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Letter, 1944 October, from Sigmund Romberg to Writer Members

Sigmund Romberg

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SONG WRITERS' PROTECTIVE ASSOCIATION

R C A BUILDING — 1250 SIXTH AVENUE

NEW YORK 20, N. Y.

SIGMUND ROMBERG
President



October, 1944.

To Writer-Members of ASCAP and SPA.

Dear Friend:

THIS LETTER IS OF THE UTMOST IMPORTANCE,

SO PLEASE BE KIND ENOUGH TO READ IT CAREFULLY.

When in 1940-41 ASCAP had its fight with the broadcasters, the publishing firm of E. B. Marks Music Co. left ASCAP and joined with BMI (Broadcast Music, Inc.). The Marks Company claimed full ownership of the small performing rights which had been vested in the Society, asserting in addition that it had an absolute right to deal with these rights as it saw fit, without the consent of the writers or of ASCAP.

Later, BMI and the Marks firm started a suit against ASCAP and against the following writers: Bud Green, Jesse Greer, J. Rosamond Johnson, Lew Pollack and Tot Seymour, to obtain a court determination of these questions. The case comes up for trial some time this Fall.

As you are well aware, we writer members of ASCAP, as well as the publishing members, signed new agreements which extend until 1965. Nevertheless, the Court in the suit against ASCAP and the writers will be asked by BMI and Marks to decide the question whether a publisher who leaves ASCAP can withdraw the small performing rights which were vested in the Society by the writers and can dispose of them without the consent of the writers or of ASCAP - in short, whether the writers have any interest in these rights. The question is, of course, one of life and death so far as the writers are concerned. We have no alternative but to defend the suit and to protect our interests as writers. The questions involved affect all writer members of ASCAP, not only those who are named in the law suit.

See copy of form which signed Oct 14-1944

As you know, ASCAP is represented by its general counsel, Schwartz & Frohlich. At the request of writer members of ASCAP, the individual writers who are named in the suit are being defended by Mr. John Schulman and Mr. Arthur Garfield Hays, of the firm of Hays, St. John, Abramson and Schulman, SPA's attorneys.

Law suits of this kind, when such vital rights are in jeopardy, may be carried through the courts and may even possibly reach the United States Supreme Court before final adjudication. Law suits cost money. There have already been numbers of motions and examinations before trial. The trial itself will undoubtedly be lengthy. Of course, nothing must stand in the way of our giving our lawyers every assistance humanly possible in the defense of the case.

The expenses of Schwartz & Frohlich are naturally being paid by ASCAP. It is and has been our belief that no conflict will arise in the law suit between the interests of the writers and those of the publishers who are members of ASCAP. But we writers have felt that for many reasons it is necessary for the writers to present their case independently. Consequently, we have thought it essential to have the expenses of the writers' attorney paid by writers directly.

The members of the Council of SPA, as well as outstanding writer members whose names appear at the bottom of this letter, all join me in their appeal to you as a writer member of ASCAP to permit us to receive 1% of your ASCAP earnings for one year, the deductions to be made in four quarterly instalments by authorization.

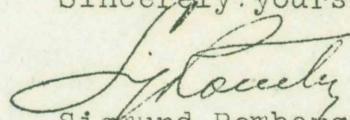
This money will be used to pay the expenses of the law suit, and for this purpose only. It will be kept in a special bank account and four men will have the right to sign checks on this account, namely, Deems Taylor, Oscar Hammerstein, II, Edgar Leslie and myself. Barring unforeseen circumstances, we feel that this 1% should cover the expense.

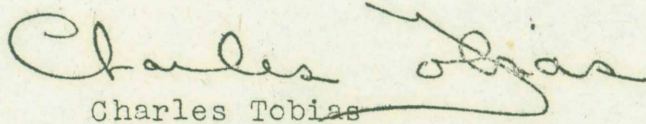
We enclose herewith an assignment on ASCAP for this purpose. Please be good enough to sign and return it to us at your earliest convenience.

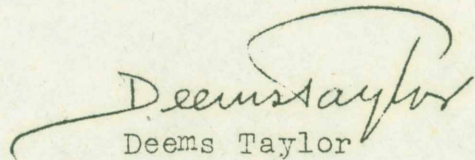
I beg of you to sign and send to us the enclosed assignment as quickly as possible, and the other signers of this letter join with me in this request.

