

August 6, 2014

Chief, Litigation III Section
Antitrust Division
U.S. Department of Justice
450 5th Street NW, Suite 4000
Washington, DC 20001

Re: Department of Justice Review of ASCAP and BMI Consent Decrees

Dear Chief,

We are writing today as professional songwriters and proud members of ASCAP, the American Society of Composers, Authors and Publishers.

As songwriters, we take what's inside us and turn it into something that inspires people to dance, to sing and, most importantly, to feel. Our songs touch the lives of millions, no matter the age, race or language. Ultimately, music is timeless, and – we would argue – the highest form of human communication.

There are hundreds of thousands of songwriters and composers working in the United States today. Some are successful and some aspiring, but they all face uncertainty. Together, they hope and pray that their work will pay off, that someone will discover their song and decide to record it and that it will connect with people in a meaningful way.

Most of these songwriters do not have familiar names, but they are the foundation of the entire music ecosystem. Without them, music would cease to exist. Artists would have nothing to record, fans nothing to stream. There would be no venues featuring live performances and no music on radio stations.

We have been lucky enough to have built successful careers in the music industry. But it took a great deal of hard work and sacrifice to get there. And we can say with confidence that we owe some of our success to support from ASCAP.

As ASCAP members, we were never alone. ASCAP was there to support us at every stage of our careers – especially when we were just starting out and royalties from ASCAP helped put food on our table and gas in our car. ASCAP has a very long track record of negotiating licenses and tracking public performances for its members. Moreover, they do it with a very low overhead. And ASCAP plays an essential role in making sure songwriters have a voice in the debate and a seat at the table when it comes to copyright and licensing discussions with policymakers and regulators.

We fully trust ASCAP and depend on the organization to work on our behalf, particularly in times of trouble, like these.

Unfortunately, becoming a professional songwriter has become harder and harder; this profession no longer guarantees financial stability. Despite the high value of our music, few of us are reaping the benefits. In fact, many songwriters are struggling to make a living, even as the streaming services that play their music flourish. This doesn't make sense, and if something doesn't change, the future of songwriting – and perhaps the future of American music – is in danger.

We know that because of this, ASCAP is asking the Department of Justice to make certain, necessary, changes to the laws that govern how much songwriters are compensated. We support those changes because we support ASCAP. And we thank the DOJ for agreeing to conduct a formal review of these laws to make sure they accurately reflect the realities of today's marketplace.

Ultimately, we need to update the system so that it better serves all stakeholders – creators, users and consumers – and ensures that the next generation of American songwriters can approach their profession knowing that they will be compensated for the true value of their contribution to the music industry.

We therefore hope that the DOJ will keep these things in mind while carefully reviewing ASCAP's proposed updates. The stakes are high: music – and those who create it – is too valuable to lose.

Sincerely,

Melissa Etheridge
Lukasz Gottwald ("Dr. Luke")
Richie Sambora
Romeo Santos
Tom Waits
Hans Zimmer