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The music licensing system in America is notoriously and destructively out-of-control; aggressively controlled by non-musical business strategists who have successfully taken charge of the money flow and have self-appointed themselves gatekeepers of new talent in their well-financed area of the music business; and clearly against the original policy that copyright law was created for in the United States Constitution. For 30 years, I have been a composer, musicologist and music critic mostly in the United States, but also for some years in Germany and South Korea. I joined the American Society of Composers, Authors and Publishers (ASCAP) in 1982 when I was a graduate student in music composition at the California Institute of the Arts. I also recently graduated from McGeorge School of Law in Sacramento and took the California Bar Exam last July.

From the very start of my relationship with ASCAP, it was understood that lucrative royalties were available only to composers whose music was performed on "commercial" radio, television, and film (as well as less-trafficked media, such as concert halls and juke boxes). Within this royalty system, which was originally conceived by the songwriter Irving Berlin and was supposed to reflect the large amount of people who experience music through these popular media, ASCAP would take hit-and-miss "surveys" of these media accounting for when ASCAP composers' music was being used. These commercial media in turn were expected to pay licensing fees to ASCAP if the music of ASCAP's composers were ever used on them.

Meanwhile, "public" or "non-profit" media were not surveyed, even if there were enough listeners to compete with if not overtake the commercial media market altogether—something not unheard of with radio. Other anomalies of the system had always reflected that it was originally designed to make money only for songwriters and their publishers and only of a certain type of music that was being used commercially. ASCAP composers whose music is used in a public medium were compensated with modest "awards" rarely amounting to anything over $200 per year, compared to a regularly performed title song on television, which might receive $200,000 per year.

With this imperfect system in place, I have witnessed in my life the system become even more pointless and corrupted to those dealing in large amounts of money—often to the detriment of new talent performing in small concert halls or clubs, self-publishing recordings, and/or getting extensive radio play on public radio. Further manipulation of the law over the years benefits only those making the most amounts of money, despite periodic pleas from ASCAP to all its members in letter-writing campaigns to support this system.

Almost from the early years, it took much fighting and harsh letters and telephone conversations with ASCAP simply to get the modest awards for non-commercial radio play that were originally promised us with membership. On the other hand, even when ASCAP composers perform in small venues that might amount to a royalty check of under $5, officials from ASCAP notoriously contact the venue with threats of legal action if licensing fees are not paid.

Meanwhile, Congressman Sonny Bono's legislation expanding of the copyright duration (as upheld by the Supreme Court in Eldred v. Ashcroft in 2003) followed the trend of making more money for those who might already be rich from their own royalties, if not the royalties of ancestors they never met. In the city I reside in, Sacramento, many local clubs have actually banned entertainers who perform the music of ASCAP composers, based on licensing fees that go into the pockets of those who control the flow of royalties and ASCAP's corresponding legal threats.

Only a few years ago, ASCAP redesigned their website, which included an indecipherable system for composers to apply for the awards that were to compensate non-public performances of their works. I complained bitterly to ASCAP for doing this, even accusing them of deliberately sabotaging the system to phase out the awards altogether. They never responded to my complaints or requests to get an explanation of the new application system. In this confusion, I have stopped getting these awards.

In 2001, I wrote an article for the *New York Times* ("Going the Way of the Victrola." *New York Times*. Vol. 150, No. 51,661, 11 Feb. 2001: Sec. 2, 32+.), in which I praised the new home computer technology as a way of simplifying the process of making and distributing music. This article was attacked in the newsletter of Recording Industry Association of America (RIAA), one the organizations that has aggressively manipulated the law to levy exorbitant fines on private citizens for downloading copyrighted music.

This new trend in which business strategists such as RIAA who have nothing to do with creating music manipulate the legal system for enormous profit to the detriment of citizens who typically do not live in luxury was never intended to be the purpose of copyright law. The incentive as described in the United States Constitution was to be exclusively enjoyed by the creators of that property, and only as an incentive—not as a penalty.

In any case, I am one voice and one composer, whose music may or may not be of such merit that it deserves more royalties than a composer whose music is played regularly on television. Still, the music licensing system in America reflects the abuse of the copyright system, not the useful purpose it was designed for. Technology promises to simplify and improve the process of making music, as well as America's music licensing system, but such systems are hindered under the influence of those who do not create music, but see in it an enormous cash cow.