

Statement of

The Honorable Patrick Leahy

United States Senator
Vermont
April 26, 2006

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Ranking Member, Senate Judiciary Committee

"Parity, Platforms, and Protection:

The Future of the Music Industry in the Digital Radio Revolution"

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The principles that guide me here are simple: We should be supporting and promoting the artists who write and perform the music that enriches all of our lives, and we should be helping everyone else to hear and enjoy that music. The copyright laws exist, in this arena, to define how creators can control, and profit from, the use of their works. All of the technological advances of recent years, all of the improvements in quality and quantity of music that the digital age has brought us, should mean that more people can hear more music, more easily, and that everyone gets paid their due.

I recognize and appreciate the fact that many other people and businesses are involved in getting music from the artist to the listener. The record companies, from the smallest independent to the largest of the majors; the broadcasters, whether they own one station or thousands; and the digital music providers, be they cable or satellite or internet - all of these play crucial roles in turning the copyrights of the artists into the listening pleasure of the consumer. But they are not ends in themselves; they are at their best when they are helping to develop new artistic talent, to nurture creative endeavors, and to facilitate ever-better ways of getting people the music they love, wherever they may be.

The statutory license in Section 114 is complicated. Nobody would deny that. Maybe it is too complicated, and maybe it is outdated. Maybe we in Congress should take a new approach to this whole situation. Congress has legislated in a piecemeal fashion, trying to work reasonable and effective changes to the licensing scheme when new technologies have changed the music marketplace. Maybe it is time for all of us, both those of us up here on the dais and those of you at the witness table, to step back and try to consider music licensing from its first principles. Maybe we should primarily focus not on the technologies that are delivering music today, but on the rights at stake. Maybe then we can produce a licensing scheme that has a real foundation in the rights of creators and the interests of consumers. Maybe then the purposes of the Copyright Act, and of this Committee, will be better realized in the marketplace for music.

I must thank my colleagues, Senators Feinstein and Graham and Cornyn, as well as Senator Frist, for taking up the formidable task of beginning this inquiry. Delving into the morass of this statute, and trying to make some sense out of it, is an act of real optimism and courage. I look forward to hearing from our witnesses today, and I am grateful to all of them for their time and expertise.