

# FRANK SINATRA

December 12, 1988

How we listen to music has changed dramatically in 30 years. One thing that hasn't? Music creators are STILL not paid when their music is played on AM/FM radio.

Dear Paul:

America's lack of a terrestrial performance right means that there are millions of dollars sitting overseas. That's a lot of money that can and should be repatriated.

As you may or may not be aware, whenever one of your performances is played on the radio or on a jukebox, the writer of the song is compensated for the performance, but the performer is not.

I am of course the songwriter's biggest fan, but there is no logical reason to distinguish why the writer and publisher should be compensated for the performance of a song on the radio or a jukebox but the performer should not. Neither the United States Copyright Act nor any state statutes, however, have affirmatively recognized such a performance right for recording artists. Over 60 foreign countries presently recognize a performance royalty right for artists, but American artists cannot participate in any income received for a performance of their music in a foreign country because the United States does not offer a reciprocal right.

30 years later only a handful of countries deny artists a performance right for terrestrial broadcast, and we are not in good company - North Korea, Iran, China and the United States.

This year artists, unions, and many others worked together to pass the historic Music Modernization Act. The newly enacted legislation means that music creators from all generations will be paid fairly on all platforms, except AM/FM radio.

The Copyright Revision Act of 1976 flagged the inconsistency, and a bill was introduced to amend the Copyright Act and provide for payment of royalties to artists and record companies for the use of their copyrighted performances. Unfortunately, the legislation was never enacted.

We are of the opinion that legislation has not been enacted in part because recording artists have not been aware of the problem, while others with vested interests have lobbied heavily for the defeat of such legislation. We believe that with a united effort from fellow recording artists, we may be able to pass such legislation.

Big Radio and their D.C. lobbying group (National Association of Broadcasters) spend millions each year lobbying against the interests of music creators. Radio refuses to join streaming services and satellite radio in paying artists fairly!

I am willing to be part of an initial small group of performers / who would establish a non-profit society tentatively entitled the Performance Society of America, for the purpose of implementing legislation to procure performance royalties for artists, and to subsequently collect and distribute such royalties. To give you an idea of some of the numbers involved, ASCAP and BMI, which administer such performance rights for composers, last year collected over \$500,000,000 in the United States alone. I should point out that a performance royalty for recording artists would in no way reduce the royalties presently payable to composers-rather, it would create an additional royalty payable to those whose performances appear on a sound recording.

We're living in the digital age. It's time for Big Radio to get with the times and pay music creators.

We are optimistic that with a united effort, we will be able to achieve successful results within a reasonable period of time.

Thank you, and I look forward to hearing from you very soon.

Very truly yours,

Frank Sinatra

\*Recipients-Beach Boys, Estate of Bing Crosby, Neil Diamond, John Denver, Bob Dylan, Ella Fitzgerald, George Harrison, Michael Jackson, Waylon Jennings, Elton John, Estate Of John Lennon, Paul McCartney, Liza Minelli, Estate of Jim Morrison, Willie Nelson, Estate of Elvis Presley, Lionel Richie, Kenny Rogers, Linda Ronstadt, Diana Ross, Bruce Springsteen, Barbra Streisand, Ringo Starr, Stevie Wonder