Before the
COPYRIGHT ROYALTY BOARD
LIBRARY OF CONGRESS
Washington, D.C.

In the Matter of	)	
	)	
DIGITAL PERFORMANCE RIGHT IN SOUND RECORDINGS AND EPHEMERAL RECORDINGS	)	Docket No. 2005-1 CRB DTRA

TESTIMONY OF

HAROLD RAY BRADLEY

Vice President of the American Federation of Musicians of the United States and Canada

October 2005

I. Introduction

My name is Harold Ray Bradley. I am the Vice President of the American Federation of Musicians of the United States and Canada, a labor organization that represents over 100,000 professional musicians who work as featured recording artists, non-featured session musicians in the recording industry, and live performers in every sort of venue from symphonic orchestras to theaters around the country to hotel lounges, nightclubs and private parties. For the past fifteen years I have also been the President of the Nashville Association of Musicians, Local 257 of the AFM. I am a member of the Board of Governors of the National Academy of Recording Arts and Sciences, and I was the first President of NARAS's Nashville Chapter.

I am very pleased and honored to appear here today before the Copyright Royalty Judges to talk to you about the creative process in making hit records. I will begin by describing my own background and experience in the music industry. I will then describe in some detail how musicians make unique creative contributions in the recording studio. Finally, I will describe how musicians are compensated for their efforts, and explain why the income from the compulsory license at issue in this case will be so important to musicians.

II. Background and Experience

I am, first and foremost, a recording musician with over fifty-eight years of experience in the industry. I have been blessed with a long and successful career as a studio musician, and I still occasionally perform in recording sessions. Some people say that I am the most recorded guitar player in

history, and that may well be true because I have been an active studio musician since 1946. I have recorded all kinds of music – country, rock and roll, jazz, gospel and pop. I have been privileged to record with some of the best names in the music business, including – in no particular order – Patsy Cline, Willie Nelson, Roy Orbison, Elvis Presley, Joan Baez, Buddy Holly, Hank Williams, Henry Mancini, Connie Francis, Leon Russell, the Everly Brothers, Perry Como, Ivory Joe Hunter, Pee Wee King, Alan Jackson, Conway Twitty and many others.

You may never have heard my name, but you are likely to have heard my music on a hit recording such as Patsy Cline's recording of "Crazy," Roy Orbison's recording of "Crying," Tammy Wynette's recording of "Stand By Your Man," Jimmy Dean's recording of "Big Bad John," Loretta Lynn's recording of "Coal Miner's Daughter," Brenda Lee's recording of "I'm Sorry," Roger Miller's recording of "King of the Road," Jeannie C. Riley's recording of "Harper Valley PTA," or Ray Anthony's recordings of "The Bunny Hop" and "Hokey Pokey," to name some examples. I am proud to say that my work as a session musician has been honored by the industry. I received the NARAS "Superpicker" Award from 1974 through 1979. I am one of twelve musicians honored at RCA's Studio B in Nashville, now a museum operated by the Country Music Foundation. In 1999, I was inducted into the North America Country Music Association, International Hall of Fame.

I have also performed on numerous motion picture soundtracks. Some of these include "Kissin' Cousins," "Clambake," "Stay Away, Joe," "Fastest

Guitar Alive," "Sugarland Express," "A Walk in the Spring Rain," "Tick, Tick, Tick," "Breathless," "Smokey & the Bandit II," "Coal Miner's Daughter," "Six-Pack," "Missing," and "Sweet Dreams." I also appeared briefly in Robert Altman's award-winning movie, "Nashville."

I have played other roles in the music industry as well. Before I graduated from high school I was travelling and performing live in Ernest Tubb's band. In 1955, my brother, Owen Bradley, and I opened the first recording studio on what later became Music Row in Nashville. Owen and I also co-produced 39 television variety shows titled "Country Style USA." In the mid-1960's, I recorded three albums of my own as a featured artist under contract with Columbia Records. And I have represented or produced other artists, including Byron and Slim Whitman, Billy Chinnock, Eddy Arnold and, most recently, Mandy Barnett. My biography is attached as Exhibit 242 DP.

I know from my own experience that it takes many kinds of contributions to make a sound recording. The creative inspiration of the songwriter forms a beginning. But, as I hope to show you in more detail, the recording as an artistic product does not exist until after that first song idea has been brought to life by the creative contributions, skill and hard work of musicians, singers, producers, engineers and others. In this proceeding, you will hear evidence from the record companies that explains the varied roles they play in the creation of sound recordings. I intend to explain to you the roles played by the musicians who perform the music.

