

July 12, 2021

Electronically Filed  
Docket: 21-CRB-0001-PR (2023-2027)  
Filing Date: 07/26/2021 11:01:37 AM EDT

Via Electronic Delivery

Chief Copyright Royalty Judge Jesse M. Feder  
Copyright Royalty Judge David R. Strickler  
Copyright Royalty Judge Steve Ruwe  
US Copyright Royalty Board  
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To Your Honors:

Choices you will make regarding mechanical rates will impact the current and future musicmakers' ability to contribute to our most profound national export: art.

Musicmakers intuitively understand how we stand on the shoulders of giants. Similarly, each aspect of music-adjacent policy sets a precedent for another. And for years, the devaluation of music has been trending: when music piracy made music free, cover charges at local live venues disappeared; when media conglomeration became legal, playlists became homogenous, and far less localized; when algorithms control streaming services, offerings became more generic, by design.

A culture that declares music to be worth less can expect worthless music. It can also expect more musical careers to be sustained only by those who can afford to lose money.

Consider this: our Top Ten is full of artists who are children of the affluent — those who can afford to do this gig. Not children of millionaires: Stevie Wonder, Aretha Franklin, Bob Dylan. The quality of the contributions made by

those who come from privileged upbringings may be a matter of taste, but we can be certain that lessening the ability for musicmakers to make a credible living will beget barriers to entry and a less equitable cohort.

Beyond the cultural impact, common sense arguments against re-freezing mechanical rates that have already in place for two generations include:

1. Money. The rate that was a little less than a dime in 2009 is functionally worth a little more than a nickel now — its buying power will only decrease with time.
2. Ethics. Objectively speaking, the proposed freeze represents neither a free nor a fairly-regulated market. It is best characterized as “willing buyer, unwilling seller.”
3. Support from authentic shareholders. Exponentially more musicmakers and music advocacy groups oppose re-freezing mechanical rates. Organizations doing so comprise a distinctly inclusive cohort that looks like America, as well as the diverse, borderless history of music. Among groups opposing frozen mechanicals are the Songwriters Guild of America, the Alliance of Women Film Composers, the Alliance of Latin-American Composers & Authors, the Pan-African Composers and Songwriters Alliance, the Society of Composers and Lyricists, Music Answers, and the Music Creators of North America.

Groups expressing support for freezing mechanicals believe that musicmakers should make less than what we make now. Given this, any claim they make to represent the interests artists is disingenuous. While these groups' lobbying resources are formidable, both their agenda and actual membership represent a perilously slim minority of musicmakers.

I believe the technological democratization of tools and access for artists of all mediums could enable a new American renaissance. Let us support a regulatory model that fosters that goal, and gives a diverse group of artists the means to do great work that inspires us all.

Sincerely,

David Poe  
Songwriter