

How Music Works: Film Composers, Labour, and the Screen Composers Association in Mid-Twentieth-Century America

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Film music composition can be described as one of the most prolific domains of musical creation in the United States in the twentieth century. In addition to the enormous working opportunities Hollywood's film industry offered to music professionals, film music as an artistic form was special in many ways, as the medium-boundedness of such music situated it aesthetically in a space between popular music and art music, which affected both general and scholarly receptions of film music.¹

Hollywood composers in the 1940s and 1950s undertook many different musical tasks in the film production process – such as composing, arranging, conducting, etc. – before a legal framework that was based on the industrialised division of labour between various arts and crafts was introduced. Specialised professional societies were established to support workers in Hollywood's film industry. Examples of unionisation outside the musical sphere include the Screen Actors Guild, the Screen Writers Guild, and

1 See: Ingeborg Zechner, *Franz Waxman: Zwischen Filmmusik und Konzertsaal* (Vienna: Böhlau, 2024), 385–8, and Ingeborg Zechner, “Unheard, Unseen, Underappreciated? Die Verhandlung filmmusikalischer Werkhaftigkeit im Hollywood-Film der 1940er Jahre,” in *Musik – Politik – Gesellschaft: Michael Walter zum 65. Geburtstag*, eds. Kordula Knaus and Susanne Kogler (Stuttgart: J.B. Metzler, 2023), 297. This article is part of an ongoing research project on the composer Franz Waxman that is financed by the Austrian Science Fund (FWF-Grant-DOI: 10.55776/P33029).

the Directors Guild of America.² Against this background – and given the active role unions played in Hollywood – it is not surprising that the labour practices of musicians in Hollywood have been at the centre of research on organisational and legal conventions concerning film music³ – an approach that nevertheless covers only a part of the duties of film composers in Hollywood. As film composers performed very different musical tasks for the film industry, their work was also legally situated in the space between labour and creative work. The special position of film composers in the space between aesthetic and organisational conventions prompted the foundation of the Screen Composers Association (SCA) in 1945 as a society to support the special needs of film composers in the industry.

In this article I argue that an examination of the foundational years of the SCA, which is strangely under-researched, is a way to highlight, among other things, the specific characteristics of composition in the medium of film against the background of the music and the film industries. My article is based on the study of SCA records preserved at the Margaret Herick Library in Los Angeles, as well as sources relating to the activities of the SCA in other archives in the United States. I contextualise these archival documents by taking different professional societies in the film and music industries into account, as well as the SCA's public outreach strategies. This approach allows me to expose aspects of a film composer's working life in the United States beyond Hollywood. Composer societies such as the SCA collectively exercised enormous power over how music 'works'. For example, the SCA dealt with industry labour practices and the legal challenges of the international distribution of Hollywood film music, and assisted composers in obtaining the performance rights for their music. In addition to this, the SCA promoted the exchange of crucial information on industry practices and provided social support for its members when needed.

2 For a history of the Hollywood unions see: Kate Fortmueller and Luci Marzola, eds., *Hollywood Unions* (New Brunswick: Rutgers University Press, 2024).

3 See: James P. Kraft, "Musicians in Hollywood: Work and Technological Change in Entertainment Industries, 1926–1940," *Technology and Culture* 35, no. 2 (April 1994): 289–314; James P. Kraft, *Stage to Studio: Musicians and the Sound Revolution, 1890–1950* (Baltimore and London: Johns Hopkins University Press, 1996), and Gianluca Sergi, "Organizing Sound: Labour Organizations and Power Struggles that Helped Define Music and Sound in Hollywood," in *The Palgrave Handbook of Sound Design and Music in Screen Media: Integrated Soundtracks*, eds. Liz Greene and Danijela Kulezic-Wilson (Basingstoke, Hampshire: Palgrave Macmillan, 2016), 43–56, https://doi.org/10.1057/978-1-137-51680-0_4.

Working for Hollywood: Challenges for Professional Music Organisations in the Film Industry

Hollywood's musical workforce in the studio era was generally organised along the principles of the division of labour. 'Workers' in music departments were overseen by a studio head, such as Leo Forbstein at Warner Bros. Many music department employees undertook different tasks as part of their daily jobs: composers conducted their own scores (or those of their colleagues) and arranged or orchestrated music, while orchestrators worked as music copyists. Film music labour in the studio era involved different professional tasks that – from a legal perspective – brought various challenges for the composers in the industry, especially in obtaining credit and royalties for their creative work. Providing Hollywood with music was especially challenging in the 1930s and 1940s, which saw numerous groundbreaking technological shifts in music production and reception, including the advent of sound film, and later, the LP record. Professional societies were thus established to support various professions in the music and film industries in obtaining and negotiating their copyrights and performing rights. In practice, it was guilds and unions that supported workers in the music industry, basing their engagement on the notion of labour. Nevertheless, film composers often operated in the legal space between different kinds of labour. This situation prompted the composer and president of the SCA Adolph Deutsch to call the film composer “*the forgotten man of the movies*” in a 1940s article in *Musical America*.⁴