III. The Creative Contributions of Musicians in the Recording Studio

"It all starts with a song" – I often quote those words of Maggie Cavender, a great songwriter and songwriter advocate, who founded the Nashville Songwriters Association. But, as true as Maggie's words are, I always must add to them, "But it doesn't end there."

Even before the first regular recording session, the song must be given some musical life. Usually that is a performance on a demonstration record – called a demo – although sometimes it simply may be a musician coming to the recording session or to a home recording studio and playing the song on a guitar or piano. That first demo often will suggest a style, and good ideas in the demo may well be adopted in the final recording. But the song is not fully realized until the performance in the recording session, and it may be completely transformed in that artistic process.

A good example of this is Willie Nelson's demo of his song, "Crazy," and Patsy Cline's timeless recording of "Crazy." My brother Owen was the producer for Patsy Cline's recording. I was one of seven studio musicians called for the recording session. At the session we listened to the demo. To tell the truth, everyone on the demo was playing the wrong chords, and it didn't really sound like much. Right at the recording session, Owen – with the help of us musicians – developed the perfect musical arrangement for "Crazy." That recording went on to become both a country and pop hit, and, in 1997, it was honored by the Amusement and Music Operators Association as the #1 jukebox hit of all time. You can see how the recording session transformed the

song by listening to Exhibit 505 DP, a CD that contains both the Willie Nelson demo and the final Patsy Cline recording of "Crazy."

It is in the regular recording session that a song is transformed into a recorded performance – an artistic work with its own style, personality, artistry and voice. And that transformation comes about through the musical skill and the creative inspiration and talent of the performing artists assembled, including the session musicians, the background vocalists, the featured performer and the producer and recording technicians.

I've known musicians to suggest changes to lyrics, and I certainly have known producers such as Chet Atkins and my brother Owen to urge and obtain changes in lyrics, and then put their chords to the song during the recording session. But more importantly than any one word or note, the musicians in the recording session "style" the song with intros, fills, chord changes, solos, tempo and rhythms. There cannot be any doubt that the same underlying song can give rise to radically different recordings when the performance is given in a country style, or a pop style, or a rock and roll style. More subtle changes can transform a song too. I remember performing on Ray Price's recording of the Kris Kristofferson song, "Help Me Make It Through the Night." Ray Price recorded a lot of Kris Kristofferson material, and he recorded this particular song in a Frank Sinatra, two-beat style. As popular as Ray Price was, this particular recording was not a hit. Then Sammi Smith recorded the song in 1970. Her recording reached #1 on the country charts and #8 on the pop charts. It made her a star and won her a Grammy and a gold record. I

remember listening to Sammi Smith's recording to see what we had done wrong. Of course, there was her seductive voice. But I can't help thinking that part of the success of her recording was in the musicians' slowing the song down, and putting it in a straight 8th's rhythm so she could put a lot of feeling into the lyrics. Exhibit 506 DP is a CD containing both the Ray Price and the Sammi Smith versions of "Help Me Make It Through the Night."

Of course, these creative choices can come from the featured artist, and they can come from a good producer like my brother, who was one of the best. But people often do not realize the extent to which they come from studio musicians in the recording session. As I will explain in more detail below, they often record without ever seeing any written music or arrangements. They listen to a demo, and then create the music behind the featured artist. They are, of course, expected to enhance the featured artist's performance. But they are also expected to create a sound and style. And it is the synergy and energy between the featured artist and the studio musicians, and between the studio musicians themselves, that can make a recording truly great.

I can give you an example from my own recording experience. In Nashville in the 1950's, we often used to record with one electric guitar and one rhythm guitar. When we added a second rhythm guitar, one would tend to cancel the other out. The Nashville musicians created a new tuning on the rhythm guitar called a Hi-Third, or Nashville tuning. Around 1958, a new instrument was invented called a 6-string bass guitar, later called the "tic tac bass." I developed a new technique for this instrument. I put my hand over

the bridge, which had the result of muting the strings while letting a "click" come through. Using that technique, we were able to play more notes and record with more intensity.

I used this technique on my Danelectro electric 6-string bass guitar while recording with Patsy Cline. One song I used it on was "Crazy," which I have discussed already. I also used it on "She's Got You" and "Walking After Midnight" and nine other songs that, together with "Crazy," were re-released in 1988 as "Patsy Cline: 12 Greatest Hits." That album remained on the Billboard Top Country Catalog Album chart for over thirteen years. It has been certified as 9 times platinum by the RIAA, as you can see from Exhibit 243 DP.

