



Testimony of Sheila E.
Hearing on The Performance Rights Act and Parity among Music Delivery
Platforms August 4, 2009
Senate Judiciary Committee

Thank you.

Chairman Leahy, Senator Feinstein, Ranking Member Sessions and members of the Committee, I am honored to be here to today to represent the hundreds of thousands of working musicians who seek one simple right—to be compensated for their labor.

My name is Sheila E. and I'm here today on behalf of the musicFIRST Coalition. I am also a member of AFTRA and AFM, as well as a board member of the Los Angeles Chapter of The Recording Academy, which represents thousands of music creators across the state of California.

I would to talk about music and radio. First, let's talk about music.

I was born into a musical family, the daughter of the legendary band leader Pete Escovedo, so music is truly my destiny. I started playing an instrument at age 3, and once I made my professional concert debut – a seasoned 15-year-old—I knew I would be a musician.

As I matured as a musician I had many wonderful musical experiences, from earning multiple GRAMMY nominations for my solo work, to performing with such renown artists as Lionel Richie, Gloria Estefan, Beyonce', Ringo Starr, and of course, Prince.

The experience I had with Prince being his drummer, percussionist, and musical director taught me that a vibrant musical scene can and does take one's music anywhere in the world. With the creation of "the Minneapolis Sound," the eyes - an ears - of the musical world were on Minnesota. When I lived in Minnesota, many great talents, including the Recording Academy's own Chair Emeritus, Jimmy Jam emerged. In fact, "The "Minneapolis Sound" with its creative cultural symmetry, is still very influential today.

During that time, I began to discover much about the music business itself. I was always at a loss to explain why one industry—traditional broadcast radio—is allowed to profit from the artists' work without compensation to those artists.

As I toured around the globe and saw that broadcasters in every other developed nation in the world compensate their artists, the lack of payment in America became more puzzling.

And as Internet radio developed and recognized their obligation to pay artists, the lack of terrestrial radio's payment became unacceptable.

For all of the complex legal and legislative discussions that have taken place around this topic over the decades, the issue for musician is really quite simple. We believe that being paid for one's work is a basic American right. Whether your workplace is an office, a classroom, a factory or a recording studio, every American worker deserves to be compensated for his or her labor. And any business that profits from another's work should share some of that profit.

OK, so let's talk about radio.

Artists love for their records to be played on the radio. That's a given, but it's not the point.

Artists love to get bookings for live gigs—but we get paid for those gigs. Artists love to get songs placed in movies and TV shows—we get paid for those uses. Artists love to sell records—we get paid for those sales. Radio is the only part of the music business where our work is used without permission or compensation. So when the National Association of Broadcasters tells us they are the true friend of artists, we respond: friends don't let friends work without compensation.

Radio's argument that a "promotional effect" exempts them from payment is a tired argument that wouldn't hold water in any other context. Imagine the radio industry withholding payment from popular talk radio hosts claiming that they promote their books sales and TV ratings. Imagine the radio industry withholding payment from sports teams because airing the games promotes ticket sales. The talk show hosts and the sports teams would simply say, "no broadcasting without fair payment." But until the Performance Rights Act is passed, artists have no such right.

Radio's other arguments are just as worn out. The House version of the bill addresses the concerns of broadcasters and we support the adoption of these provisions in the Senate bill. "Worried about small broadcasters?" The bill lets them play all the music they want for as little as one dollar and thirty-seven cents a day. "Not the right time in our economy?" The bill defers payment for up to three years. "Concerned about public service announcements?" To use the public airwaves for free, the stations must air them and that won't change."

One new argument I've heard has caused me particular disappointment: that the Performance Rights Act will hurt minority broadcasters. As a Latin artist, I want minority stations and minority ARTISTS to be able to thrive in this business. Many minority-owned stations are small and would rightly receive a special accommodation for lower payments in the bill. And at the same time, the bill would allow Hispanic and African-American artists their due payment for their important contributions to our American musical mosaic. It is a sad irony that artists living throughout Latin America benefit from a radio performance right, while their counterparts in the U.S.--the leader in intellectual property--do not. It's time to bring the U.S. in step with the rest of the developed world.

So we've talked about music. We've talked about radio. Let me close by talking a little about the past and the future. First, the past.

Last month my father, Pete Escovedo, turned a youthful 74. In addition to his own legendary band Azteca, he was a member of the group Santana, and performed on a number of their records as well as other artists still heard on radio today. One of the most gratifying aspects of this legislation is that it will compensate so many great artists of my father's generation who contributed so much to our musical heritage. And every participant—featured artists, background singers, session musicians and producers alike—will ALL benefit from this bill.

But this bill is just as much about the future.

One of the great honors in my life was to co-found a charity called the Elevate Hope Foundation. Elevate Hope is dedicated to providing abused and abandoned children an alternative method of therapy through music and the arts by creating, funding, and sponsoring music based programs that assist using these fundamental methods.

I can tell you from my first-hand experience working with these kids, the power that music has to teach, to heal and to build confidence. In fact, the magnitude of music becomes such a inspiring force in the lives of these children, that many of them choose to pursue music as a career. We must encourage our youth to follow their dreams.

Through music, they learn to respect themselves, and I teach them that they deserve respect as individuals and as budding music creators. What I ask of you today, distinguished Senators, is to ENSURE that **the next generation of musicians** will enjoy the respect they deserve by simply being compensated by businesses that use their creations for profit. Through the passage of The Performance Rights Act, musicians and broadcasters will enjoy a relationship of MUTUAL respect that will allow both to flourish.

Thank you.