

## **musicFIRST Asks FCC to Investigate Radio Stations For Threatening Performers, Refusing to Run Ads and Misleading the Public**

### **Actions Violate Radio's Obligation to Serve the Public Interest, Calling Broadcast Licenses Into Question**

Washington, DC – The musicFIRST Coalition (Fairness in Radio Starting Today) today filed a formal request that the Federal Communications Commission (FCC) investigate and take action against radio stations for abusing their license to use the airwaves, a valuable public resource.

The filing details how radio stations across the country refuse to air musicFIRST ads, threaten artists who support the effort to create a fair performance right on radio and continue to run misleading ads produced by the National Association of Broadcasters – all in an effort to further their own private commercial interest at the expense of their public interest obligations.

“For more than 80 years radio stations have been using the work of artists and musicians without compensating them, now they’re using the public airwaves unfairly for their own self interest,” said musicFIRST Executive Director, Jennifer Bendall. “We respect the First Amendment rights of broadcasters to air their views in this and any debate, but they’ve crossed the line. They have engaged in a concerted effort to promote their own financial interests above their legal duty to serve the public interest by providing truthful and accurate information.”

Radio stations must ensure that their private interests, including their private financial interests, do not interfere with their obligation to serve the public. The musicFIRST filing notes that the use of a broadcast license to further a licensee’s personal economic interest is particularly egregious where it results in the skewing and distorting of a public debate.

“Time and time again we have been told ‘NO!’ by radio stations when it comes to airing our side of the debate,” said Bendall. “Many stations are rejecting our ads without even reading the script. It’s an absolute sham. Ironically, they are refusing to take our money at the same time that they cry poverty to avoid fairly compensating artists for the music upon which they have built their businesses.”

The ads and on-air commentary unfairly prey on the public’s fears by calling it a tax, which it’s not, saying all the money is going to foreign companies, which it’s not, and intimating that this is a racial issue by claiming that there is no black representation in the process and that it will “murder black radio” – again not true.

“Even more offensive is the effort to silence artists through threats and retribution,” Bendall said. “No one should ever be penalized for working for what they think is right; for participating in the democratic process; for exercising their First Amendment right to correct a decades-old wrong.

But that is just what these radio stations have done.”

According to the musicFIRST filing, one major radio group dropped a top selling artist’s record after he spoke in support of performance rights legislation. The program director of a Florida radio station declined to add an artist’s recordings to his station’s playlist because the artist is listed as a member of the musicFIRST Coalition. Another director of programming told a representative of two prominent artists that the artist’s support for the Performance Rights Act would have a “chilling effect” on their relationship. And a Delaware radio station boycotted all artists affiliated with musicFIRST for an entire month.

“These are the cases we know about,” Bendall said. “We can only imagine what may be happening under the cover of silence.”

musicFIRST is asking the FCC to investigate these actions, find that the stations have violated their public interest obligations and consider the broadcasters’ malfeasance in connection with their license renewal. musicFIRST is also asking the FCC to consider this conduct as part of its overall review the length of radio stations licenses, currently seven years.

“Our message to the FCC is clear,” Bendall said. “We respect a broadcaster’s right to oppose the Performance Rights Act. But we cannot tolerate broadcasters’ use of the public airwaves to stifle debate, threaten artists and musicians and undermine the public interest in pursuit of their narrow, private business interests.”