



American Federation of Musicians

of the United States and Canada
AFFILIATED WITH THE A.F.L.-C.I.O.

OFFICE OF THE PRESIDENT
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The Honorable George Miller
Chairman
House Committee on Education and Labor
2181 Rayburn House Office Building
Washington, DC 20515

February 6, 2008

Dear Chairman Miller,

I am writing this to express the support of the American Federation of Musicians for the College Opportunity and Affordability Act, H.R. 4137, and its provisions that would require colleges and universities to develop plans where possible to deter illegal downloading (and offer lawful alternatives), to inform their students about the law and the campus policies on unlawful downloading and copyright infringement, and to report their campus policies and procedures.

All too often, students and other young Americans think that copyright only protects mega-corporations. But copyright infringement and illegal downloading are serious problems that have reduced the incomes and job opportunities for ordinary Americans. Most recording musicians in America are not rich celebrities, but mid-tier or struggling artists or ordinary session musicians who are lucky to earn a modest middle-class income from their work. The income that is produced from lawful sales and licensing is essential to them, and they are severely harmed when illegal downloading displaces lawful, paid uses.

One way in which ordinary working musicians are hurt is the contraction of the recording industry as a result of illegal filesharing. The recording center of Nashville, Tennessee offers one example. In 2005, American Federation of Musicians Vice President Harold Bradley – who incidentally is known as the most-recorded guitarist in history, having recorded in Nashville studios for decades with artists ranging from Elvis Presley to Willie Nelson to Patsy Cline to Leon Russell and dozens of others -- described in written testimony how union musicians have been harmed by recording industry cuts in Nashville. As Vice President Bradley wrote, "In 1999, the total ... scale wages paid to musicians in Nashville [pursuant to the AFM's industry-wide recording agreements] topped \$15.5 million. Those wages also generated pension contributions and resulted in [Special Payments] Fund payments. In 2003 and 2004, Nashville [union contract] scale wages amounted to only \$12 million annually . . ." Vice President Bradley described how the loss of \$3 million dollars in annual wages, with the accompanying pension and Fund contributions, meant less work and reduced living standards for Nashville musicians. (See attached testimony of Harold Ray Bradley at pages 17-18.)

Working musicians are also hurt directly when sales decrease, because when they work on recordings made under the AFM industry-wide recording agreement (the Sound Recording Labor Agreement or SRLA), they earn deferred income, called Special Payment Fund payments, based on the sales of recordings. The four major recording companies, and hundreds of independent companies, are signatories to the SRLA. Pursuant to the requirements of the SRLA, they make contributions to the Special Payments Fund based on both physical and digital sales. In turn, the Special Payments Fund makes annual distributions to musicians who have recorded sessions for signatory companies in the last five years. Simply put, when sales go down, Special Payment Fund payments go down, and musicians lose a part of their income. That is exactly what has happened in recent years. In 2001, recording company contributions to the Special Payment Fund were over \$18 million dollars. Pre-audit contributions for 2007 were approximately \$11.5 million. This is a substantial loss to working musicians.

Musicians may make music for love, but they also must eat and feed their children. Piracy hurts ordinary, working musicians, but it also will hurt our nation's culture and its music fans if enough talented and hard working musicians cannot survive in the business. Hopefully, H.R. 4137 will become law and will help educate young Americans about the value and importance of copyright to the artists whose work they love.

Sincerely,

A handwritten signature in black ink that reads "Thomas F. Lee". The signature is written in a cursive style with a large, prominent initial "T".

Thomas F. Lee
President
American Federation of Musicians