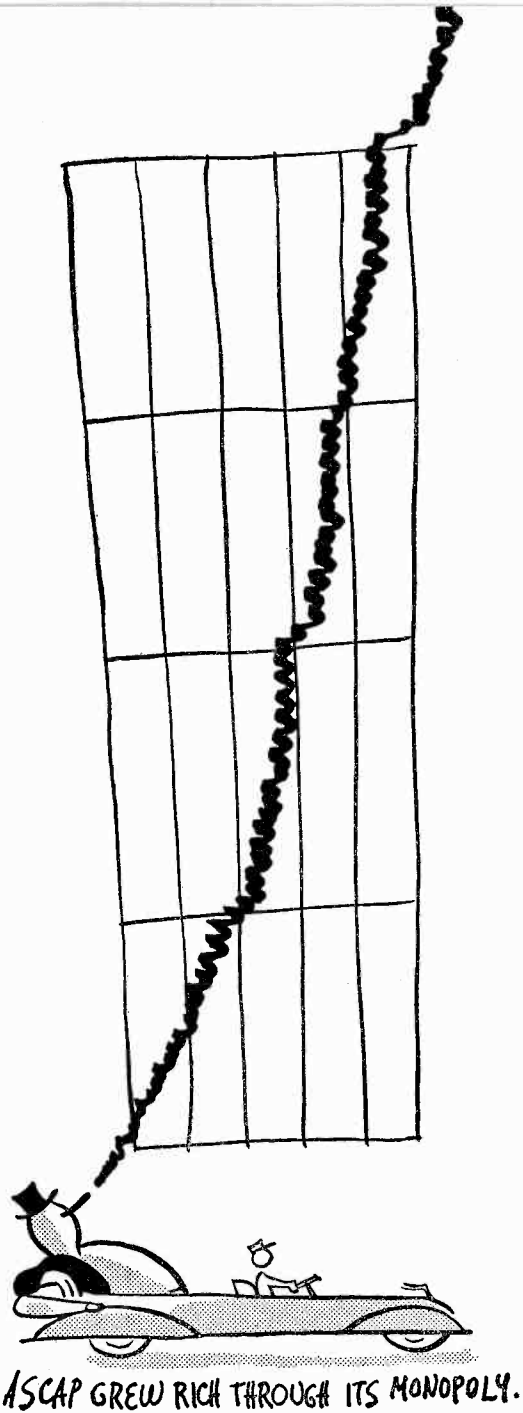
ASCAP, meanwhile, had grown rich through its monopoly. During the 17 years between 1923 and 1940 ASCAP had collected \$47,000,000, of which \$26,000,000 was paid by broadcasting. In one year broadcasting paid ASCAP more than \$4,000,000.

Now, in 1940, ASCAP again sky-rocketed 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.

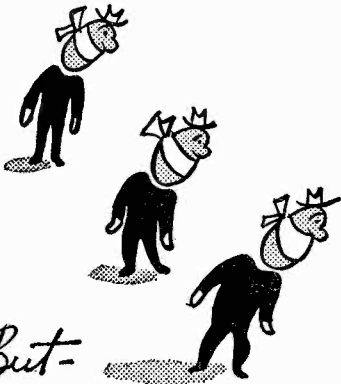
By the control of one of radio's many "raw materials" ASCAP seeks to control the whole radio industry.

Ever since it was organized, ASCAP has kept its membership to a minimum. 141 of its members are not composers, but publishing





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



But-
ASCAP MEMBERS HAVE
NO VOICE IN MANAGEMENT,
BECAUSE.....

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, songwriter members of the board averaged nearly eight times as much for each performance as they voted to the rest of the song-writer mem-

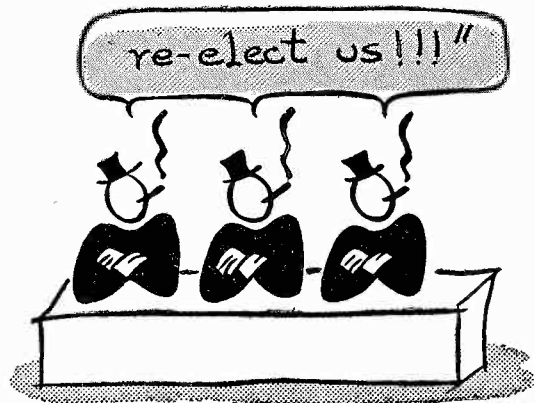
bers of ASCAP.

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.

