

Future of Music Coalition Profile

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We want to see musicians help the issues, and the issues help the musicians. Rock and roll is our Trojan horse.

—Jenny Toomey, Future of Music Coalition

The Future of Music Coalition (FMC) gathers expertise in the fields of music, technology, public policy, and law to promote public understanding and discussion about freedom of speech, control of music production and distribution, and public ownership of the airwaves and bandwidth. FMC's focus is fundamentally educational: conducting original research, writing for and speaking to arts communities, translating highly technical and legal language into plain English, and offering expert testimony on the implications of policy.

The seeds of FMC were planted in the 1990s, when Washington, D.C. punk rock musicians Jenny Toomey and Kristin Thomson started their own recording label, Simple Machines. From the beginning, Toomey and Thomson were interested in far more than merely recording music: they were devoted to empowering other musicians with information and tools. For example, in addition to developing a catalogue of 75 releases, Simple Machines also created a detailed, 24-step guide to putting out a record.

When Simple Machines began, large recording labels dominated the market through mass production, major advertising, and often-exploitive contracts that forced artists to surrender many of their rights. But a smaller-scale, more equitable economy simultaneously flourished, largely through college radio stations, “mom and pop” music stores, and fanzines. Independent labels with small production runs could actually make a modest profit and split it with the artists, who retained most of their rights. Then the major labels became interested in punk and other “alternative” music, mostly distributed on smaller labels. Starting with the grunge band Nirvana, larger labels proceeded to strategically “cherry pick” from the grassroots, and the two parallel economies began to collapse into one another. In 1997, Toomey and Thomson decided to close Simple Machines.

For the next three years, Toomey worked at the Washington Post, where she became intrigued by the promise of the Internet to offer artists unprecedented control over the production and distribution of their music. For example, excited by the Internet's potential and a utopian vision of democratized music distribution, independent labels signed exclusive contracts with retailers such as eMusic, a company established to sell music online. But concurrent with the advances in technology and the emerging opportunities for independent musicians, “the entire market was constricting, merging, closing, with control going to a handful of companies—five major labels controlled 90 percent of all music sold.” When the Internet bubble burst, Universal bought eMusic's assets, and within a few years its artists' rights had been sold to the “same old

boss.” Toomey says, “We realized that we’re all in the same pond and that bad major corporate structures directly impact the possibilities for artists in the underground. We needed to know more about the structures we had been avoiding.”

Toomey and Thomson understood in particular that musicians would need education and support to use new digital technologies to their advantage. They wondered, “Will the artists understand the new technology, or will technology control them?” Toomey recalls, “We realized that we needed to do more organizing.” Consequently, in 2000, the two established FMC to help ensure that artists had the tools they needed to maintain the ownership and control of their work, and to navigate a tangled intersection of complex legal and technical issues.

For Toomey and Thomson, technology was a way to completely bypass the bottleneck that gave major music labels such tight control over the channels of distribution, manufacturing, and promotion, enabling musicians to reach international audiences immediately. Musicians no longer needed millions of dollars to produce and distribute CDs: they could reach out to their fan base online, and in minutes put their music into the hands of their public. The marketplace had shifted from the physical to the digital.

Toomey and Thomson also realized that, among other things, digital downloading would demand new licensing structures and agreements. As they attended workshops, conferences, briefings, and hearings, they noticed that “legal folks weren’t talking to technical folks, and artists would rarely be at the table at all. So we began to interview anyone who knew what they were talking about, then posted it for musicians who didn’t have time to go to conferences.” Yet, they soon recognized that it is “not just enough to educate: we also had to advocate and to research, and it’s not enough just to document who’s doing good, equitable work, you need to understand the structures, and artists need to be at the table.”

With this context in mind, Toomey and Thomson drafted *The Future of Music Manifesto* (2000), which proclaimed that FMC would serve as a voice for musicians, particularly in Washington, D.C., where “critical decisions are being made regarding musicians’ intellectual property rights without a word from the artists themselves.” Combining a broad perspective on the music industry with an ability to navigate complex layers of licensing and other legal issues and a grasp of the esoteric technical standards that underlie digital downloading and online streaming, Toomey and Thomson created an accessible, democratic, and jargon-free source for complete, up-to-date information about technology and music. FMC’s content-rich website features fact sheets and resources: how to get a radio license, public performance rights for sound recordings, the role of the Copyright Arbitration Royalty Panel, a clause-by-clause critique of a standard recording contract, and a health insurance navigation tool.

FMC has also become a vocal and nuanced critic of the disturbing trend toward media consolidation, particularly the ownership of radio stations by fewer and fewer companies. Realizing that it needed an accessible and popular way to disseminate the information it produced and gathered, FMC mounted major concert tours to publicize critical issues. In 2000, *Left Off the Dial* featured 84 concerts in 20 states, during which artists brought attention to the regulations controlling noncommercial Low Power FM (LPFM) radio, a traditional mode of access to the public airwaves that new FCC rulings threatened to destroy. Nationally known

musicians shared the stage with local bands, helping to build a grassroots support system; a press book included tools to mobilize local LPFM supporters toward advocacy. Three years later, the Tell Us the Truth tour generated unprecedented levels of attention on media consolidation. This ongoing citizen education is central to FMC's mission.

FMC's 2006 report, *False Premises, False Promises*, further helped citizens understand the impact of complex media legislation, with radio framing the issues of deregulation. The report's rigorous research clearly documents the effects that the consolidation of radio station ownership has had on musicians and the public. Data in the report show that consolidation at the national and local levels has led to fewer choices in radio programming and has harmed the listening public and those working in the music and media industries, with "a loss of localism, less competition, fewer viewpoints and less diversity in radio programming in media markets across the country." The report also documents the impact on employment and wages. Other specific findings state that "the top four radio station owners have almost half of the listeners, and the top ten owners have almost two-thirds of listeners, and ownership by individuals living in the community has declined between 1975 and 2005 by almost one-third."

Toomey and Thomson's research and advocacy has made FMC a valuable and consistent voice for the democratization of the airwaves and the fair treatment of artists. "In the last seven years, I think we've become more and more effective: we're called to testify before Congress, we're cited in court cases—it's helpful to be the gadfly . . . the left defines the center." Toomey has testified for innumerable FCC hearings, before the Senate Commerce Committee and the House Judiciary Committee, at the U.S. Copyright Office, in court cases, and in opinion pieces in print, radio and television. FMC's annual Policy Summits gather panelists and keynote speakers together "with an engaged, diverse audience for a robust debate about the critical issues at the intersection of music, law, technology and policy." Recently FMC, in collaboration with the American Association of Independent Music, successfully challenged and beat Clear Channel, eliminating that company's efforts to seize independent artists' rights and royalties. FMC has also become a powerful advocate for "net neutrality," the principle that ensures that all users can access the web without being blocked from certain sites, or directed to preferred sites, while running the applications and devices of their choice.

The Future of Music Coalition is based on the belief that effective civic participation is built on solid knowledge, and that advocacy is based on sound analysis. When asked what would help artists become more strategic in civic participation, Toomey is clear: more and better information, at various levels and about various topics—the very information that FMC strives to develop and share.

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