

Testimony of  
**Marty Roe**

Lead Singer  
Diamond Rio  
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STATEMENT OF MARTY ROE  
OF THE BAND DIAMOND RIO  
BEFORE THE  
SENATE COMMITTEE ON THE JUDICIARY  
ON  
PROTECTING COPYRIGHT AND INNOVATION  
IN A POST-GROKSTER WORLD

SEPTEMBER 28, 2005

Mr. Chairman, Senator Leahy, and Members of the Committee, Good morning. I am Marty Roe with the country group Diamond Rio. I'd like to introduce my bandmates Gene Johnson, Dan Truman and Dana Williams that are here with me today. We appreciate the opportunity to speak today to give you an artists' perspective on the Supreme Court's recent Grokster decision. We've been signed to Arista Records since 1991 and are blessed to have a career that has spanned well over a decade. I am proud to say that we made history this year with our 15th consecutive Country Music Association Vocal Group of the Year nomination. I am proud to be here this morning representing the music community.

Imagine going to your job 18 hours a day, 7 days a week, 52 weeks a year, working hard to produce a product that you're proud of, that adds value to society. Now imagine that at the end of that year, you receive no paycheck, and no compensation from the millions of people who use every day that product you worked so hard to create. You would have walked off that job long ago. Unfortunately, that's exactly what has happened in the music industry. Not because of any lack of love for music, but for the simple truth that artists and songwriters, like everyone, need to make ends meet.

Many P2P businesses, like Grokster, have been the main culprit in preventing those artists from making a living. By operating file-sharing networks, encouraging and facilitating the free exchange of millions of copyrighted works, these businesses have devalued our music and created an entire generation of listeners who believe that we don't deserve to be paid for our hard work. The result can be seen from Music Row to Hollywood as artists, musicians, and songwriters have closed up shop. Some have estimated that the Nashville community has lost nearly half of its songwriters, a huge number of whom have been forced to go into other professions in this terrain.

The Supreme Court's decision in Grokster offered a unique high note in this otherwise downbeat time. The highest court in the land, in a unanimous decision, saw what we saw--what nearly everyone who seriously considered this issue saw: this was outright theft. And Grokster, and other services like it, were making it happen. The decision gives new hope to a suffering industry

by making those services responsible for promoting the theft of our work. It shines a spotlight on shady businesses that have perfected the art of operating in the shadows and blaming others for the resulting illegal activity.

Certainly, some bands have used P2P networks to market themselves and reach a wider audience. If this has worked for them, that's great. But this promotional device should be a choice for each and every artist. No one should decide for me or any other band that a song should be offered for free.

Of course Diamond Rio and I are excited to be a part of the digital revolution. For instance, our music is offered on the current Napster. But these services present a major distinction from Grokster and its siblings: they value our music and encourage others to value it as well. For a reasonable fee, the public can get quality downloads without the threat of viruses and spyware. Appropriate payment goes to us and the many people who help us bring our music to you. The Grokster decision is important in helping to continue to usher in legitimate online music businesses and a viable--and vibrant--legitimate marketplace.

We're part of a large family--an interconnected network of artists, songwriters, musicians, recording engineers, and others who bring music to life. We have been proud to work in Nashville, the heart of music-making in the country and, indeed, the world. We want to see this family survive and grow, and Grokster has played a major part in that.

The Grokster decision was helpful because the unanimous Supreme Court set the tone of intolerance for using piracy as a business tool to make profits at the expense of artists.

Regardless of the medium, whether it be P2P, radio, downloads, satellite, internet, or any other platform, we hope that Congress will work vigilantly to maintain and assure this tone of intolerance against businesses facilitating theft.

Because by doing so, you will be helping those of us who devote our lives to making the music.

Thank you.