



WASHINGTON BUREAU · NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE
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November 2, 2012

The Honorable Lamar S. Smith
Chairman
Committee on the Judiciary
U.S. House of Representatives
Room 2138 Rayburn HOB
Washington, D.C. 20515

The Honorable John Conyers, Jr.
Ranking Member
Committee on the Judiciary
U.S. House of Representatives
Room 2142 Rayburn HOB
Washington, D.C. 20515

The Honorable Bob Goodlatte
Chairman, Subcommittee on
Intellectual Property, Competition and
the Internet
Committee on the Judiciary
U.S. House of Representatives
Room B-352 Rayburn HOB
Washington, D.C. 20515

The Honorable Melvin Watt
Ranking Member, Subcommittee on
Intellectual Property, Competition and
the Internet
Committee on the Judiciary
U.S. House of Representatives
Room B-351 Rayburn HOB
Washington, D.C. 20515

RE: NAACP OPPOSITION TO THE INTERNET RADIO FAIRNESS ACT

Dear Chairman Smith, Ranking Member Conyers, Chairman Goodlatte, and Ranking Member Watt,

On behalf of the NAACP, our nation's oldest, largest and most widely-recognized grassroots-based civil rights organization, I write to oppose the "Internet Radio Fairness Act" (IRFA), (H.R. 6480 / S. 3609), a bill that would unfairly deprive artists and performers of fair pay for their hard work. As an organization which has, for more than 103 years, fought for economic justice for all Americans, this legislation is clearly antithetical to the work of the NAACP. Quite frankly, the IFRA bill fails the basic test of economic fairness and discriminates against singers and musicians by slashing the compensation they receive when their work is played over digital online radio.

Fair and adequate compensation for a day's work is a fundamental civil and labor right. It was the foundation of Martin Luther King, Jr.'s Poor Peoples Campaign and it's the reason he was in Memphis supporting the sanitation workers in April 1968 when he was murdered. Economic Justice was always central to Dr. Kings' work, as well as to the mission of the NAACP since our inception.

Under current law, all webcasters pay a rate set by the Copyright Royalty Board (CRB) according to a "willing buyer, willing seller" standard. That is to say, they pay the market value for the use of sound recordings, and singers and musicians are compensated accordingly.

More than eighteen hundred Internet Radio stations currently pay performance royalties according to this standard, which is more than a decade old. Yet now, Internet some radio giants want to change the law so they can pay a lower, below-market rate enjoyed by just three digital services that were exempted from the CRB standard (or “grandfathered”) when it was established in the 1990s. Thus, the IRFA bill would mandate that more than eighteen hundred Internet Radio stations pay recording artists and musicians far less than their recordings are worth, just because a very few, older, digital services do. This would start a race to the bottom in performer’s compensation, violating the founding principle of America’s labor movement: a fair day’s work deserves a fair day’s pay.

Many of the performers who would be affected by this lower compensation rate are the now elderly singers and musicians from the Motown era who received little pay for their original work and are dependent on this modest performance royalty that would be eviscerated under IFRA. These musical heroes may not have written the songs we love, but they brought them to life with their performances and deserve fair pay when their hard work is utilized.

Accordingly, I urge you again to oppose the Internet Radio Fairness Act and instead to work with all stakeholders on a new bill to protect the labor and economic rights of artists and performers and put all forms of commercial broadcast performance on a sound, fair and long-term healthy financial footing.

Thank you for your attention to the concerns of the NAACP. If I can be of any further assistance to you, or if you would like any further elaboration on the NAACP position, please do not hesitate to contact me at (202) 463-2940. I look forward to working with you on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Hilary O. Shelton". The signature is fluid and cursive, with a long horizontal stroke at the end.

Hilary O. Shelton
Director, NAACP Washington Bureau &
Senior Vice President for Advocacy and Policy