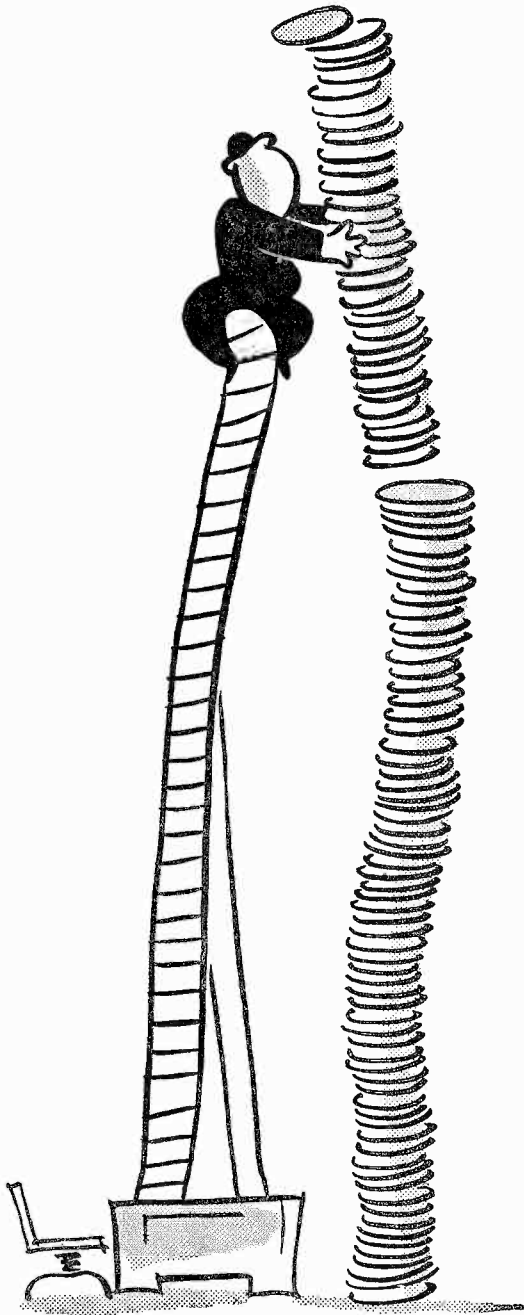
In 1938 about one-third of ASCAP’s income went to its management. Of its net income, after expenses and operating costs, about *half* went, not to creative artists, but to a group of

..... ASCAP IS RUN BY A
SELF-PERPETUATING
BOARD.

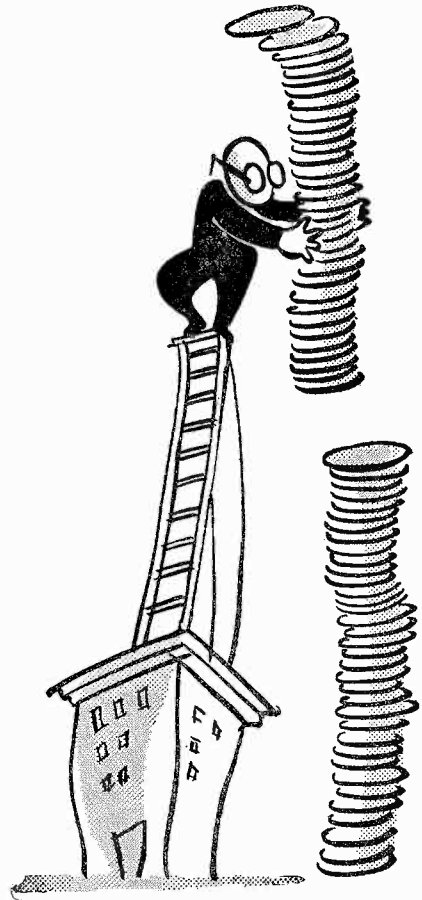


137 publishers — and eight or ten big Hollywood publishing corporations got the lion's share.

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



ASCAP MANAGEMENT
TAKES ONE-THIRD



PUBLISHING CORPORATIONS
TAKE A THIRD

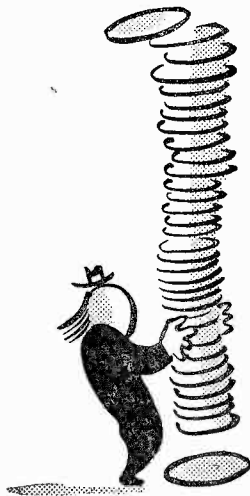
(selected by the self-perpetuating board of directors) and 3 per cent went to about 825 members!

