

# Copyrights: Issues at Stake

By FATHER ROBERT J. KENNEDY

Since FEL Publications of Los Angeles has filed suit against the Archbishop of Chicago and a number of his parishes for copyright violations, there has been much discussion about the copyright problem on the parish, diocesan and national levels. The action of a lawsuit was inevitable, but it provides the American Church with a good opportunity to evaluate and strengthen church music programs in our parishes.

What are the issues at stake in addressing the copyright situation?

First, there is the right of composers and publishers to make a living from their work. This should be above question. Many authors and composers have suffered great

loss in this age of the copying machine, because persons and organizations have been unaware of, or have completely disregarded, the federal copyright law. A person's dignity derives in many ways from his/her work. Thus, the right to earn a living must be fostered, protected and upheld, especially by the Church.

Second, there is a moral obligation to observe the federal copyright law. Again, this should be above question. The law, as it stands, is in no way unjust; rather, it is a good law, protecting the creative genius of writers, artists and composers. In the case of church music, it forbids the reproduction of a composer's words and/or music for public use without the permission of the owner. This applies even if the

reproduced music is not for sale; it applies if the works will be reproduced for one-time use only (like the celebration of Confirmation or Ordination); it applies if the composer has used words of scripture as lyrics for the song in question. Thus, to reproduce church music without the permission of the owner of the work would mean that one is stealing property of another.

Parishes, teachers and musicians who have been reproducing words and/or music for their programs may have been unaware that their actions have been illegal. However, from this point onward, pastors and parishes must make it their serious responsibility to remedy this situation wherever it exists.

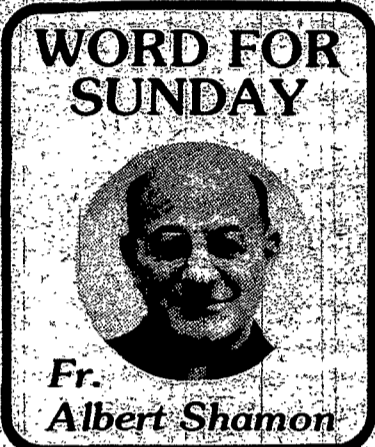
The parishes have rights, too, of course. The third issue in this whole controversy is the right of parishes to have good liturgical music available to them, both at a morally justifiable cost and through a simple, understandable process. "Morally justifiable cost" may not mean "cheap," but a cost that allows for the right of composers to earn a living and considers the financial limitations of our parishes.

However, making copyright permissions available through a simple, understandable process is of greater concern. The enforcement of the copyright law is next to impossible because the policies for obtaining copyright permission from publishers are widely divergent and incredibly complex. Each publishing company has its own, and sometimes several, policies for obtaining copyright permission. At the moment, the Office of Liturgy is trying to sort all these out so the information can be made available to parishes.

The necessity of applying for copyrights arises because there is no single hymnal, especially in the folk style, that has an adequate selection of good music. Such a hymnal does not appear to be forthcoming since the publishers have refused to share copyrights among themselves of works they own. So, a parish must put together its own hymnal if it seeks an adequate book to aid its worship.

The final issue is the quality of service music and its role in the liturgy. Music is an integral part of our expression of worship, and to encourage new music that expresses contemporary faith and preserve older music that still has a place in our celebrations is a grave need. It would be a tragedy if, in dealing with the copyright problem, music in Catholic worship were seen as optional or restricted to the impoverished selection provided by various monthly missalettes.

Next week, I will make some suggestions about how the copyright problem may constructively be addressed.



## WORD FOR SUNDAY

Fr. Albert Shamon

Sunday's Readings: (R3) Lk. 21:25-28, 34-26. (R1) Jer. 33:14-16. (R2) 1 Thess. 3:12-4:2

The first reading next Sunday is probably by a disciple of Jeremiah. After the fall of Jerusalem (586 BC), Jeremiah had predicted that the Davidic dynasty would be restored. But the years of exile went on and the promise went unfulfilled so that many Jews in exile were tempted to abandon their ancestral religion and to adopt the religion of the surrounding nations. In this context, a disciple of Jeremiah revived one of his oracles (Jer. 23). He reiterated what Jeremiah had once said, namely, that God would "raise up for David a just shoot and Jerusalem would dwell secure" (R1). The implication was that the exiles should not then give up hope.

The shoot was Christ, the secure Jerusalem, His Church. For Jeremiah the Messiah was to come; for us He has already come and still comes.

Advent means coming — the coming of the Lord. Many are His comings: in history, in mystery, and in majesty. The response to His comings must be vigilance, watching and praying. "Be on guard," Jesus said. "Pray constantly" (R3). "Make still greater progress," Paul begged the Thessalonians (R2).

Vigilance is more than awareness, being awake. Vigilance connotes involvement — being awake when the bridegroom passes and joining His cortege. It means following Jesus, which means carrying His cross.

Jesus, for instance, is the Vigilant One, par excellence. His nourishment was to do the will of His Father. That will was not spelled out for Jesus by some private revelation. Rather, Jesus, like us, had to discover in the procession of days, the path He must follow here

below. The plan was not handed on to Him crystal clear, the first day He came to earth. Always He had to examine the day-to-day events. When it became clear He must die to do His Father's will, He became obedient. Wherefore God exalted Him.

Israel failed to be vigilant. Hence, all Israel but a remnant rejected Jesus.

One of the dangers we must watch out for is security. Faith implies risk. The desire for security can destroy faith. The Hebrews yearned for the security of Egyptian slavery against the uncertainties of wandering in a desert. When they got the security of the Promised Land, they defaulted and watched no longer. The prophets tried to intervene to correct the inevitable misunderstanding. They failed. Security will only be had in the heavenly Jerusalem.

Till then we must watch. For the Lord comes and comes and comes, again and again and again. But, like Jesus of Nazareth, He comes in a humble and unobtrusive way. Unless we be alert, vigilant, empty, we too shall miss Him. "I do not fear the coming of the Lord," Augustine said, "but only His passing by, for He may never come this way again." An excessive desire for security here and now can make us miss Him.

A meeting of the Board of Directors was going on in Hell. Satan was greatly concerned over the fact that business was not growing as fast as anticipated. So he asked his associates for new strategies to drum-up business.

One devil jumped up and said, "I'll go to earth and convince people there is no heaven."

"That won't do," retorted Satan. "We've tried that before and it failed."

"I'll convince them there's no hell," offered a second.

"That hasn't worked either," snapped Satan.

A wise old devil from the back of the room, rose and said, "If you let me go to earth, I can fill this place. I'll just convince them that there is no hurry."

The easiest thing in the world to do is to put things off in matters of vital importance. Hence, Jesus warned, "Be on the watch... the great day will close in on you like a trap."


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