One of the organisations that was probably most active in representing the rights of musicians (and continues to be so today) was the American Federation of Musicians (AFM). The AFM was founded in 1896 to protect the rights of American musicians – including “*any musician paid for his or her services*”⁵ – and to prevent an influx of European musicians into the American music market. The AFM concerned itself with the rights of musicians working in orchestras at large, and was thus connected to the concert, radio, and film industries. For many classical and popular musicians alike, Hollywood's film industry offered an opportunity for stable employment. With the rapid technological advances of the era, the AFM especially concerned itself with protecting live musicians against the exploitation of their

4 Adolph Deutsch, “The Composer: Forgotten Man of the Movies,” *Musical America*, June 1946, 5.

5 Chris Wonderlich, “American Federation of Musicians,” in *Encyclopedia of U.S. Labor and Working-Class History*, ed. Eric Arnesen (New York: Routledge, 2006), 81.

work in recorded music, which naturally shaped their work for Hollywood during the early sound era.⁶ In 1938, the American Society of Musical Arrangers (ASMA) was founded in Hollywood by composers and orchestrators in the movie industry, and had expanded nationwide by the mid-1940s. This society was concerned with properly crediting the work of arrangers in the context of improved recording technologies.⁷ The needs of composers who worked as arrangers in Hollywood were represented by ASMA, but also by the AFM.⁸

Outside the film industry, there were various organisations that concerned themselves more generally with the work of composers: The National Association of American Composers and Conductors (NAACC), which was founded in 1933 by Henry K. Hadley, aimed at promoting American music, e.g. through the organisation of concerts with music by American composers and by fostering collaboration and mutual understanding between composers and conductors. After Hadley's death in 1937, his wife Inez took over the organisation. In Hollywood, composers frequently acted as “*composer-conductors*”,⁹ performing their own music. The names of film composers such as Franz Waxman or Victor Young appear in a list of “*co-operating composers*” in the NAACCS Annual Bulletin of 1944/45.¹⁰ This indicates that film composers were active in musical networks beyond the film industry, and thus integrated into American musical life.

A decade earlier than the NAACC, the League of Composers (LOC) was established by Claire Reis¹¹ as an alternative to the International Composers Guild. The LOC intended to promote contemporary music with an international outlook through its programming and the commissioning

6 For this development and for the continuation of the separation between live-music and recorded sound into the twenty-first century, see: Sergi, “Organizing Sound,” 46–7 and 52–4.

7 See: Wanda Marvin, “Arrangers Want Some ‘Cake,’ Too,” *Billboard*, December 9, 1944, 14, 22.

8 See: AFM, *Wage Scales, Hours of Employment, Working Conditions Applying to Motion Picture Work*, effective April 1, 1946 [MHL, SCA Collection, Folder 9. American Federation of Musicians].

9 On the notion of the “composer-conductor” associated with Hollywood-film music, see: Zechner, *Franz Waxman*, 189–95.

10 The NAACC's records are preserved at US-NYp.

11 For an overview of Reis' activities in the musical life of the United States, see: Penny Thomas, “Claire Reis: Advocate for Contemporary Music” (PhD diss., University of Florida, 1991).

of new works, including, but not limited to, those by American composers.¹² Following the example of the League of Nations, the LOC sought to foster common goals between composers in the spirit of understanding and cooperation. The LOC had its own journal, *Modern Music*, which from the late 1920s also included a film music column.¹³

In 1914, the American Society of Composers, Authors and Publishers (ASCAP) was established to protect the copyright of its members' compositions and to collect royalties. In 1919, ASCAP signed an agreement with the Performing Rights Society in Great Britain that allowed for the reciprocal representation of their members. Despite these international agreements, there were challenges in the distribution of royalties for film composers, as seen in the example of Max Steiner, who became a member in 1933. Steiner complained that he received far too few royalties from ASCAP, as film composers apparently received only a small share of the performing license fees that ASCAP collected from movie theatres. Additionally, Steiner felt that his compositions for films shown internationally were not sufficiently rewarded, since the international distribution of his music through film was inadequately compensated.¹⁴

The specific requirements of film composers arising from their employment situation in Hollywood, making them "*the forgotten group*", were only partially addressed by the scope of these societies. In 1945, the Screen Composers Association (SCA) was founded as a collective endeavour to deal with these needs. Efforts to establish a society for film composers began as early as 1942. For this purpose, according to the SCA records, an invitation letter was sent by a "*Film Composer's Emergency Committee*"¹⁵ to 65 film composers, of whom 43 attended the first meeting.¹⁶ The large number of composers who responded indicates the great need for a society devoted to film composers' interests. The official inaugural meeting was held on July

12 See: Marion Bauer and Claire R. Reis, "Twenty-five Years with the League of Composers," *The Musical Quarterly* 34, no. 1 (January 1948): 2.

13 See: Richard Kitson, "Introduction to *Modern Music* (1924–1946)," *RIPM*, <https://ripm.org/pdf/Introductions/MMUintroEnglish.pdf>.

14 See: Peter Wegele, *Der Filmkomponist Max Steiner (1888–1971)* (Vienna: Böhlau, 2024), 92–3.

15 The initial Film Composer's Emergency Committee consisted of the following persons: Anthony Collins, Adolph Deutsch, Leigh Harline, Arthur Lange, Edward Plumm, Max Steiner, Roy Webb, and Victor Young [MHL, SCA Collection, Folder 37. Film Composer's Committee].