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

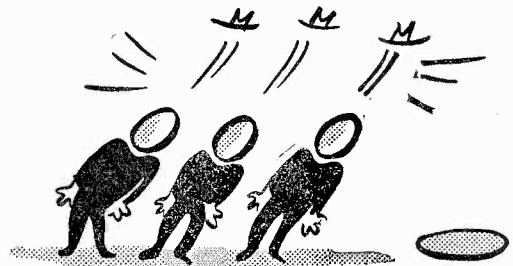
That is what ASCAP calls "protection."

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

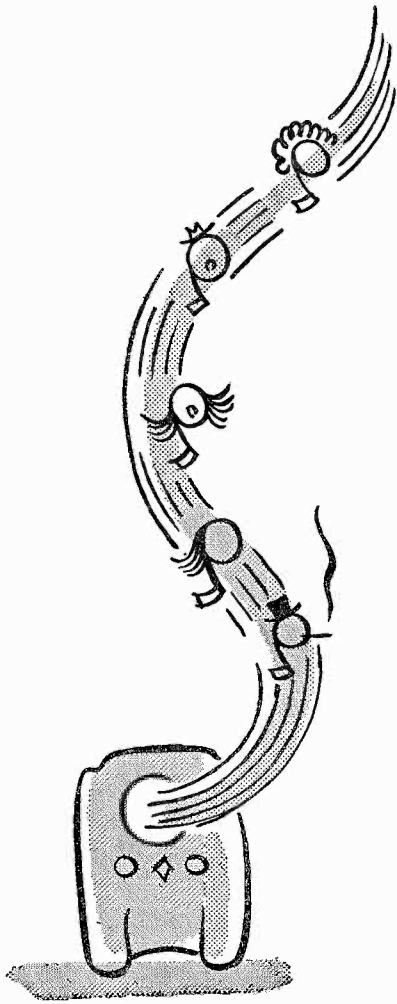
Broadcasting stations have been playing ASCAP music under a license which expires December 31, 1940. After that date they cannot play ASCAP music without violating the copyright law. To renew the license, ASCAP demands that every radio station in the country pay ASCAP a substantial percentage of all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



$\frac{1}{4}$ OF THE ARTISTS
TAKE 32%



$\frac{3}{4}$ OF THE ARTISTS
GET 1%



RADIO WANTS TO GIVE ITS LISTENERS ALL OF THE BEST OF ALL KINDS OF MUSIC.

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.

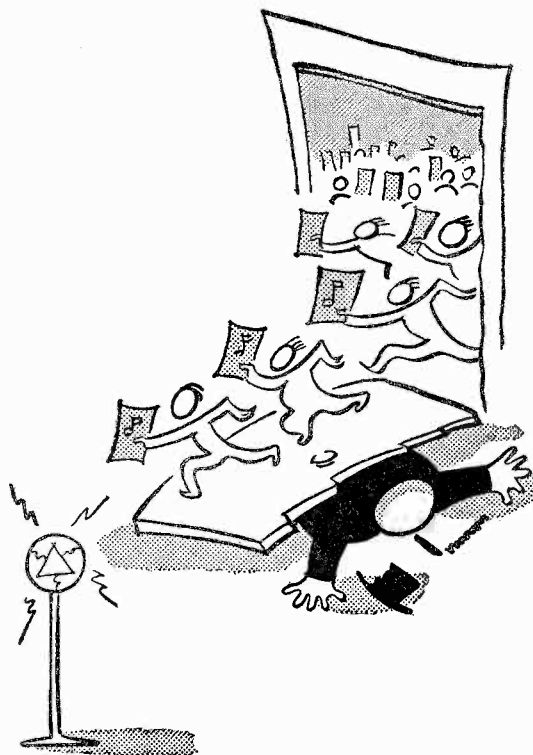
But broadcasting believes that one of its duties is to keep radio's opportunity an opportunity for all composers and authors. That includes members of ASCAP to whom ASCAP's management is not passing on the royalties

