

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
musicFIRST Petition Regarding the Actions) MB Docket No. 09-143
of Certain Radio Broadcasters in Opposition)
to the Performance Rights Act)

COMMENTS OF Tony Butala – The Lettermen

82 West State Street
Sharon, PA 16146
(724) 983-2025
(724) 983-0446 Fax
www.VocalGroup.org
Mail@VocalGroup.org

I submit these comments in support of musicFIRST's Petition for a Declaratory Ruling Regarding the Actions of Certain Radio Broadcasters in Opposition to the Performance Rights Act. I support musicFIRST's efforts to pass the Performance Rights Act and to ensure that performers are compensated for their work when it is played over the air. The first recording of my group, "The Lettermen", aired in 1960 and since then, I have has twenty-five (25) chart single records and thrity-Two (32) straight top chart albums. I have just finished recording my seventy-fifth (75) album (CD).

The day is long passed when anyone can say that my entertaining and recording career has been enhanced from any promotional benefits I may have received from free airplay of our songs by radio broadcasters.

Today, and for many years, only the advertisers and radio station owners benefit by not having to pay recording artists financial compensation, proportionately to the amount of airplay of their songs.

I am greatly concerned by the actions of broadcasters described in musicFIRST's Petition. While all of these actions are troubling, I am particularly concerned about broadcasters targeting and threatening artists who wish to speak out in support of the Performance Rights Act. I am familiar with the stories of artist intimidation described in musicFIRST's Petition and believe them to be true. It is my belief that Artists should be properly compensated for their work and should certainly not be intimidated if they choose to express their support of the Performance Right Act. I personally have heard the misleading radio ads that insinuate the Performance Rights Act is an attempt to tax air play. This is clearly not the case.

While I respect broadcasters' First Amendment rights, the broadcasters' intimidation is designed to suppress speech that is not even being made on their radio stations. Indeed, artists are being targeted for advocacy in which they engage at public meetings or in the halls of Congress. And the broadcasters are doing all of this solely to further their own economic interests. It cannot be in the public interest for broadcasters to use a public resource in this manner.

In addition, the broadcasters' manipulation of information about the Performance Rights Act and their refusal to run advertisements from musicFIRST – all designed to further broadcasters' own economic self-interest – gives the public an incredibly warped view of this matter of national importance. That cannot be in the public interest either.

For all of these reasons, the Commission should conduct a vigorous review of whether broadcasters have used the public airwaves entrusted to them in the public interest, consider these activities in as part of the licensing renewal process in determining whether a licensee has met its public interest requirements, and consider shortening broadcasters' license terms to better ensure their service to the public – rather than their own private interests.

Respectfully submitted,

Tony Butala
The Lettermen