16 See: Blank letter of the Film Composers' Emergency Committee, n.d. [MHL, SCA Collection, Folder 22. Bulletins].

20, 1945 in the Beverly Wilshire Hotel in Beverly Hills, with Daniele Amfitheatrof, David Buttolph, Robert E. Dolan, Adolph Deutsch, Leo Erody, Hugo Friedhofer, Leigh Harline, Ray Heindorf, Werner Heymann, Arthur Lange, Edward H. Plumb, Edward Powell, Miklós Rózsa, Herbert Stothart, Franz Waxman, Charles Wolcott, Roy Webb, and Victor Young serving as members of the organising committee.¹⁷ Max Steiner and Adolph Deutsch went on to represent the SCA as president and vice-president, Roy Webb as treasurer and Leonard Zissu acted as legal counsel. In its inaugural meeting in 1943, the society defined four major purposes of its actions:

- (1) To form a Guild, Society, Alliance or League of Composers. No affiliation with the American Federation of Musicians is contemplated in view of the fact that our work is purely creative and does not fall into any Labor Union category.
- (2) To formulate a Basic Agreement between our group, and the Motion Picture Producers, anticipating the widespread use of our music in Television, Slot Movie Machines, Juke Boxes, Radio, and the Concert Halls, publication problems and general studio relationships.
- (3) To survey and analyze the U.S. Copyright Law with a view to devising amendments which will correct existing inequities. To endeavour to coordinate our amendments with these being drawn up by many other groups of individuals, operations, and labor organizations and to present an integrated plan to Congressional Committee on Copyrights.
- (4) To promote closer relationships between composers and the various arts and crafts that contribute to American films. To raise our artistic standards.¹⁸

To meet these goals efficiently, the SCA established a number of subcommittees over the years to work on pressing matters. The Contract Committee focused on designing standardised clauses for composers' contracts.¹⁹ The Expansion Committee, directed in 1954 by Marlin Skiles, reached out to TV and radio composers to explore possible overlaps in interests. The Composers' Manual Committee, directed in 1954 by David Raksin and Bernard Herrmann, was assigned the task of developing a "*business bible*"

17 See: *Film Composers' Committee Announcing the Inaugural Meeting of the Film Composers' Association* [MHL, SCA Collection, Folder 22. Bulletins].

18 Blank letter of the Film Composers Emergency Committee [1943] [MHL.SCA Collection, Folder 22. Bulletins].

19 In 1947 members in the Contract Committee included Daniele Amfitheatrof, David Buttolph, Adolph Deutsch, Leigh Harline, Werner Richard Heymann, Arthur Lange, Edward Powell, Miklós Rózsa, Charles Wolcott, and Edward Plumb.

for SCA members “covering registering procedures in the film, radio and television performance fields”.²⁰ SCA membership fees depended on the amount of annual income from motion picture work: in 1945, the minimum fee was USD 20 for earnings below USD 5,000, while the highest fee was USD 180 for earnings above USD 40,000/year.²¹

Despite this legal and revenue-oriented focus, the SCA also acted as a social collective, supporting members during difficult periods of their lives whenever necessary. When the German-American composer Werner Richard Heymann was hospitalised following a suicide attempt, the SCA collected donations from their members to help Heymann cover his bills, as he was financially destitute.²² Composer societies such as the SCA often formed not only for specific purposes, but also because of crucial needs that required collective energy and resources. The following section examines how the SCA’s four goals manifested in film composers’ working practices, and thus serves as a means to better understand ‘how music worked’ in the middle of the twentieth century.

Film Music Composition: Labour or Creative Work?

Legally, film composers in the Hollywood of the 1940s were hired as employees at a film studio, receiving a lump-sum payment, comparable to other professions in the film industry. Being hired as an employee meant that film composers signed over the rights to their compositions to the film studio or production company. Generally, film composers were not entitled to any royalty payments when their music was reused in other films produced by the same company – a common practice in Hollywood, and one publicly addressed by the SCA legal counsel Leonard Zissu.²³ Correspondence preserved in the SCA collection indicates that, despite several lawsuits brought by SCA members such as David Raksin in the 1940s, a clause requiring composers to sign over all copyrights and performance rights to the film studio – thus making the company the recipient of ASCAP royalties – continued

20 SCA Press Statement, 17 June 1954 [MHL, SCA Collection, Folder 62. Press Releases and Publicity].

21 See: SCA Notice regarding Dues [US-Wc, Erich Wolfgang Korngold Collection, Box 88, Folder 56].

22 Letter from Adolph Deutsch to Scott Bradley, 9 April 1950 [MHL, SCA Collection, Folder 32. Correspondences].

23 See: Leonard Zissu, “The Copyright Dilemma of the Screen Composer,” *Hollywood Quarterly* 1, no. 3 (April 1946): 317, <https://doi.org/10.2307/1209289>.

to appear in composers' contracts well into the 1950s.²⁴ Hugo Friedhofer, for instance, encountered this unfavourable clause – “*the little blockbuster*” in Friedhofer's words – in a 1952 contract with Twentieth Century Fox, which prompted him to call for stronger SCA collective efforts, led by the businesses leading freelance composers:

[...] I believe it is essential to call a meeting of SCA members (strictly unofficial, however) who comprise the upper echelon of the free-lance group, in order to determine what our course of action is going to be. Most certainly, a unilateral course of action on the part of men like Herrmann, Raksin, North, Amfitheatroff [sic], Buttolph, Waxman, Stevens, Murray and your humble servant, might possibly serve as a slight deterrent in this matter. On the other hand, it might put us all on Skid Row, and frankly, that might be preferable, since I've no doubt at all we'd be meeting up with nicer people!²⁵

Friedhofer's suggestion indicates that, despite the often-addressed 'miserable' circumstances of composers working for Hollywood, by the end of the studio era renowned freelance composers – organised in societies such as the SCA – were regarded as having at least some agency in contractual matters. What remained problematic, however, was the legal distinction between labour and creative work. The division and regularisation of labour in the film industry was explicitly promoted by unions such as the AFM, which regularly published guidelines for “*Motion Picture Work*” to standardise working practices, working hours and wages for AFM members in Hollywood's film industry. The AFM guidelines from 1946 state that “*Motion picture recording musicians*” were required to take ten minutes rest per hour “*away from the stand*”. The rate for a single recording session (three hours or less) per musician in 1946 was USD 39.90; overtime before midnight cost the production company USD 3.33 every fifteen minutes, and after midnight the amount rose to USD 4.99.²⁶ The AFM ensured that musical workers in the film industry – including conducting film composers – were paid according to the time they worked.

The SCA wished to place film music composition on a legal footing similar to that of “*musical time workers*”, as demonstrated by an annotated version of AFM conditions preserved in the SCA files. To accomplish

24 See: Copy of letter from Hugo Friedhofer to Adolph Deutsch, 6 February 1952 [MHL, SCA Collection, Folder 31. Contract Committee].

25 Ibid.

26 See: AFM, *Wage Scales*, 8 [MHL, SCA Collection, Folder 9. American Federation of Musicians].

this task, the SCA asked film composers such as Erich Wolfgang Korngold to submit their contracts to the society in order to review the current situation in the industry, a task that apparently remained necessary, as indicated by the Friedhofer letter quoted above.²⁷ Notably, there was no common understanding in Hollywood regarding the conventional terms of composers' engagement, and standardised practices seemed to have been largely absent from the industry.

In the early stages of reviewing the legal standing of music in film, a desire emerged for the various societies to coordinate their efforts under the auspices of the AFM, and thus film composers were to be included in the powerful musician's union. This intention was strongly and publicly opposed by the composer Virgil Thomson in his 1939 book *The State of Music*, an attempt to describe "the island of home" of musical professions in the United States.²⁸ Thomson, who composed primarily for documentary films, also addresses a general legal problem with music, which continued to be a topic of concern for the SCA: namely, whether music in general should be considered labour or creative work – a division that proved particularly problematic for film music. Thomson distinguishes between musicians as time workers and composers as creators of intellectual property. Musicians and composers, despite potentially working in the same industry, should be represented by separate professional bodies. In doing so, Thomson proposes differentiation based on the nature of work rather than the industry, thus not fully addressing the unique position of film composers situated between labour and creative work. Furthermore, he acknowledges in his monograph the complex legal framework of music composition in the twentieth century:

Music still gets written, performed, and consumed, lots of it, in all categories. And neither the profession of writing nor the trade of performing it is quite yet immobilized by friction with the businessmen who organize the dissemination of it.²⁹

An interesting consequence of this "*friction with the businessmen*" was that, due to the involvement of the AFM, musicians often benefited financially more from the re-recording of a score for another film than the composers themselves. This practice of using library music was common at minor

27 See: Letter from Leonard Zissu to Erich Wolfgang Korngold, Oct 11, 1943 [US-Wc, Erich Wolfgang Korngold Collection, Box 88, Folder 56].

28 Virgil Thomson, *The State of Music* (New York: William Morrow, 1939), 3.

29 *Ibid.*, 250.

studios as a cost-saving measure.³⁰ In simple terms, labour in the film industry was financially rewarded, whereas creative work received comparatively little compensation. According to the violinist Julius Toldi, the film composer consequently was “*the only one exposed to arbitrary exploitation*” in the film industry,³¹ echoing also Deutsch’s statement quoted earlier.

One prerequisite for improving the position of the film composer was providing them with proper credit for their work. Although this principle may seem obvious, standard contracts often omitted such a clause. Exceptions included distinguished composers, such as Erich Wolfgang Korngold, Max Steiner, Aaron Copland, or Dimitri Tiomkin. Their names and reputations on the music scene helped the film company in promoting the film, as a prominent composer was often considered a marketing asset rather than a cost for the film studio.³² For lesser-known composers, the situation was, of course, different. It should be emphasised that the attribution of screen credits to the composer did not grant them ownership of their creative work. Ben Winters has recently refuted the persistent myth that Korngold supposedly held the rights to his film music compositions. In fact, Korngold operated under essentially the same contractual conditions as other Hollywood film composers,³³ except that he was probably more publicly visible through press coverage – a visibility shared by other major figures in the industry which the SCA intended to use for its advantage.

