

Gator's Rant

The Day the Music Died (ASCAP-BMI)

If you're like most people, the only time you've seen the initials ASCAP or BMI is in the fine print of a CD you bought. You might assume it's some kind of music licensing society. But it is much more than that. It is a racket that has done more harm to the music business than anything else I know of.

Those initials stand for *American Society of Composers Artists and Publishers*, and *Broadcast Music Inc.* So, naturally, you would expect them to be in the business of making sure that people who write and own original material get paid for their work. That's what they *say* they do. That's what they are *supposed* to do. But the reality is, that is not what they do at all.



In Ray Bradbury's book *Fahrenheit 451*, the fire department shows up – not to put out the fire, but to *set fire to some books!* That's exactly what ASCAP is to the music business.

They do pay royalties to perverts like Michael Jackson, but – due to their arcane methods of computing payouts - manage to collect millions for songs that are never paid to the songwriters. Their methods seem more designed to steal royalties from writers than to pay them. But that's not the worst part.

Remember a few years ago, when Texas was filled with big dance halls? One Saturday a month they would have a covered dish wingding great bands like *Asleep At The Wheel* or *Joe Ely and the Flatlanders*? Where have all the dance halls gone?

Simple. Because ASCAP charges entertainment venues based on size, the big places couldn't afford to pay them for their occasional gigs, so *they have been forced to shut down.*

ASCAP and BMI employees, who get paid a fat percentage of the licensing fees they charge venues, use coercion, threats and intimidation against small business owners to get them to sign contracts extorting hundreds and thousands of dollars per year from each victim. But even *that* is not the worst part.

Venues who want to avoid this costly racket may opt to book only bands that play original tunes not licensed by ASCAP or BMI. Problem solved? No. ASCAP will *still* charge a fee if the location has a jukebox, a TV set, or a *radio*. The local ASCAP rat tells club owners that they must pay to have a television set on, because the theme music to many TV programs is licensed by ASCAP. Even having a tune on your *telephone hold button* is enough to bring ASCAP around demanding money.

Just so you understand, ASCAP gets paid dues by the songwriters. They get paid again by the artists who record the songs. They also get paid by the publishers. They get paid again when the CDs are sold. Then they get paid by the broadcasters who play the songs. They get paid once more by jukebox vendors.

But that's not enough. They want to get all the way to the lowest level – *your own ears* – and get paid *any* time you hear *any* music in *any* public place, including Muzak.

ASCAP likes to pretend they are simply looking out for the songwriters and music publishers. But these people already get paid when their music sells. What it really comes down to is a bunch of racketeers in New York City posing as a non-profit organization, shaking down small businesses across America.

The effect of ASCAP is that most of the places who used to offer live music have stopped doing so. So now ASCAP is going after places who book DJs and Karaoke shows. Clubs are getting to the point where they are afraid to book *any* entertainment. How does *that* help the music industry?

Even stores that sell musical instruments have been shaken down for annual royalties to cover shoppers who perform a recognizable riff before they buy an instrument, thus making it what ASCAP considers a "public performance".

Not too long ago, these assholes did the unthinkable: ASCAP actually sent letters out to 6,000 US *Girl Scout troops* demanding annual fees of up to \$1,400 per troop for the songs the scouts sing around their campfires! A letter to scout troop leaders mentioned fines of up to \$100,000 for singing such songs as "Happy Birthday"!

This monolithic parasite - this greedy scam run by lawyers - is sucking the life blood out of the live music business. It's high time to pull the plug on these bastards. **GATOR**