

From: Josh Cumbee [mailto:josh.cu [Redacted]]
Sent: Thursday, November 19, 2015 9:03 PM
To: ATR-LT3-ASCAP-BMI-Decree-Review
Subject: Consent Decree - firmly oppose (by professional songwriter)

Hi US DOJ,

Just wanted to chip in my two cents. Over the past year I've worked on Madonna's project, Janet Jackson, Chris Brown, and countless others.. performance royalties paid by the likes of an ASCAP or BMI are the lifeblood of a music career in this day and age.

Music has sadly been reduced to a game of pennies, and the strategy for a songwriter like myself is to have as many products in the marketplace generating as many pennies as possible so that the aggregate sum of those streams is enough to put food on the table.

The proposed consent decree legislation would take each of those already tiny revenue streams and hack away 20%+ (minimum) at the hands of double overhead (due to passthrough on 2 PRO's), reduced licensing fees from one agency over another (in an effort to bring in more gross revenue), and a host of other overcharges.

One the reasons the performance rights organizations have been kept in check is that they MUST compete for songwriters - if one starts to license compositions at too low a rate its writers will leave and it will be forced to correct to the market. With the consent decree legislation, the competition will instead be against the songwriters and in the interest of garnering licenses, all the while whittling down what little income we have left. This is diametrically opposed to the principles of capitalism and is only in the interest of the multi-billion dollar media companies on the licensing side.

Metaphorically, suppose there was a pair of twins who owned two adjacent lots of real estate. Each one of them hires a different real estate agent (because they never agree on anything) to sell both plots as a conjoined property. IF agent #1 was forced to take any deal agent #2 deemed agreeable, what is to prevent agent #2 from short selling the property quickly at a 25% discount and taking his commission on the WHOLE amount, before passing half through to agent #1 who then commissions again before passing the money on to the first twin. This is preposterous and no one would ever agree to such a backward set of incentives. And yet here we are.

Over the years many of our cultural musical fixtures have been written not by artists, but by the invisible pen of the songwriters behind them. From "White Christmas" by Irving Berlin to "I Don't Wanna Miss A Thing" by Dianne Warren, songwriters have shaped our taste, changed our perspective and formed our culture for hundreds of

years. The consent decree legislation threatens not only the livelihood of songwriters, but their very existence.

Thanks for your time and I hope my voice was somehow useful in this discussion.

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