Bob Moore is a great and legendary bass player. He played acoustic bass on these Patsy Cline recordings, and, as I said, I played electric 6-string bass guitar. Our work together on these songs has been described as "some kind of apex" of country bass. Bass Player magazine ranked "Patsy Cline: 12 Greatest Hits" as one of the "30 Essential Bass Albums You Must Own," and described the effect of our "tic-tac" sound like this:

> Moore's stately lines and buoyant rhythms form, on their own, a near-complete study in tasteful country comping. But once Harold started doubling 'em with his Dano, the whole rhythm section achieved an airy lift and a delicate sense of motion few bands have matched since. From the rolling click of "Walkin' After Midnight" to the sweet and relaxed bounce of "She's Got You" to Harold's elemental embellishments of Moore's line on "Crazy," this dynamic duo wrote the book that's still required reading for all Opryland wannabes.

The full article is included as Exhibit 244 DP.

Believe me, I don't speak to you of my own playing and Bob Moore's great bass playing out of vanity. And I certainly never could and never would try to suggest that Patsy Cline's great success was not due to her great voice, soul and artistry. But the double bass combination that we developed was also an important contribution, and my brother Owen used it in recordings until he died in 1998. I think it is important to shed light on the importance and value of the creative as well as the technical contributions of session musicians.

The extent to which a sound recording is a unique product of many talents and contributors simply cannot be overstated. To return for a moment to "Crazy," Willie Nelson wrote it and indeed it was a terrific song. But it has been said that his original conception was to write it as a narration. The tremendously successful recording of "Crazy" had an entirely different conception. Owen and Patsy Cline turned it into a classic ballad. And the session musicians created a unique accompaniment that was perfect for the song. Back in 1990, the Nashville Monitor printed a story on the recording session for "Crazy" that gives a good description of how the session musicians contributed to make an artistically pleasing and commercially successful record. That article, which is Exhibit 245 DP, describes the "tic tac" sound I have already discussed. It also describes how Walter Haynes, who played pedal steel, added a tremolo sound that was "ethereal, hanging over the song like little halos of sound," how Owen added a similar texture on the organ, and how Floyd Cramer added a blues element on the piano.

Of course, "Crazy" is only one example. I can think of many more examples of the creative contributions of studio musicians that enhanced the total artistic quality of a sound recording – that helped make it unique. The 1950's Red Foley's recording of "Chattanooga Shoe Shine Boy" was a great hit. It included the sound of a shoe shine boy's rag popping – in reality, the sound of the drummer, Farris Coursey, slapping his thigh. In Jimmie Dean's "Big Bad John," Floyd Cramer, a top session pianist and a country star in his own right, added a hammer to create the sound of a coal miner's pick. I played the tire chains on Freddie Hart's "The Chain Gang." There can be magic in the recording studio. Of course, it isn't really magic. It is the product of the readiness, talent and hard work of all of the artists involved.

In fact, I must, at this point, highlight the "hard work" aspect of the musicians' creativity in the music business. People outside of the recording business may be quite unaware of the high level of special skills that studio musicians bring to a recording session. A studio musician is expected to arrive at a session without ever having seen, much less rehearsed, the music he or she will perform – and then to perform it flawlessly on the first take. For example, the other musicians and I walked in "cold turkey" to a recording session with Henry Mancini. He put up the charts, and we performed. When we recorded "Crazy" with Patsy Cline, there were no charts. As I said, we listened to the demo, and that was all the preparation we had. In both these situations, we were expected to perform the music perfectly on the first take

and every take in a three-hour recording session, because time is money in the studio. These examples are typical situations, not unusual ones.

A person can be a fine musician, but not have the special skills it takes to succeed in a recording studio. Somebody asked Chet Atkins if he could read music. He said, "Not enough to hurt my playing!" It requires discipline and hard work as well as taste to be a successful recording musician. Back porch pickers seem to fit into Nashville recording sessions better than classical or jazz players. For years, I drove only Chevrolets, because they had the biggest trunks of all. I needed a big trunk, because I drove to session after session carrying my bass guitar, my Martin guitar, my high third guitar, my classical guitar (we call them "gut string" guitars in Nashville), my banjo, my mandolin, my ukulele and two electric guitars – not to mention an amplifier. I had to be ready for anything.

IV. How Musicians are Compensated

I have described for you some of my history as a creative artist. Now I would like to describe how the compensation system works for musicians in the recording industry. For many years, the AFM has negotiated a collective bargaining agreement with all of the major record companies. Hundreds of mid-size and smaller companies sign that agreement as well. The current agreement, called the Sound Recording Labor Agreement ("SRLA"), was extended for one year and covers the period from February 1, 2002 through January 31, 2006. Negotiations for its successor agreement are scheduled for early November 2005. The SRLA sets standard working conditions that apply

to all musicians – featured and non-featured – who record under it. And, it establishes a compensation system that, although it applies to all musicians, is of the highest importance for studio musicians who do not also have royalty agreements with the record company. The SRLA, and the Digital Distribution Memorandum of Agreement which, among other things, extended the SRLA until January 31, 2006, are attached as Exhibit 246 DP.

