




Tommy Dorsey and His Orchestra, date unknown.

“POP CLASSICS”

AND THE 1941 ASCAP BOYCOTT

In the early 1940s, an age before television, internet and streaming, most people got their music from something called radio. And before radio, people who owned a piano purchased sheet music to play the songs they loved. Writers and publishers of best-selling songs earned a living from sales of sheet music. But after records entered the picture, sales of sheet music declined and record sales were insufficient to fill the income gap. Radio was now king.




 Bill Curtis

In 1914, songwriters and publishers banded together and created the American Society of Composers, Authors and Publishers to enforce the 1897 US copyright law. ASCAP, as it came to be known, saw to it that members received compensation (called a “royalty”) for every live and broadcast performance of copyrighted material. The royalty was tiny, typically a few pennies, but the most successful composers


like Irving Berlin, George Gershwin, Richard Rodgers, Jerome Kern and Cole Porter, to name only a few of the very best, made a good living. If a song became a huge hit like Bing Crosby’s 1942 Decca recording of Berlin’s “White Christmas,” it could make its creator wealthy.

Over time, ASCAP became too secure in its power and kept upping the rate they charged radio stations to broadcast a song. By 1940, they were asking seven and a half percent of broadcasters’ gross income. Broadcasters finally balked, and starting on January 1, 1941, they refused to play any ASCAP music. Instead, they directed their own organization, Broadcast Music, Inc. (BMI) to scour music in the public domain—that is, not protected by copyright law—songs like Stephen Foster’s “Jeannie with the Light Brown Hair,” folk and country music, and African-American so-called “race music” (later to become “rhythm and blues”).


BMI also hired non-ASCAP songwriters to mine the classics for melodies to turn into pop tunes. The idea wasn’t new. “I’m Always Chasing Rainbows,” written




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in 1918, was based on a Chopin impromptu. Still, it took off. "Song of India" adapted an aria from Rimsky-Korsakov's opera *Sadko* and was a big hit for Tommy Dorsey and His Orchestra. A theme from Tchaikovsky's Fifth Symphony became "Moon Love," popularized in a Glenn Miller arrangement. Tchaikovsky was an especially fruitful source: "Our Love" used the love theme from *Romeo and Juliet*, and "Tonight We Love" borrowed the opening of his First Piano Concerto. (The word "love" always helped to sell a song title.) ASCAP had gambled that the public would clamor for the "old songs," but they liked the new music they were hearing, and after ten months, ASCAP, BMI and the broadcast networks agreed to a settlement which gave ASCAP much less than they had demanded.



Glenn Miller and His Orchestra, on the set of 'Sun Valley Serenade', 1941

The revolution catalyzed by the internet democratized the way new songs are published, marketed and distributed and diluted the power of ASCAP and BMI, although both organizations still exist. But the practice of using tunes from the classics in pop songs continues. Spotify has a playlist of 50 popular songs based on classical music and many are fairly recent including Eric Carmen's "All by Myself" and "Never Gonna Fall in Love Again" (Rachmaninoff's Second Piano Concerto and Second Symphony respectively), Billy Joel's "This Night" (Beethoven's "Pathétique" sonata), and Lady Gaga's "Alejandro," which samples music from Monty's *Csárdás*. The beat—or is it the baton?—goes on!



Label from RCA Victor 78 rpm record of 'Song of India' with Tommy Dorsey Orchestra



Sheet music for 'Jeanie with the Light Brown Hair'.

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