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



**BUT NO PRIVATE CLUB
SHOULD BE ALLOWED TO
MONOPOLIZE THE OPPORTUNITY
BROADCASTING OFFERS TO
SONGWriters.**

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.*

ALABAMA

WAPI - Birmingham
WBRC - Birmingham
WSGN - Birmingham
WSFA - Montgomery

ARIZONA

KSUN - Lowell
KOY - Phoenix
KTUC - Tucson

ARKANSAS

KWFC - Hot Springs
KARK - Little Rock

CALIFORNIA

KERN - Bakersfield
KPMG - Bakersfield
KMPC - Bakersfield
KMPC - Beverly Hills
KHSL - Chico
KIEM - Eureka
KMJ - Fresno
KECA - Los Angeles
KFI - Los Angeles
KHJ - Los Angeles
KNX - Los Angeles
KYOS - Merced
KDON - Monterey
KLS - Oakland
KVCV - So. of Redding
KFBX - Sacramento
KROY - Sacramento
KFSD - San Diego
KGO - San Francisco
KJBS - San Francisco
KPO - San Francisco
KSNAN - San Francisco
KSFO - San Francisco
KYA - San Francisco
KQW - San Jose
KVEC - San Luis Obispo
KTMS - Santa Barbara
KTKC - Visalia

COLORADO

KFEL - Denver
KOA - Denver
KVOD - Denver
KFXJ - Grand Junction

CONNECTICUT

WICC - Bridgeport
WDRG - Hartford
WHTT - Hartford
WTIC - Hartford
WATR - Waterbury
WBRY - Waterbury

DELAWARE

WILM - Wilmington

DISTRICT OF

COLUMBIA

WJSV - Washington
WMAL - Washington
WOL - Washington
WRC - Washington

FLORIDA

WFTM - Fort Myers
WJHP - Jacksonville
WMBR - Jacksonville
WIOD - Miami
WQAM - Miami
WDAE - Tampa
WJNO - West Palm Beach

GEORGIA

WGPC - Albany
WATL - Atlanta
WSB - Atlanta
WAGA - Atlanta
WGAC - Augusta
WRDW - Augusta
WRBL - Columbus
WMAZ - Macon
WTOG - Savannah
WPAX - Thomasville
WAYX - Waycross

IDAHOO

KRLC - Lewiston
KFXD - Nampa
KSEI - Pocatello
KTFI - Twin Falls

ILLINOIS

WAAF - Chicago
WBMM - Chicago
WENR - Chicago
WGN - Chicago
WLS - Chicago
WMAQ - Chicago
*WMBI - Chicago
WHFC - Cicero
WDAN - Danville
WMBD - Peoria
WROK - Rockford
WHBF - Rock Island
WCBS - Springfield
WDZ - Tuscola

INDIANA

WTRC - Elkhart
WGBF - Evansville
WGL - Fort Wayne
WOWO - Fort Wayne
WFBM - Indianapolis
WIBC - Indianapolis
WIRE - Indianapolis
WGRC - New Albany
WFAM - South Bend
WBOW - Terre Haute

IOWA

WMT - Cedar Rapids
WOC - Davenport
KRNT - Des Moines
KSO - Des Moines
WHO - Des Moines
KGLO - Mason City
KMA - Shenandoah

KANSAS

KGGF - Coffeyville
KGNO - Dodge City

KTSW - Emporia
KVGB - Great Bend
KCKN - Kansas City
KSAL - Salina
WIBW - Topeka
KANS - Wichita
KFBI - Wichita
KFH - Wichita

KENTUCKY

WCMI - Ashland
WLAP - Lexington
WAVE - Louisville
WHAS - Louisville

LOUISIANA

KALB - Alexandria
WBO - Baton Rouge
WNOE - New Orleans
WWL - New Orleans
KWKH - Shreveport

MAINE

WLBB - Bangor
WCOU - Lewiston
WCSH - Portland
WGAN - Portland

MARYLAND

WBAL - Baltimore
WCAO - Baltimore
WCBM - Baltimore
WFBR - Baltimore
WTBO - Cumberland

MASSACHUSETTS

WAAB - Boston
WBZ - Boston
WCOG - Boston
WEEI - Boston
WMEX - Boston
WNAO - Boston
WSAR - Fall River
WHAI - Greenfield
WLAW - Lawrence
WLLH - Lowell
WBRK - Pittsfield
WBZA - Springfield
WMAS - Springfield
WSPR - Springfield
WORC - Worcester
WTAG - Worcester

MICHIGAN

WELL - Battle Creek
WJBK - Detroit
WJR - Detroit
WJW - Detroit
WDFD - Flint
WKZO - Kalamazoo
WKBZ - Muskegon

MINNESOTA

KATE - Albert Lea
WCCO - Minneapolis
WDGY - Minneapolis
WTCN - Minneapolis
KROC - Rochester
KFAM - St. Cloud

