

**THE CENTER FOR POPULAR MUSIC, MIDDLE TENNESSEE STATE UNIVERSITY,  
MURFREESBORO, TN**

**AMERICAN SOCIETY OF COMPOSERS, AUTHORS AND PUBLISHERS (ASCAP)  
PAPERS**

**07-001**

**Creator:**

American Society of Composers, Authors and Publishers

**Type of Material:**

Corporate Papers, Business Records

**Physical Description:**

2 items of textual materials

**Dates:**

1941 March 4, 1945 May 3

**Abstract (Descriptive Summary):**

This collection consists of two documents, one a Consent Decree issued by the American Society of Composers, Authors and Publishers in 1941 and the other an opinion by the New York Supreme Court between ASCAP and Broadcast Music, Inc. (BMI), dated 1945 regarding rights and legal relationships.

**Access/Restrictions:**

The collection is open for research use.

**Provenance and Acquisition Information:**

The two documents were purchased from Bookworm & Silverfish of Wytheville, Virginia in July 2007.

**Subject/Index Terms:**

American Society of Composers, Authors and Publishers  
Broadcast Music, inc.  
Music trade

**Agency History/Biographical Sketch:**

The American Society of Composers, Authors and Publishers is a performing rights society, headquartered in New York, New York, that licenses and collects fees for the use of music written or published by its members. ASCAP membership is made up of composers, songwriters, lyricists, and music publishers of every kind of music. ASCAP protects the rights of its members by licensing and distributing royalties for the non-dramatic public performances of their copyrighted works. ASCAP's licensees encompass all who want to perform copyrighted music

publicly.

**Scope and Content:**

This collection consists of two documents, one a Consent Decree issued by the American Society of Composers, Authors and Publishers in 1941 and the other an opinion by the New York Supreme Court between ASCAP and Broadcast Music, Inc. (BMI), dated 1945.

The original Consent Decree of the American Society of Composers, Authors, and Publishers was entered into the district court of the United States for the southern district of New York as Civil Decree and Judgment, Civil Action No. 13-95, on March 4, 1941. The decree resolved an earlier antitrust case brought by the Department of Justice's Antitrust Division charging that ASCAP and certain members of the organization agreed to restrict competition in the licensing of performance rights and discriminated against certain members in managing those rights. ASCAP voluntarily issued the resulting Consent Decree, which imposes a variety of restrictions and obligations on ASCAP related to the collective licensing of its members' works, as well as its relationship with its members.

The opinion document declares a judgment between Broadcast Music, Inc. and Deems Taylor, President of ASCAP, filed in the New York Supreme Court on May 3, 1945. The judgment pertains to rights and legal relationships between the above two parties regarding the public performance rights to three songs. A reference copy is available due to the fragile nature of the original. Also included is a printed final judgment from the United States District Court Southern District of New York, dated September 5, 2000, involving subsequent modifications of the 1941 Consent Decree.

**Arrangement:**

Arrangement : chronological.

**Location:**

The collection is filed by accession number with other manuscript materials in the special collection storage area of the archives.

**Related Materials:**

The Center holds an ASCAP/BMI scrapbook entitled "The Battle of Music, ASCAP vs. BMI," compiled by Charles McMillan in 1941. It can be found in the manuscript section by accession number 89-029.

**Notes:**

Parts of the "Agency History/Biographical Sketch" taken from the ASCAP website, [www.ascap.com](http://www.ascap.com).

Processed by Lucinda P. Cockrell, March 2008

Revised by Rachel K. Morris, June 2011