The SCA aimed to have the profession of film music composition acknowledged not as labour but as a creative work, subject to both copyright and performing rights. The problem of crediting film composers for their creative contributions was discussed not only in internal SCA meetings, but also publicly by the legal consultant Leonard Zissu, who

30 See: Minutes of the SCA Free Lance Composers Meeting, April 5, 1948 [MHL, SCA Collection, Folder 40. Freelance Composers].

31 Letter from Julius Toldi to J.K. Wallace [President of Musicians Mutual Protection Organisation], 10 March 1949. [MHL, SCA Collection, Folder 32. Correspondences]. Toldi, a musician in the Twentieth-Century Fox Orchestra, belonged to Arnold Schoenberg’s private circle in Los Angeles, and promoted Schoenberg’s music in the US (see: Kenneth H. Marcus, *Schoenberg and Hollywood Modernism* (Cambridge: Cambridge University Press, 2015), 154–5).

32 See: Notes on the meeting of the SCA Contract Committee with the Screen Writers Guild and the Radio Writers Guild, 4 Dec 1945 and for an assessment of the contracts of Korngold see: Ben Winters, *Korngold in America: Music, Myth, and Hollywood* (New York: Oxford University Press, 2025), 53–82.

33 See: Winters, *Korngold in America*, 82.

sought to raise awareness of the issue.³⁴ The diverse professional tasks required of a composer at a film studio placed them in a position between labour and creative work. Again, Thomson in *The State of Music* revealingly adds to his distinction of different kinds of work the aspect of utility as follows:

Different kinds of work are measurable for payment in different ways. The time a composer actually takes to write a given piece is not a reasonable or possible way of measuring that work's commercial value. Its value for payment must be measured by its utility, as all professional services are.³⁵

In fact, music composed for the film medium is highly advantageous to the final product, as otherwise its “*utility*” might be questioned. In a way, the SCA's advocacy for differentiated contracts for AFM services (e.g. conducting), and non-AFM services represents a practical continuation of Thomson's more general argument: separating labour from creative work while also acknowledging the space in between by considering the matter of utility. When Franz Waxman was contracted in 1947 by Paramount for *Sorry, Wrong Number*, he signed separate agreements for his services as composer and conductor, the latter under AFM scales³⁶ – most likely due to the involvement of the SCA.

National and International Trajectories of the Screen Composers Association

From the very beginning, the SCA connected with national and international composer societies, as well as with other professional industry societies in television and radio, and collectively pursued efforts in dissemination and publication. The medium-bound character of film music contributed to a wide international distribution. Werner Richard Heymann, a founding member of the SCA, argues in a letter to Leonard Zissu that film music reaches a far broader international audience than newly composed music for the concert hall, due to protectionist policies in European countries. Heymann suggests the SCA should use this argument with ASCAP to in-

34 See: Leonard Zissu, “The Copyright Dilemma of the Screen Composer,” 320, and Leonard Zissu, “Commercial Mediums and the Composer,” *The Composer's News Record* 6 (1948): 2.

35 Thomson, *The State of Music*, 255.

36 See: Contract between Franz Waxman and Paramount, 19 Dec. 1947 [MHL, Paramount Pictures Contract Summaries, Franz Waxman f.1551].

crease film composers' incomes from the international ventures of film companies.³⁷ As previously noted with Max Steiner's dissatisfaction regarding his earnings from foreign films, composers' incomes from international distribution seemed to have been lower than expected. To assess the situation, the SCA systematically registered royalties received by their members from ASCAP from foreign countries in 1947, including cheques received until October of that year. From a total sum of USD 513,663.56 twelve SCA composers – including such prominent and productive figures as Max Steiner, Victor Young, Bronislav Kaper, and Franz Waxman – received a total of USD 2,955.45. Max Steiner's income alone accounted for almost one-third of this sum, reportedly for more than 270 film scores.³⁸

Foreign music and performing rights societies – most notably British organisations such as the British Performing Rights Society and the British Film Music Society – served as important benchmarks for the SCA in shaping policies to secure fairer compensation for film composers. Through comparisons with these organisations, the SCA identified a significant disparity: its members consistently received far lesser royalties from the American ASCAP than from their British counterparts. This discrepancy prompted the SCA to release the following pointed critique:

Yes, we know there is a world war in progress, that incomes are to be frozen, that taxes are to be astronomical, that gasoline is rationed, that theatre attendance might drop off. But we also know that The Performing Rights Society, Ltd., London England, went right on functioning through the 1941 blitz, and paid more money to American film composers than they received from A.S.C.A.P. for a corresponding period.³⁹

This discrepancy in royalties arose from the fact that the British Performing Rights Society recognised small performing rights to the respective film composer, and ASCAP did not at the time. Consequently, the SCA provided its members with standard contractual clauses, modelled after British agreements, that should be included in Hollywood

37 See: Letter from Werner Richard Heymann to Leonard Zissu, Apr. 2, 1948 [MHL, SCA Collection, Folder 5. ASCAP – Foreign Distribution].

38 “ASCAP Distribution of Royalties received from Foreign Language Countries,” 29 Sept. 1947 [MHL, SCA Collection, Folder 5. ASCAP–Foreign Distribution].