KWLM - Willmar
KWNO - Winona

MISSOURI

KFRU - Columbia
WHB - Kansas City
KMBC - Kansas City
WDAF - Kansas City
KXOK - St. Louis
KMOX - St. Louis
WEW - St. Louis
WIL - St. Louis

MONTANA

KGVO - Missoula

NEBRASKA

KORN - Fremont
KGFV - Kearney
KFAB - Lincoln
KOIL - Omaha
KOWH - Omaha
WOW - Omaha

NEVADA

KOH - Reno

NEW HAMPSHIRE

WKNE - Keene
WLNH - Laconia

NEW JERSEY

WOR - Newark

NEW MEXICO

KGGM - Albuquerque

NEW YORK

WABY - Albany
WOKO - Albany
WBEN - Buffalo
WGR - Buffalo
WENY - Elmira
WHCU - Ithaca
WJTN - Jamestown
WMFF - Plattsburg
WKIP - Poughkeepsie
WABC - New York City
WBNX - New York City
WEAF - New York City
WINS - New York City
WJZ - New York City
WQXR - New York City
WHAM - Rochester
WHEC - Rochester
WGY - Schenectady
WFBL - Syracuse
WSYR - Syracuse
WTRY - Troy
WIBX - Utica
WFAS - White Plains

NORTH CAROLINA

WWNC - Asheville
WBT - Charlotte
WSOC - Charlotte
WDNC - Durham
WBG - Greensboro
WGTC - nr. Greenville

WPTF - Raleigh
WSTP - Salisbury
WSJS - Winston-Salem
WAIR - Winston-Salem

NORTH DAKOTA

KFYR - Bismarck
KDLR - Devils Lake
WDAY - Fargo
KGCU - Mandan

OHIO

WAKR - Akron
WHBC - Canton
WCKY - Cincinnati
WKRC - Cincinnati
WSAI - Cincinnati
WCLE - Cleveland
WGAR - Cleveland
WHK - Cleveland
WTAM - Cleveland
WBNS - Columbus
WCOL - Columbus
WHKC - Columbus
*WOSU - Columbus
WHIO - Dayton
WLOK - Lima
WMRN - Marion
WPAY - Portsmouth
WSPD - Toledo
WFMJ - Youngstown
WKBN - Youngstown
WHIZ - Zanesville

OKLAHOMA

KGRC - Enid
KOCY - Oklahoma City
KOMA - Oklahoma City
KTOK - Oklahoma City
KVOO - Tulsa

OREGON

KAST - Astoria
KBND - Bend
KORE - Eugene
KUIN - Grants Pass
KMED - Medford
KALE - Portland
KEX - Portland
KOIN - Portland
KXL - Portland
KRNR - Roseburg
KSLM - Salem

PENNSYLVANIA

WJAC - Johnstown
WGAL - Lancaster
WKPA - New Kensington
KYW - Philadelphia
WCAU - Philadelphia
WDAS - Philadelphia
WFIL - Philadelphia
WHAT - Philadelphia
WIP - Philadelphia
KDKA - Pittsburgh
WCAE - Pittsburgh
WWSW - Pittsburgh
WEEU - Reading

(Continued on next page)

WGBI — Scranton	WKPT — Kingsport	KFYO — Lubbock	WPID — Petersburg	WPAR — Parkersburg
WKOK — Sunbury	WMC — Memphis	KPAC — Port Arthur	WMBC — Richmond	WWVA — Wheeling
WBRE — Wilkes-Barre	WMPS — Memphis	KONO — San Antonio	WRNL — Richmond	WISCONSIN
WBAX — Wilkes-Barre	WREC — Memphis	KTSA — San Antonio	WRVA — Richmond	WHBY — Appleton
WRAC — Williamsport	WLAC — Nashville	WOAI — San Antonio	WDBJ — Roanoke	KFIZ — Fond du Lac
RHODE ISLAND	WSIX — Nashville	KGKB — Tyler	WASHINGTON	WCLO — Janesville
WEAN — Providence	WSM — Nashville	KRGV — Weslaco	KIRO — Seattle	WIBA — Madison
WJAR — Providence	TEXAS	KWFT — Wichita Falls	KJR — Seattle	WEMP — Milwaukee
WPRO — Providence	KFDA — Amarillo	UTAH	KOMO — Seattle	WISN — Milwaukee
SOUTH CAROLINA	KGNC — Amarillo	KSL — Salt Lake City	KRSC — Seattle	WTMJ — Milwaukee
WCSC — Charleston	KFDM — Beaumont	KDYL — Salt Lake City	KXA — Seattle	WRJN — Racine
WTMA — Charleston	KRIS — Corpus Christi	KUTA — Salt Lake City	KGA — Spokane	WHBL — Sheboygan
WIS — Columbia	KAND — Corsicana	VERMONT	KHQ — Spokane	WYOMING
WORD — Spartanburg	WFAA — Dallas	WSYB — Rutland	KUJ — Walla Walla	KDFN — Casper
SOUTH DAKOTA	KROD — El Paso	VIRGINIA	WEST VIRGINIA	KFBC — Cheyenne
KABR — Aberdeen	KTSM — El Paso	WBTM — Danville	WJLS — Beckley	KWYO — Sheridan
KSOO — Sioux Falls	KGKO — Fort Worth	WLVA — Lynchburg	WCHS — Charleston	ALASKA
WNAX — Yankton	WBAP — Fort Worth	WGH — Newport News	WBLK — Clarksburg	KINY — Juneau
TENNESSEE	KTRH — Houston	WTAR — Norfolk	WMMN — Fairmont	HAWAII
WOPI — Bristol	KXYZ — Houston		WSAZ — Huntington	KGMB — Honolulu
	KFRO — Longview		WLOG — Logan	

