

July 27, 2007

Dear Subcommittee Clerk:

Attached is the testimony for **Sam Moore, recording artist**, for the **Hearing on Ensuring Artists Fair Compensation: Updating the Performance Right and Platform Parity for the 21st 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.

Office of Advocacy & Government Relations
529 14th Street, NW • Suite 840 • Washington DC 20045
(202)662-1285 • Fax (202)662-1432 • email: advocacy@grammy.com

Good Morning Mr. Chairman, Ranking Member Coble, and distinguished members of the Subcommittee.

As a recording artist, I've toured all over the world for decades and performed for many types of audiences. In fact, I performed for many of you this past December at the Kennedy Center Honors. But I must tell you my "performance" here this morning for this unique audience is probably the most important gig of my life. I am so grateful to the subcommittee for holding a hearing on this vital issue facing our nation's recording artists—an issue my wife and I have been championing for the past 15 years.

If you'd allow, I'd like to tell you a little bit of my career history, and I promise to be brief no matter how long it takes. More than 45 years ago I formed a duo that made it pretty big in the mid 1960's. Our famous Sam and Dave records were released on the legendary Stax Record Label from Memphis, TN. With my then partner Dave Prater Jr., Sam and Dave had a series of top ten pop and soul hits including "Hold On! I'm Comin'," "I Thank You" and of course "Soul Man." You can still hear those songs today on radio stations across the country and around the world.

I'm proud to be a Founding Member of the musicFIRST Coalition and a member of AFTRA, SAG, RAC and The Recording Academy.

I've been fortunate in my career to have gone on to record with giants like Conway Twitty, Bruce Springsteen, Don Henley, Sting, Jon Bon Jovi, Vince Gill, Eric Clapton and Billy Preston. My most recent album released this last year, "Overnight Sensational," was nominated for a GRAMMY, but at 71 years old I find I still must tour through much of the year to support myself and my family.

To shed light on the issue of broadcast performance royalties for artists, let me tell you about something I frequently hear from fans around the country. They'll say, "Sam, I love this song or that song of yours and I always request your music on the radio." They tell me this because the public believes I'm getting paid when my songs are played on the radio. You would be amazed at how shocked people are when they learn that whenever one of my recordings is played on the radio, I receive absolutely nothing, no royalty whatsoever from the broadcaster. Even though hundreds of oldies stations and some other formats play my records so they can sell advertising on their station, I do not share in any of that income.

The radio industry thinks they're doing me some kind of a favor by playing my recordings. They claim they are promoting me through my music so I can sell records and concert tickets. Well, may I please enlighten you and tell you in no uncertain terms that without a huge promotional budget and massive marketing support, radio does absolutely

nothing to promote sales of my records. People can hear my songs so frequently on oldies stations that they don't have to buy my records at all.

Broadcasters also claim they are serving the community. Well let me tell you: WE are the community. We are the artists—who along with the talented songwriters—created the songs that drive their business. They cannot claim to support their community while exploiting my community without fair payment.

And as for radio “allowing me” to tour: well, thank you, but at almost 72 years old I'd rather be spending time with my grandchildren. If broadcasters shared any of the money they earn from playing my recordings, I would not have to continue to spend so much of my life running up and down the road. I don't have the private jets and the extravagant tour buses with aides and staff to make my life comfortable. I don't have a posse unless you count my wife Joyce who often does bag schlep for the both of us.

So, while my records continue to bring joy to music lovers worldwide, and continue to help the radio business become a \$20 billion industry, I struggle to make a living. Those recordings are my legacy! They--and I as the artist--deserve to be protected with a full performance right. In every other developed country, artists have such a right. And to add insult to injury, when my recordings are played on stations overseas, I cannot claim any of the funds paid for my songs there, simply because the U.S. does not require payment here. Without reciprocity, U.S. artists are losing millions of dollars that rightfully belong to them.

I'm fortunate that I'm still here, and knock wood in good enough health to be able to continue working, and to share my story with you. But, many recording artists are no longer with us--great artists whose lives ended without enough money to take care of themselves or their families.

I remember Mary Wells coming to my house after she was diagnosed with cancer. Mary brought so many great songs to life, including the number one hit "My Guy." And yet, she told my wife and me that she didn't know what would happen to her little girl Sugar after she died. In 1992, with no income earned from decades of radio airplay, Mary died without being able to provide for her daughter. Sugar spent several of her younger years sleeping on a pallet in the kitchen of her older sister's one bedroom apartment shared with the sister's husband and young children.

And there are so many others.

I think about the late Junior Walker, who I did the movie "Tapeheads" with, going out on tour sick with cancer, needing to earn income. Bo Diddley today is still recovering from a stroke he suffered last year while performing—at nearly 80 years old. As frail as he was, he needed to work. Many of our greatest artists, who created the recordings that are the soundtracks of our lives, must tour until they die because they are not fully or fairly compensated for the performances of their work. They're not compensated at all for their radio airings in our great country.

Mr. Chairman, this is about basic fairness and equity. American broadcasters earn billions by playing our records. All we ask is to receive what artists in every other developed country around the world receive when their recordings are broadcast: fair compensation for the performance of our work. As recording artists, our legacy is our music. Now this subcommittee can leave an equally important legacy by fixing this historic injustice.

I am grateful for your invitation to share my views with you today. Artists have sought a performance right for more than 50 years. I hope to see this important legislation pass in my lifetime.

Thank you.