

MusicFIRST Uses 2-Year-Old Protest As Proof Of Current Boycott

Boycott Happened In 2007

Are there some holes in the petition that the MUSICFIRST COALITION filed with the FCC (NET NEWS 6/11) earlier this week? In that document, MUSICFIRST claimed:

* A DELAWARE radio station boycotted all artists affiliated with the MUSICFIRST COALITION for an entire month.

ALL ACCESS identified that station as BRANDYWINE SCHOOL DISTRICT Non-Comm **WMPH** (SUPER 91.7)/WILMINGTON.

TODAY, we spoke with WMPH PD/MD KRIS HENDERSON, who told us that the boycott was held "over two years ago. WMPH made an educational boycott for one month simply to make a statement in the music industry. The MUSICFIRST COALITION wants radio stations to pay the artist for playing their music. From mid-JUNE through mid-JULY 2007, WMPH refused to play songs by any artist affiliated with the MUSICFIRST COALITION."

The station's website explains, "We said NO to this insatiable greed. During the month of our boycott, few listeners even missed the boycotted artists. WMPH and other stations across the country continue to unite against the MUSICFIRST COALITION by making verbal and written statements. The boycott was lifted, at least for now, because we wish to restore harmony in the music community. We hope that the artists realize that radio stations are their friends in a mutually beneficial relationship."

The other claims in the petition were:

* In APRIL 2009, a top-selling artist who had recently released a new album spoke in support of the MUSICFIRST Coalition and the Performance Rights Act. Soon thereafter, several stations within a major broadcast group notified the artist's label that they would no longer play his single on the air. Program directors and other executives from the stations sent e-mails that said, for example, "We are dropping his record."

* The PD of a radio station in FLORIDA communicated to a record label that the station would not add recordings of an artist to playlists because the artist was listed on the MUSICFIRST website as a supporter of PRA.

* The Director Of Programming for one radio station informed a record label and representatives for two prominent artists that the artists' support of the PRA would have a "chilling effect" on their relationship.

* Immediately before going on the air for an interview, an artist was pressured by a TEXAS radio station to state on the air that the Performance Rights Act would cripple radio stations.

Online Article from <http://www.allaccess.com> dated June 12, 2009

MusicFIRST Responds

ALL ACCESS contacted MUSICFIRST spokesperson MARTIN MACHOWSKY to verify the group's use of a two-year-old incident as evidence of a current boycott; he responded with the following statement.

Under the provisions of the Performance Rights Act, non-commercial stations will pay \$1,000 a year to clear the rights for all the music they use. We think that's fair, but we are ready to sit down with radio's representatives and discuss it.

Satellite radio, Internet radio and cable television music channels pay a fair performance royalty. And music radio stations that stream their signal online pay a fair performance royalty. Radio stations around the world compensate artists and musicians for use of their music. Countries that do not have a radio performance right include the U.S., CHINA, NORTH KOREA and IRAN; this is not the company we should be keeping.

MUSICFIRST supports a performance right on radio that is fair to artists and musicians, fair to other radio platforms and fair to radio. That's why the Performance Rights Act has accommodations for small and non-commercial radio stations. But music has value, if it did not, radio stations would not use it. The artists and musicians who create that value should be compensated when radio uses and benefits from their work. ALL ACCESS has contacted the MUSICFIRST COALITION again to give them the opportunity to further explain their claims, and make the information more transparent than it is in its current form. We're awaiting a response.