

# Introduction

These comments seek to address the questions raised by the Department of Justice in its current review of the ASCAP and BMI consent decrees. The origin of the decrees — and business models that depend on compulsory licenses, for that matter — are rooted in an economic and technological context that is strikingly different than that of the twenty-first century. The decrees were an imperfect way to deal with a difficult situation, and often resulted in problems, particularly with respect to songwriters and small publishers.

As we note in our comments, the law and economics are not on the side of maintaining the decrees, and they should therefore be terminated.