

Testimony of Billy Corgan, Founder, Smashing Pumpkins
Before the Committee on the Judiciary
U. S. House of Representatives
March 10, 2009
Regarding H.R. 848, the Performance Rights Act

I'd like to thank Chairman Conyers and the Committee for this opportunity to appear before you today about the Performance Rights Act. I'm here as a representative of the musicFIRST coalition, to give voice to fellow artists and musicians who have joined together to assert their right to be compensated for the airing of their musical performances on terrestrial radio.

Because of my experiences in the music business for over 20 years, I have a particular sensitivity when it comes to artists' rights, and who controls the distribution, and therefore, the worth of those rights. Like many of my peers, I come from a working-class background, beginning my musical journey playing in dingy bars and college lunchrooms. Being a performer requires countless hours of dedication to your craft. It is not an easy business to undertake, and for every success story, there are many who have not had the opportunities that I've had.

I was able to find an audience, in no small measure, because of the long support of my music by terrestrial radio. I am a big fan of radio, and am very interested in its continued health and well-being. Terrestrial radio has helped me to discover many of the artists that became influential to my life and artistic pursuits. I by no means see them as the bad guy.

The change to the law we are here to discuss only redresses an outmoded, unfair practice that favors one participant's needs over another. This legislation is simply a form of restoration to artists long overdue.

The rights of any artist are often rife with vague distinctions and contradictions, as the worth of a creative endeavor cannot be calculated by any science. Works of art are judged subjectively, and if deemed good enough, plugged into a vast system that attempts to establish their mettle and eventually capitalize on that value. The debate over what any piece of art should command on an open market is as old as time itself.

As it stands currently, if you have written a song and you have the good fortune of being played on terrestrial radio, then you, as the author, are entitled to a fixed form of compensation as established by Congress. This compensation, of course, recognizes the unique contribution that the author has made to the creation of the song. Conversely, if you also happen to be a performer on that very same song, by law, terrestrial radio owes you no form of compensation at all. The decision behind this long-held inequity stems back to 1909 when radio was in its infancy, and since sound recordings had only recently come onto the market, they were not included. The old-fashioned radio business has held onto this exemption for over 80 years -- a law made in a bygone era for a set of reasons long past.

This landmark exemption however stripped performers of their right to a free market evaluation of the value of their recorded works. From my perspective, this issue is one of fundamental fairness. If the performance of a song has value to a particular terrestrial radio station in its airing, I believe it is only right to compensate those performers who have created this work. Simply put, if a station plays a song, both the author and the performer should be paid. These particular performances must have value to the stations or they wouldn't be playing them.

Not every performer on a hit song is a big name, and they might not see the same windfall that a star might. One can't assume they participate in the merchandise or touring income that is linked to commercial radio success. Not everyone who hears a song on terrestrial radio buys a ticket or a t-shirt. Some listeners just listen, thereby rewarding only the station and their advertisers, and not performers themselves.

All areas of the modern music business are currently feeling the shifting tides as new models emerge and old ones are broken up. Ours is a business that always begins with the brilliance of the artists. Contrary to long-held myths, it does take money to create new music. As the traditional revenue streams have dried up, most notably in the overall decline of record sales, it has placed stress on who continues to benefit from the old models. The future demands new partnerships and a rethinking of long-held practices about how artists should be compensated for their music. The hallmark of any great entertainment career is sustainability. Recognizing both the significance of the author and performer in the music making process helps to create those future opportunities.

In closing, and with all due respect to those that oppose the passage of the Performance Rights Act, to classify this measure as a "tax" is an interesting choice of words. For who has been taxed more than the artists themselves? Artists have paid their dues, so to speak, to establish terrestrial radio as a great and dynamic medium. We must consider that, for many artists, the difference between receiving these resources is the difference between a life in music and a life out of music. Few could deny that when a classic performance is captured, forever frozen as a musical snapshot in time, generation after generation returns to these moments, each finding something a little different. Whether we are talking about Motown, Stax, Elvis, or Howling Wolf, when the public decides that a specific performance is worthy of their attention, then it seems only fitting that this little bit of magic as documented be recognized in the form of direct compensation for the artists and organizations that helped to create it.

I thank you for your time.