

Statement of  
Kendall Minter  
Chairman, Rhythm & Blues Foundation  
Before the  
Committee on the Judiciary  
On  
"Trends Affecting Minority Broadcast Ownership"  
July 9, 2009

Chairman Conyers, Members of the Committee, I would like to thank you for inviting me to testify today on issues affecting minority broadcast ownership. My name is Kendall Minter and I am the Chairman of the Rhythm & Blues Foundation.

The Rhythm & Blues Foundation was established some 20 years ago and continues to serve today as the sole organization worldwide that provides emergency financial assistance to pioneer rhythm and blues artists as well as honoring and recognizing the achievements of those legendary artists and preserving the genre known as rhythm and blues.

There is no doubt of the significant progress made by minorities in the broadcast industry, but there is also no doubt about some of the challenges and opportunities that lie ahead. I look forward to addressing some of these today.

One of those issues is the concern that Arbitron's PPM system is under-representing listeners for certain stations. We understand broadcasters' interest in receiving an accurate accounting of listenership in order to receive the proper payment from advertisers.

Arbitron's people meters certainly may create an unfair burden for younger trending stations, due to the size of the PPM unit. Many younger and fashion conscious find the unit cumbersome. A technology addition to PPM that could include coverage to a cell phone could help level the playing field, and this Committee and the FCC should look into the effectiveness of this device.

We stand with broadcasters on this point because we believe a simple axiom: the use of someone else's property should be appropriately compensated. When a broadcast signal is being used, the broadcaster should be appropriately compensated for that use. In that light, we sincerely hope that we can count on broadcasters to acknowledge our right to be compensated when they use our property. Just as advertisers should pay the appropriate amount to broadcasters when broadcasters play our music to draw an audience, broadcasters should share a very small portion of that revenue with the creators of the music that provides that revenue source for them.

And just as broadcasters would like Arbitron to accurately represent the numbers of listeners of their stations, we call upon minority broadcasters to accurately represent the effect that H.R. 848, The Performance Rights Act, would have on them. This legislation is NOT the end of black radio. It is the beginning of fairness for minority artists, including so many of the artists we represent at the Foundation, so we can all grow together. And it is the beginning of the true symbiotic relationship between creators of music and the stations that use their valuable work, so that we can be in business together as real partners.

I also want to take this opportunity to address the issue of consolidation and its effect on the diversity of the music broadcasted. Diversity of music is ensured by diversity in ownership of stations – the ability of different stations representing the broad array of tastes within our community to select their own playlists and accommodate the preferences of their local listeners. Unfortunately, we have seen an increasing amount of consolidation within the broadcast industry, as large radio corporations swallow up those small individual stations that have provided us the diversity we need.

More alarming to those of us who champion the accomplishments of black artists and their contributions to our culture, is the consolidation that has occurred within the black broadcasting community. Big radio corporations now threaten to destroy any gains minorities have made in our communities by watering down and homogenizing their programming. That's unfortunate for aspiring black artists, and it's unfortunate for consumers. Since the mid 90's song rotations have quadrupled. In the past, a top ten song would play every 4 hours at best, totaling 35 to 40 spins in a seven day period. Today the corporate playlists order the play of top titles every 60 to 70 minutes, totaling at times and amazing 140 spins of the same songs in a 7 day period.

Black radio is the most syndicated music format in the country. Black adults are 25 times more likely to hear syndicated music programming than white adults. What syndication effectively does is silence opinions, local news, information and music. The very essence what made black radio special to hundreds of communities has been taken away through consolidation by big radio corporations.

The FCC gives licenses to broadcasters to serve local communities. Consolidation has made that task for black radio more difficult.

Consolidation has also had an effect on artists by allowing massive campaigns of misinformation to be spread when it is in the financial interest of the big radio corporation. This Committee has overwhelmingly approved H.R. 848, the "Performance Rights Act." This legislation would help minority artists finally get compensated for their work by corporate radio interests. Giant companies who

own the airwaves directed at black listeners have for months now been using the public airwaves entrusted to them by the government to oppose this bill for their own financial interests. A series of misleading and inaccurate 3 minute commercials airing 10 to 12 times a day on over 50 stations owned by just one company is proof of how public opinion and even Congress can be swayed when listeners get limited or misinformation.

The slanted and skewed promotion against H.R. 848, is a candid example of how consolidation and limited ownership basically equates to an on air dictatorship, aimed only at profit and the bottom line.

Chairman Conyers, you have worked hard to provide many accommodations to small broadcasters, including minority-owned stations. We thank you for your tireless work on behalf of the thousands of minority artists who created and made successful the music art form which has become not only the sound of modern American music, including the music we hear on the black-owned stations we are discussing today, but has also influenced the shape of music throughout the globe. We thank you for your ongoing efforts to include minority broadcasting representatives to ensure they have a voice in these discussions. We look forward to working with you – and with our broadcasting brethren – in the months ahead.