39 “The New A.S.C.A.P. Classification and its Meaning to Film Composers” [MHL, SCA Collection, Folder 37. Film Composers' Committee].

contracts.⁴⁰ This focus on contractual matters and the benchmarking process illustrates the importance of international cooperation in improving the position of film composers in the United States. Over the years, securing the proper amount of foreign royalties through negotiations with ASCAP became one of the SCA's primary functions. Composers such as Alexandre Tansman, who composed several film scores in the 1940s and was not fully familiar with the legal situation of film composers, turned to the SCA for assistance in obtaining royalties, particularly because he was not an ASCAP member.⁴¹ Supporting film composers in claiming their royalties from foreign performing rights societies through ASCAP cannot be seen as a purely financial matter, because for the composers themselves it also helped to strengthen the legal recognition of film music composition as a legitimate professional activity.

The SCA also engaged with other composer societies in the United States, such as the NAACC or LOC, often through intermediaries such as Aaron Copland, who was active in both spheres. In particular, the LOC provided a regular platform for film composers, and Leonard Zissu publicly advocated for them in the LOC's *Composer's News Record*, comparing their professional situation to that of musicians in other "commercial mediums".⁴² The 1947 monograph *Composers in America* by Claire Reis, founder of the LOC, included film composers for the first time as an integral part of American musical life. Reis' initiative received support from music critic Lawrence Morton and composer Aaron Copland, both of whom are credited extensively in the book's acknowledgements. Notably, the monograph's title reflects the émigré backgrounds and diverse nationalities of composers in the film industry, rather than presenting them as "American composers".⁴³ Lawrence Morton, whose brother Arthur worked as an arranger in Hollywood and was listed among the founding members of the SCA, also contributed – in addition to various articles on film music in the press – a foreword

40 See: "Draft Containing Proposed Standard Clauses of Composer-Producer Single Picture Contract With a Minor or Independent Studio Without Publisher Affiliation" and "Draft Containing Proposed Standard Clauses of Composer-Producer Term Contract for a Major Studio and/or a Studio with Publisher Affiliation" [MHL, SCA Collection. Folder 31. Contract Committee].

41 See: Letter from Alexandre Tansman to the SCA, 1 Feb. 1949 and letter from Adolph Deutsch to Alexandre Tansman, 4 Feb. 1949 both [MHL, SCA Collection, Folder 32. Correspondence].

42 Zissu, "Commercial Mediums and the Composer," 2.

43 For the historiographical importance of the monograph see: Zechner, "Unheard, Unseen, Underappreciated?" 272–3 and 284–93.

to the first edition of Clifford McCarty's *Film Composers in America* from 1953, which remains a standard reference on Hollywood film music to this day.⁴⁴

Although Hollywood films were distributed internationally, their original scores were not always preserved. *The Hollywood Reporter* cited SCA member Daniele Amfitheatrof, returning from several weeks in Europe, noting that Hollywood musical films shown in Italy had their scores replaced with newly composed Italian music. This was not due to governmental regulation but cost: apparently the licensing fees for performing American copyrighted music, collected by the Italian Society of Authors, were so high that producing new music in Italy was cheaper.⁴⁵ This example highlights the striking differences in the enforcement of national performing rights laws between Italy – and other European countries – and the United States.

The music distributed internationally via film faced challenges from these differing national performing rights laws. In Italy, performing-rights societies segregated receipts from licensing fees, paying composers each time their music was 'performed' in a film. In contrast, American film studios often owned music publishing houses. This meant that ASCAP profits from foreign distribution went directly to these publishers – and the studios – rather than to the composers. Between 1938 and 1953, the SCA pressed ASCAP on foreign royalties, using Roy Webb's case, where he reportedly received insufficient foreign royalties, as a legal precedent.⁴⁶ The 1948 *SCA Bulletin* highlighted this disparity and further underscored an additional challenge for film music composition:

The motion picture producers employed talented composers to write the background music for their motion pictures. These musical compositions were never printed or sold, but as a rule they became the property

44 Clifford McCarty, *Film Composers in America: A Checklist of Their Work* (New York: Valentine, 1953). The book was reviewed by Frederick W. Sternfeld for *Notes*. In his review the discrepancy between film music composition and concert hall-composition is clearly stated, revealing the bias in the reception that prefers concert hall composers that write film music (see: Frederick W. Sternfeld, "Review of *Film Composers in America: A Check List of Their Work* by Clifford McCarty," *Notes* 11, no. 1 (1953): 105.)

45 See: Anon., "'Made in Italy' Sound Tracks Hurt U.S. Musicals There," *The Hollywood Reporter*, 30 June 1949, 10 [MHL, SCA Collection, Folder 5. ASCAP–Foreign Distribution]. For thematization of the problem at SCA a few years earlier see letter from M. Curci to Bornstein [Bourne Music Publishers], 14 June 1943 [MHL, SCA Collection, Folder 5. ASCAP–Foreign Distribution].

46 See the extensive records on the case in [MHL, SCA Folder 5. ASCAP – Foreign Distribution].

of the producer's music subsidiary. The ASCAP catalog, including foreign societies for which ASCAP has acted, is estimated to include a million musical compositions.⁴⁷

By noting that "*film music was never printed or sold*" and therefore would not fit into the traditional copyright categories overseen by performing rights societies, the *SCA Bulletin* identified a fundamental media-specific problem of film music.

