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March 26, 2009

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The Honorable John Conyers
2426 Rayburn House Office Building
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Washington, D.C. 20515

Dear Mr. Chairman,

On behalf of our members, we are writing to thank you for your ongoing work to ensure that all performers – musicians and vocalists, whether they are famous, unknown or in-between – are paid when their recorded performances are broadcast on AM/FM radio. ***We stand with our labor unions brothers and sisters who are members of the American Federation of Musicians (AFM) and the American Federation of Television and Radio Artists (AFTRA) to thank you for re-introducing the Performance Rights Act in this Congress.* We pledge to work with you to ensure swift passage of this critical legislation.***

The major broadcasters malign this legislation as a performance “tax.” We call it a paycheck. Performers, like all workers, deserve to be paid for their hard work. From the outside, their world may appear more glamorous than the factories, schools, hospitals and roads where autoworkers, teachers, nurses and truck drivers earn their livings. But the reality for most performers is far from glamorous. Talent and hard work are no guarantees of success. Like other workers, performers struggle to make ends meet. For them, a steady paycheck is the rare exception. They depend on many different income streams – from scale wages for hundreds of recording sessions for different employers, to fees for live performances, to royalties for the use of their work – to patch together a modest middle class life.

As you know, the labor movement was founded on the belief that a fair day’s work deserves a fair day’s pay. Workers should be treated with respect, and that hard work itself is honorable. These principles are no less valid in the world of music. Long after the brief celebrity of a hit recording has faded, long after a group has become too old or ill to tour, long after sales fade and fads change, recordings continue to make money for the radio business. Radio depends on these recordings to draw listeners and sell billions of dollars of advertising every year. The value of performers’ recorded work endures. It is only right and fair that the performers who

* *These bipartisan bills were introduced as H.R. 4789 and S. 2500 in the 110th Congress.*

Feel the Power

The Honorable John Conyers
March 26, 2009
Page 2

created that value should receive a fair payment from the businesses that use it to make money.

In fact, this principle is not new even in the music business. Songwriters, who create the underlying music and lyrics, are paid for the radio broadcast of their works. That is exactly as it should be. And, the fact that songwriters have the right to payment in the U.S. means that they also can collect payments for foreign broadcasts of their work. By contrast, performers take a double hit. They are unpaid in the U.S., and on that basis, foreign societies refuse to pay them for foreign radio broadcasts, too. Millions of dollars in foreign royalties are lost to performers – and the U.S. balance of trade – because of this disparity.


In the United States, only AM/FM radio gets this free ride, because radio's competitors in the new digital music world pay performers. And across the world, American radio stands in contrast to countries like China, Iran, and North Korea, in denying compensation to performers for the value of their work. Radio in developed nations pays performers, and so should radio in the United States.

When you turn on the radio, and listen to your favorite jazz or blues recordings, please know that we stand behind you in your effort to ensure that the great performers on these recordings, and thousands of their brothers and sisters, are properly compensated for their work.

We look forward to working with you in the 111th Congress to pass this critical legislation.

With kind regards I am,

Sincerely Yours,


TERENCE M. O'SULLIVAN
General President

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