With my best wishes, I am,

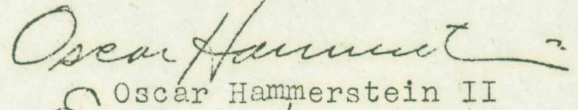
Sincerely yours,

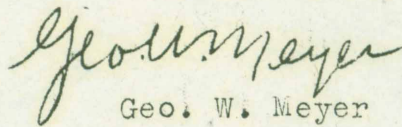

Sigmund Romberg

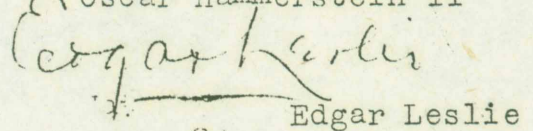

Charles Tobias

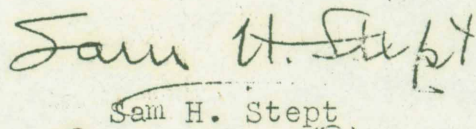

Deems Taylor

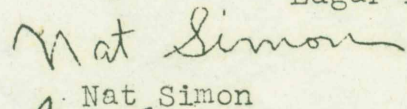

Otto A. Harbach

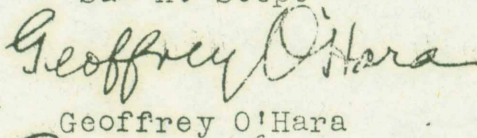

Oscar Hammerstein II

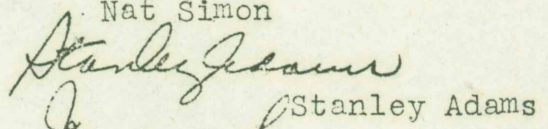

Geo. W. Meyer

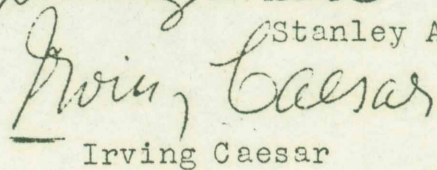

Edgar Leslie

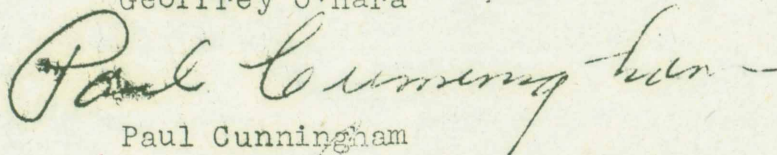

Sam H. Stept


Nat Simon

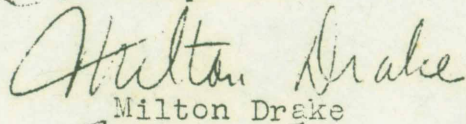

Geoffrey O'Hara

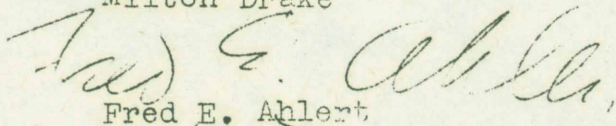

Stanley Adams


Irving Caesar

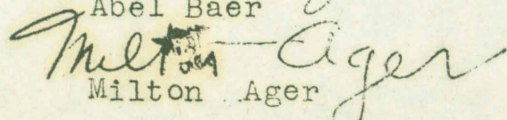

Paul Cunningham


Jesse Greer


Milton Drake


Fred E. Ahlert


Abel Baer


Milton Ager

October, 1944

American Society of Composers,
Authors and Publishers
30 Rockefeller Plaza
New York, N. Y.

Gentlemen:

Please deduct one (1%) percent
from my royalties for the next four quarters
beginning with the December 1944 distribution
and pay the same to SIGMUND ROMBERG, DEEMS
TAYLOR, OSCAR HAMMERSTEIN II and EDGAR LESLIE,
jointly, for my account.

Thanking you, I am

Very truly yours,

CARSON J. ROBINSON

C O P Y

October, 1944

American Society of Composers,
Authors and Publishers
30 Rockefeller Plaza,
New York, N. Y.

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jointly for my account

Thanking you, I am

Very truly yours,

Lawrence Robinson

Signed &
mailed to
Oct-14-1944

C O P Y