Published or Not-Published, That Is the Question

A central issue for film music, as also noted in the *ASCAP Film Composers' Request for Improved Classification* from March 5, 1943, was that "[o]ur scores are not published".⁴⁸ Unlike other musical works, symphonic film music exists primarily as recorded sound rather than as a published written score, except for popular theme songs. A SCA press release framed this problem as an injustice, arguing that the lack of publication meant that film composers were inadequately represented at ASCAP, resulting in financial disadvantages:

Picture music is rarely published (i.e. printed) and thus a film score of great importance and heard by millions would rate less weight, in the opinion of ASCAP, than a meritless 'pop' tune which happens to be published. As a result, many film composers are excluded from membership in ASCAP.⁴⁹

Since ASCAP recognised performing rights for manuscript works in concert halls and on the radio – following the example of the British Performing Rights Society – the SCA argued that manuscript motion picture scores "*should be credited with performance*" by ASCAP, which apparently was not yet the case at the end of the 1940s. Records in the SCA files suggest that this lack of acknowledgement of film music as an artwork that was subject to performing rights was influenced by persistent prejudices against the artistic value of film music, which was described as

merely compilations and arrangements of 'mood' music; [and in describing the production process] that the composer goes to a file labelled

47 SCA Bulletin, August 1948. [MHL, SCA Collection, Folder 22. Bulletins].

48 [MHL, SCA Collection, Folder 37. Film Composer's Committee].

49 SCA Press Statement [1943?] [MHL, SCA Collection, Folder 62. Press Releases and Publicity].

'storm' or 'seduction' or 'misterioso' and measures out sufficient bars of that music to cover the scene.⁵⁰

The dilemma faced by film composers arose from the dual challenge of the film medium's ephemeral nature and the fact that performance rights laws were primarily based on published music, nourishing prejudices such as the one quoted above. The only exceptions to this were theme songs, which were used to popularise a theme from a film score – David Raksin's song "Laura" from the eponymous film being a notable example. Warner Bros., just like other Hollywood production companies, strategically marketed suitable themes in the film score as songs.⁵¹ While not every effort succeeded, when it did, it generated additional revenue.

Financially, the publication of film music as songs rarely benefited the composer, because performing rights were typically assigned to the music publishing arms of the film studios.⁵² Additionally, composers generally had no control over whether their music was published or in what form, as such decisions were made by studio executives.⁵³ From the mid-1930s onward, Hollywood often exploited film theme songs as part of multi-channel marketing strategies, reusing the music across various media – records, radio, and more. While the musicians represented by AFM who were employed in re-recording music were compensated for each recording session,⁵⁴ film composers were usually excluded from these payment schemes.

High-ranking composers such as Korngold, Rózsa or Waxman occupied a somewhat privileged – though not exceptional – status, which made them eligible to receive at least a portion of music sales: For example, in the case

50 "Review of ASCAP Film Composers' Request for Improved Classification," 3 [MHL, SCA Collection, Folder 37. Film Composer's Committee]. For the problem of acknowledging film music as a legitimate art form see: Clair R. Reis, *Composers, Conductors and Critics* (New York: Oxford University Press, 1955), 126–31.

51 See: Winters, *Korngold in America*, 47–9 for adapting Korngold's music for *Another Dawn* into a theme song, and for the process of at David O. Selznick's studio see: Ingeborg Zechner, "Hollywoods Filmmusik und ihr Weg zur Populärkultur: Kontexte – Historiographie – Medialität in den 1940er- und 1950er-Jahren," *Acta Musicologica* 95, no. 1 (2023): 83–4.

52 See also: "Notes on the meeting of the SCA Contract Committee with the Screen Writers Guild and the Radio Writers Guild," 4 Dec 1945 [MHL, SCA Collection, Folder 22. Bulletins].

53 See: Zissu, "The Copyright Dilemma of the Screen Composer," 318.

54 See: e.g. "Motion Picture Production Recording Musicians Personal Service Contract," in AFM, *Wage Scales, Hours of Employment, Working Conditions Applying to Motion Picture Work*, effective April 1, 1946, 20–5 [MHL, SCA Collection, Folder 9. American Federation of Musicians].

of the theme song “Tomorrow” from the film *The Constant Nymph* (Warner Bros. 1943), published with Warner Bros.’ music subsidiary Witmark & Sons, Korngold was entitled to 50% of the net profits from sheet music sales.⁵⁵ Yet, at a time when sheet music revenues were minor compared to income from records or radio broadcasts, these payments likely remained modest. Similarly, for the extra-filmic distribution of Miklós Rózsa’s *Spellbound Concerto* from the eponymous Hitchcock film, the composer was contractually granted royalties of five cents of every record sold (with a shop price of USD 3.95 per record).⁵⁶ For the Hal Willis Production *Sorry, Wrong Number* with Paramount Pictures in 1948, Franz Waxman explicitly made sure that he was to receive ASCAP composer royalties, although he did not hold the copyright of the score:

If any of Mr. Waxman’s music is published he is to receive the usual composers’ royalties. In the event any musical theme in the score is composed by Mr. Waxman is acceptable for adaptation into a popular song, then a lyricist is to be supplied by Hal Wallis Productions, Inc., at its own expense, and Wallis will assign all rights except non-exclusive synchronization rights of the song to Famous Music Corporation, which will enter into an agreement to pay to Wallis the same royalties as we pay them with regard to other pictures, in addition to royalties to be paid to Waxman and the lyricist.⁵⁷

