

July 27, 2007

Dear Subcommittee Clerk:

Attached is the testimony for **Judy Collins, musician**, for the **Hearing on Ensuring Artists Fair Compensation: Updating the Performance Right and Platform Parity for the 21<sup>st</sup> Century** held in the Subcommittee on Courts, the Internet, and Intellectual Property on July 31, 2007 at 10:00AM.

Please do not hesitate to contact our office if you have any questions. Thank you for your time.

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Mr. Chairman, Ranking Member Coble, Members of the Subcommittee, thank you for the opportunity to testify today. I am a pleased to be here on behalf of the musicFIRST Coalition and my more than 150 fellow founding artists, and the thousands of working musicians and singers around the country who care deeply about this issue.

I was born in Seattle, Washington, into a home always filled with music. I grew up in Los Angeles and Denver, and began playing piano at an early age, honing my skills on my father's radio show and in every school play or church program I could find. I studied classical piano, but at age 14, fell in love with the guitar and never looked back. At 19, I started performing in clubs and eventually worked my way across the country to New York. It was there that my career took another turn when I was signed to Elektra Records and released my first recording in 1961.

Songs have always told my story and, I hope, given me a voice to tell others. I learned the love of song from my father, who was a fine singer and sometimes writer of songs. He knew the secret of hunting for the right song for his voice and taught me that the search for those jewels was the discipline of a singer's life. A great song is always worth the pursuit and always worth writing. I've done a little of both in my 40-plus years in the music business.

I believe the songwriters, musicians and artists who give their time, talent and artistry to making music deserve the right to be paid for their creations whenever they are performed, much the way creators of literary or dramatic works are paid.

And, for the most part, artists are treated equally. There is one glaring exception in today's music marketplace where musicians, artists and sound recording copyright owners are left behind. Terrestrial radio stations do not compensate artists for our performances when they play our music over the air. For example, you may remember a little song that Stephen Sondheim wrote for the musical A Little Night Music entitled "Send in the Clowns." I recorded the song in 1975 and shortly after the record's release, it became a top radio hit.

Unfortunately, I did not earn a cent from radio when that song was played time and time again. On the other hand, Stephen Sondheim rightly earned a great deal. In fact, I just came across a letter Stephen wrote, and if you don't mind, Mr. Chairman, I'd like to read it here. It's quite brief and to the point: "Judy, thank you for giving me my first hit song."

Songwriters enjoy a performance right, and deservedly so. Their creativity and talent should be, and is, rewarded when their musical composition is played on the radio. It is only fair that the artist, background singers and musicians who bring that song to life also be compensated.

Don't get me wrong, I love radio. My father had his own radio program and that is how he provided for his family. I just do not believe it is fair, nor has it ever been, that musicians and recording artists don't get paid when our music is played on the radio. Every other music platform like satellite, cable and Internet radio rewards artists and musicians for our performances, and it's time radio did too.

Moreover, every other developed country in the world has a public performance right for artists and copyright owners. The United States, with the richest and most diverse music history and culture in the world, stands alone in failing to reward recording artists for our music when it is played on the radio. This is simply wrong.

To make matters worse, other countries collect royalties for artists' performances in their countries but cannot legally pay U.S. performers because we do not have a performance right here. This "rule of reciprocity" is especially harmful for U.S. performers because 30-50 percent of the world's airplay is of American music.

As I said at the outset, I've been fortunate in my career. But there are lots of great artists and musicians who are still struggling to earn a living doing what they love, and when their music is played on the radio, deserve to get paid. Many of my musical compatriots are, like me, still on the road touring, because while their music is played on the radio, they are not selling records and have to rely on touring to make ends meet.

There are artists just starting out in their careers. My record label, Wildflower Records, has many young and talented artists hoping to make a career doing what they love. Kenny White, for example, is getting airplay on KFOG in San Francisco, but not earning royalties. Yet, when his music is played on XM's satellite station, "the Loft," he earns performance royalties.

This additional revenue stream would be tremendously helpful to artists – at every stage of their careers. Broadcasters should not be able to continue to profit off recording artists' creative talent.

Mr. Chairman, royalties that were held by broadcasters should have been my annuity, my pension. I should have been able to retire from my top hits like "Amazing Grace," "Both Sides Now," "Some Day Soon," "Chelsea Morning," "Who Knows Where the Time Goes" and "Send in the Clowns," among others. I am pleased that the writers of these great songs were rewarded, but only the broadcasters themselves benefited financially from my hits and they earned countless thousands of dollars in advertising revenue in the process. For, let's remember, no one turns on the radio to listen to commercials. It's music they love, music that draws them in and keeps them tuned in. We simply believe broadcasters should share the profit they earn at the expense of artists.

Mr. Chairman, thank you for holding this hearing today. I have been so fortunate to be a minstrel, a troubadour, an artist, a singer. The music and songs have carried me through the rough spots and the joyous times. They have helped me carve out a life that has

meaning and pleasure and creativity. Music has value. Songs have value. Singers have value. Musicians have value. We are asking for recognition of that value and urging you to change the law to right this long overdue injustice.