

Senate Judiciary Committee
Hearing on Protecting and Promoting Music Creation in the 21st Century

Questions for the Record for All Panelists.

Submitted by Senator Richard Blumenthal

May 22, 2018

As you know, Assistant Attorney General Makan Delrahim—the head of the Department of Justice’s (DOJ) Antitrust Division—is considering terminating the ASCAP and BMI consent decrees. For many decades, these consent decrees have governed how the largest performance rights organizations, ASCAP and BMI, operate within the music industry.

- If the DOJ were to terminate the consent decrees governing ASCAP and BMI, would these organizations be able to operate in an unregulated manner without violating any antitrust laws?

RESPONSE OF MR. SMOKEY ROBINSON: N/A

Within its Antitrust Division Manual, the DOJ identified two separate paths to modify or terminate a consent decree— (1) an “expedited path;” and (2) a “traditional approach” that allows for discovery and a full investigation. U.S. Dep’t of Justice, Antitrust Div., *Antitrust Division Manual* III-148 (5th ed. 2018).

- What process should the DOJ utilize when considering whether to terminate or modify the BMI and ASCAP consent decrees and why?

RESPONSE OF MR. SMOKEY ROBINSON: N/A

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Questions for the Record for:

- **Mr. Smokey Robinson, Recording Artist, Songwriter and Producer;**
- **Mr. David Israelite, President and CEO, National Music Publishers Association;**
- **Mr. Justin Roberts, GRAMMY-Nominated Singer/Songwriter, Trustee, Recording Academy;**
- **Mr. Dave Del Beccaro, CEO, Music Choice;**
- **Mr. Mitch Glazier, President, Recording Industry Association of America (RIAA); and**
- **Mr. Josh Kear, Songwriter.**

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