These examples demonstrate how the terms of performing rights varied widely across the industry, depending not only on the practices of studios and their affiliated music publishing houses, but also on the negotiation skills of the composers themselves – a process often facilitated by the SCA. SCA strategically aligned their argument concerning the re-use of film music with AFM policy,⁵⁸ advocating that composers should be credited with performing rights when their compositions were reused. Unlike Italian performing-rights societies, however, ASCAP in the late 1940s only administered non-dramatic performing rights – the so-called “*small rights*”. Whenever “*dramatic rights*” came into play, such as the re-use of a score in a different film, ASCAP declined responsibility unless special contractual

55 See: Zechner, “Hollywoods Filmmusik und ihr Weg zur Populärkultur,” 82–3.

56 See: Memo by Richard H. Dann, 20 Sept. 1945 [US-AUS, David O. Selznick Collection, 980.5].

57 Memo from Louis Lipstone to Sidney Justin, 16 April 1948 [MHL, Paramount Pictures Contract Summaries, Franz Waxman, f. 1551].

58 See: *International Musician* 49, no. 8 (1951), 34–5 [MHL, SCA Collection, Folder 9. American Federation of Musicians].

arrangements had been made, concessions usually granted only to the most distinguished composers.

To counter this inequity, the SCA drafted suggested clauses for standard contracts, particularly for studios with affiliated publishers, to raise awareness among composers and increase their negotiating power. One striking clause in these drafts stipulated that if a producer failed to publish the composition within 90 days of the film's release, copyright to the music could be claimed by the composer:⁵⁹

It is further agreed with respect to musical compositions other than popular musical compositions, that if PRODUCER shall have failed to publish such a composition within ninety (90) days after the release of the motion picture, COMPOSER shall have the right, to be exercised by notice in writing to be given jointly to the PRODUCER and publisher within thirty (30) days thereafter, to procure a re-assignment of the copyright and all rights in such musical composition excepting the 'motion picture and synchronization rights' with respect to the motion picture in which such musical composition shall have been so recorded and used.⁶⁰

The inclusion of this very clause from the SCA's proposed standard contract might have provided Franz Waxman with the opportunity in 1956 to publish excerpts from his music to *Crime in the Street* (Allied Artists, 1956) under the title *Theme, Variations, and Fugato* with his own publishing company Fidelio Music.⁶¹

Conclusion

An examination of records from composer societies such as the SCA proves particularly revealing for understanding musical practices in the rapidly changing media environment of the twentieth century. The SCA's files highlight four major areas that shaped the lives and professional identities of film composers in mid-twentieth-century America: first, the disintegration of musical professions, which compelled many musicians to work simultaneously across industries as composers, arrangers, and performers;

59 "Draft containing proposed standard clauses of composer-producer term contract for a major studio and/or a studio with publisher affiliation" [MHL, SCA Collection, Folder 31. Contract Committee].

60 Ibid., 3.

61 For the aesthetic and ontological implications of this publication see: Zechner, *Franz Waxman*, 370–1.

second, the usual existence of a single musical composition across different media, each of which carried its own aesthetic conventions and professional practices; third, the centrality of the publication of music as a written text in American copyright law, which marginalised forms of music that existed primarily as sound; and finally, the internationalisation of the film and music industries after WWII, which introduced new legal and economic challenges for music professionals in different national contexts.

The SCA's foundational years – during which the society consolidated its purpose, aims, work plans, and organisational structures – produced a significant body of archival material. These sources are invaluable not only because they document the immediate concerns of composers at the time, but also because they preserve a contemporary perspective that avoids retrospective distortion. Placing this contemporary assessment in a broader historical and aesthetic framework helps to illuminate how the medial position of film music – hovering between written text and 'ephemeral' sound – fundamentally shaped its reception.

Indeed, the long-standing exclusion of film music from Western music historiography can be traced to two factors. First, the prevailing modernist attitudes in music composition that predominated for a long time in music scholarship.⁶² And secondly, film music's ambiguous position within legal and medial categories, which is a constant topic in the SCA records. In this sense, film music as a new compositional practice of the twentieth century exposes crucial tensions among sound, text, labour, and authorship, especially when studied through the professional realities of composer-performers and their networks. Collaboration was central to the production of Hollywood film music, which depended on networks of composers, arrangers, orchestrators, performers, and studio executives.⁶³ Yet collective agency, as embodied in professional organisations such as the SCA, has received little scholarly attention. This neglect may reflect a broader historiographical bias that foregrounds the individual composer, the single actor over the collective and the institutional structures that shaped musical practice. Film composers themselves, including figures such as Franz Waxman, often reinforced this individualistic narrative as part of their strategies of professional identity formation.⁶⁴ Nevertheless, if we are to understand 'how music works' in this context, it is essential to engage with the

62 For this assessment see also: Winters, *Korngold in America*, 2.

63 See: Nathan Platte, *Making Music in Selznick's Hollywood* (New York: Oxford University Press, 2017), 11–3.

64 See: Zechner, *Franz Waxman*, 234–5.

wider networks and organisations – such as the SCA – that mediated the profession, negotiated rights, and shaped the conditions of film music's creation and circulation.

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