These broadcasting stations have also subscribed to Broadcast Music, Inc.

ALABAMA	GEORGIA	WNBH — New Bedford	KGFL — Roswell	OREGON
WCOV — Montgomery	WGST — Atlanta	WBRK — Pittsfield	KVSF — Santa Fe	*KOAC — Corvallis
ARKANSAS	WBLJ — Dalton	MICHIGAN	NEW YORK	KGW — Portland
KLCN — Blythesville	WKEU — Griffin	WXYZ — Detroit	WMBO — Auburn	PENNSYLVANIA
CALIFORNIA	WMGA — Moultrie	WASH — Grand Rapids	WBNF — Binghamton	WEST — Easton
*KFSG — Los Angeles	WSAV — Savannah	WOOD — Grand Rapids	*WBBR — Brooklyn	WLEU — Erie
KMTR — Los Angeles	INDIANA	MINNESOTA	WKBW — Buffalo	WIBG — Glenside
KMYC — Marysville	WEOA — Evansville	*WCAL — Northfield	WOV — New York City	WKBO — Harrisburg
KROW — Oakland	WIND — Gary	MISSISSIPPI	WNBZ — Saranac Lake	WAZL — Hazleton
KGB — San Diego	WSBT — South Bend	WJPR — Greenville	NORTH CAROLINA	WPEN — Philadelphia
KFRC — San Francisco	IOWA	WFOR — Hattiesburg	WISE — Asheville	WRAW — Reading
KDB — Santa Barbara	*KWLC — Decorah	WJDX — Jackson	WGNC — Gastonia	WORK — York
KWG — Stockton	WKBB — Dubuque	WAML — Laurel	WHKY — Hickory	SOUTH DAKOTA
COLORADO	KTRI — Sioux City	MISSOURI	WCBT — Roanoke Rapids	*KFDDY — Brookings
KVOR — Colorado Springs	KANSAS	KFEQ — St. Joseph	WEED — Rocky Mount	TENNESSEE
KLZ — Denver	WREN — Lawrence	NEBRASKA	NORTH DAKOTA	WDOD — Chattanooga
KIUP — Durango	KENTUCKY	KHAS — Hastings	KLPM — Minot	WNOX — Knoxville
KFKA — Greeley	*WBKY — Beattyville	KFOR — Lincoln	OHIO	WHBQ — Memphis
CONNECTICUT	WOMI — Owensboro	NEW JERSEY	WADC — Akron	TEXAS
WNBC — New Britain	LOUISIANA	WHOM — Jersey City	WICA — Ashtabula	*WTAW — College Station
WELI — New Haven	KMLB — Monroe	NEW HAMPSHIRE	WCPO — Cincinnati	UTAH
WNLC — New London	KTBS — Shreveport	WFEA — Manchester	WSTV — Steubenville	KEUB — Price
DELAWARE	MASSACHUSETTS	NEW MEXICO	WTOL — Toledo	VIRGINIA
WDEL — Wilmington	WHDH — Boston	KOB — Albuquerque	OKLAHOMA	WSLS — Roanoke
FLORIDA	WORL — Boston	KICA — Clovis	WKY — Oklahoma City	WISCONSIN
WMFJ — Daytona Beach	WOCB — Hyannis		KTUL — Tulsa	*WHA — Madison

* Non-Commercial Stations