

Statement of

# The Honorable Patrick Leahy

United States Senator  
Vermont  
November 13, 2007

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Chairman, Senate Judiciary Committee  
Hearing on "Exploring the Scope of Public Performance Rights"  
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Like most people, I am an avid music fan. Music inspires us. Music connects us to others and to matters larger than ourselves. Music fills our memories. While I am grateful to broadcasters for all the music I first heard on the radio, I also feel strongly that artists should be compensated for their work. So the issue of "performance rights on sound recordings" can be stated pretty simply: Should broadcast radio continue to use musicians' work without paying for it?

The issue of "performance rights" raises the issue of fairness. Although the question is simple, the answer may not be. First, is it fair to continue to exempt broadcasters from royalty obligations? Second, is it fair to U.S. copyright holders for the United States not to align its practices with all the other OECD countries, which recognize a performance right? Third, is it fair for some kinds of "radio" equivalents to pay royalties to performers but for traditional broadcast radio stations to continue to be exempt from such obligations? Webcasting and satellite radio pay performers for their work, but broadcast radio, which generates advertising revenue by playing the same music, does not. Fourth, is it fair to require the same payment from small, noncommercial, or religious radio stations as those broadcasters that own many stations and generate large profits? And finally, is it fair to impose public service requirements on broadcast radio but not to make those demands of others?

I want to be sure that our culture remains vital and vibrant. Radio has been part of that vibrancy, whether it is "old fashioned" broadcast radio or new-fangled Internet radio. I want it not only to survive, but to prosper. I want my grandchildren to have the widest possible access to good music, including classics or new creations. But I also want to be sure that the creative artists, those who perform that music, get their due. When we turn on the radio, I want to know that the voices I hear belong to artists who are being treated fairly.

I thank our witnesses today, especially because they arranged to be here on such short notice and with very busy schedules.

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