



Rift over royalties

Bill to make radio stations pay singers divides black artists, leaders

By: Dahleen Glanton

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In the early 1960s, Mitty Collier had a contract with Chicago's Chess Records and was riding high in the R&B music industry with her popular ballad "I Had a Talk With My Man Last Night." And every now and then, a disc jockey will pull out Collier's 1963 hit, "I'm Your Part-Time Lover" — her answer to Little Johnny Taylor's "Part Time Love" — during an old-school program, moving the over-50 listeners to turn up the volume and sing along.

But Collier, who long ago gave up rhythm and blues in favor of gospel, has never gotten a dime from the radio stations. Now, a bill is making its way through Congress that would require stations to pay royalties to artists when their songs are played on the air.

"The artists deserve it," said Collier, 68, pastor of More Like Christ Christian Fellowship Ministries on Chicago's South Side. "With things the way they are today, everybody needs every little penny they can get."

While the Performance Rights Act, now in a congressional committee, would affect all artists as well as large radio companies, the legislation has caused hostilities within the African-American community, pitting black-oriented radio stations and their popular DJs against black politicians and artists who support the bill.

Radio personalities such as Tom Joyner, whose "Tom Joyner Morning Show" is owned by Radio One Inc., a black-owned conglomerate, oppose the bill, generating support from their vast listening audiences. Radio-backed campaigns targeting those who support the bill — from members of Congress to outspoken entertainers such as Dionne Warwick — have hit the airwaves in several cities.

There is also a division within the civil rights community. The NAACP recently passed a resolution supporting the bill, while activists Al Sharpton, whose radio show is syndicated by Radio One, and Jesse Jackson, whose show is syndicated by a subsidiary of Clear Channel Corp., oppose it.

"Any time you get into a debate about money, everybody pulls out the stops," said Earl Jones, president and market manager for Clear Channel Radio Chicago, which owns stations across the country.

"I won't go there, because I have a respect for both sides," Jones said. "Those people who go there

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don't have a definitive answer for why they are supporting their side." Jones said he opposes the bill largely because half the royalties would go to the record labels under the bill.

The bill's sponsor, Rep. John Conyers, D-Mich., and other supporters contend that it would help to right the wrongs of the past, particularly for African-American artists, many of whom were financially exploited by record companies early in their careers and are struggling financially in retirement.

Critics such as Cathy Hughes, founder of Radio One, which owns and/or operates 53 radio stations targeting black audiences in 16 markets, have called the bill a "performance tax" that would lead to the demise of black-oriented radio stations that are barely staying afloat in this sagging economy.

The fees, however, would be charged to stations on a sliding scale, ranging from \$500 a year for stations with annual gross revenues of less than \$100,000 to \$5,000 or more for stations with annual gross revenues of \$500,000 or more.

Most talk-radio stations and those that broadcast religious services are exempt.

For a small station such as WBCP-AM in Champaign — the only remaining independent black-owned R&B station in Illinois — \$500 a year would be devastating, according to J.W. Pirtle, the station's co-owner. The only other independent black-owned station, WVON-AM in Chicago, has a talk format.

"This is crazy," said Pirtle, who 20 years ago helped start WBCP, which plays old-school music and gospel. "Small minority-owned stations are about to starve to death, and now they want to take some more.

"If you really want to equal it out, why not just make those huge corporations that own 20 or more stations pay? They are the ones with the big bucks."

But Bruce Demps, a regional manager for Radio One, said everyone is experiencing a financial crunch, and adding another expense to radio, which pays royalties to the songwriters and publishers, would have an impact. If the bill passes, he said, some stations will stop playing artists they have to pay.

"We somehow will make programming decisions based on whether we have to pay fees or not," Demps said. "This is not the right way to try and correct the wrongs of 20 or 30 years ago. In some ways, it could hurt the artists who need the exposure."

Many of today's artists who write or co-write their music receive radio royalties. Others have agreements to share royalties with the writers, who own the material. But in the early days of R&B, it was not the case, said Jerry Butler, a major recording artist in the 1950s and 1960s.

"It's always difficult when you get to the table late. You find that all of the good meat has been eaten, and you wind up fighting over scraps," said Butler, a member of the Cook County Board and a supporter of the bill.

"When we came into the business back in 1958, there were very few artists who had their own publishing companies or recording companies," he said. "The record companies would take you to the back of the studio to record and maybe give you a car, but you never got paid. That's how it was done."

Leron Rogers, an Atlanta lawyer who represents artists, said the bill would close a loophole that has allowed terrestrial stations to make money off artists. It would be in line with the Sound Recordings Act passed in 1995, which requires satellite, cable and Internet radio to pay artists, he said.

"For 70 years, terrestrial radio has had this exemption and has been able to build their business

without paying the performers," Rogers said. "There are 10,000 radio stations in the country, so this is not a whole lot of money per station.

"But in aggregate, it could be a substantial sum for the artists."

However, several critics have pointed to the fact that artists, backup singers and musicians would receive only 50 percent of the royalties, with the other half going to the content-owner, which in most cases is the record label.

Opposition continues to build, with more than 200 lawmakers, including Rep. Bobby Rush, D-Ill., signing on to a non-binding resolution called the Local Radio Freedom Act to oppose performance fees.

Sharpton said it is an issue of fairness.

"None of the radio stations in business now, particularly the black ones, were around back in the day when these artists had hits, so how can you say Radio One made money off the Four Tops when they weren't around?"

"How can you say they're getting rich off these artists?"

"This bill is geared too much toward the record labels that will control the money, so it's really big business against big business."

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