The compensation system that has developed in the SLRA has three distinct facets. The first is "scale" – the wages and benefits paid for time spent in the recording studio. The second is the "Special Payments Fund" – a system of delayed compensation for recording musicians based on record sales. The third is "new use" – a system of compensation for the use of a recording in a new medium. I will explain each of them briefly.

Scale Wages and Benefits. The SLRA limits a master recording session to three hours, during which no more than fifteen minutes of music is recorded. Longer sessions require overtime, and premium payments are required for sessions held on designated holidays. The current scale for a regular recording session is $345.98. On every regular session, the musician receives a $19.00 health and welfare payment, made directly to that musician's Local Union health and welfare plan if there is one, or, if not, directly to the musician. And, of prime importance, on each recording session the signatory company makes a contribution of 10% of scale wages on each participating musician's behalf to the American Federation of Musicians and Employers Pension Fund.

Musicians like me, who have spent many years working in union recording sessions, have accumulated meaningful pensions from the AFMEP Fund.

The SRLA contains many special provisions, including the possibility of lower scale payments for low-budget projects. The low budget provisions are an important innovation, through which we aim to expand the benefits of union recording – in particular pension benefits – to musicians working on smaller projects.

Special Payments Fund. In addition to scale wages, recording musicians receive a delayed compensation through which they benefit from the success of record sales. This is not a royalty payment, but it is an integral part of the compensation system negotiated by the AFM and the industry. It works in the following way.

Each record company that signs the SRLA also must sign the Sound Recording Special Payments Fund Agreement. It thereby undertakes the obligation to make payments to the Fund based on a formula tied to its CD sales. The company reports 100% of its sales, and then, under the formula, receives various allowances. For example, the company is not required to make Fund payments on the first 25,000 units sold, or on certain record club sales and the like. Once the allowances are calculated, the recording company makes contributions to the Fund on the remaining sales. Those contributions are also based on a formula, and will be between .522% and .54% of the manufacturer's suggested retail price up to a stated maximum.

In 2004, the AFM negotiated a groundbreaking Digital Distribution Memorandum of Agreement that ensured that recordings sold via permanent digital downloads also would generate Fund contributions. The formula for those contributions was adjusted to reflect the realities of the digital market. Signatory companies do not have to make contributions on the first 10,000 downloads of a recording. Thereafter, the record company must contribute a sum equal to 1/3 of 1% of the wholesale price of the download (without deductions) for each download in 2004, and ½ of 1% of the wholesale price of the download (without deductions) for each download in 2005.

Each year, the Fund distributes the musicians' share of the Fund to musicians – whether or not union members – who have worked on recording projects under the SRLA during the last five years. These payments are a form of wages, so the Fund makes all the social security tax, unemployment insurance and worker's compensation premium payments required by state or federal law. It also, of course, pays its own operational costs. All the remaining funds accumulated annually are paid to musicians. It is a peculiarity of the Fund that a musician does not receive payments tied to the particular success (or lack of it) of his or her own recordings. Rather, the benefits of the Fund are spread out among all musicians who have been active in the industry within the past five years, in accordance with a negotiated formula.

I cannot overstate the importance of the Special Payments Fund. Fund payments form a significant part of the income of an active recording musician.

If overall sales diminish, so do contributions to the Fund, and therefore so does the income of recording musicians.

New Use. The SLRA also provides a mechanism designed to compensate recording musicians when a recording made under the Agreement is exploited in a different medium, such as a movie sound track or a television commercial. In order to make such a use, a company must notify the AFM, and make all the payments to the recording musicians that would be required under the collective bargaining agreement that would govern if the music were recorded again for the new use. For example, the recording session for "Crazy" took place under the predecessor to the SRLA, the Phonograph Record Labor Agreement, in 1961. In 1991, that recording was used on the soundtrack of the movie "Doc Hollywood," and in 1994 it was used on the soundtrack of the movie "Nell." For each of those two new uses, the AFM collected a new use fee and distributed it to the musicians who performed in the 1961 "Crazy" recording session. In essence, we got paid in 1991, and again in 1994, as if we had performed in a new recording session under the Theatrical and Motion Picture Agreement, which is the collective bargaining agreement that applies to musicians in the motion picture industry.

V. The Importance of the Compulsory Licenses to Musicians

As you can see, the payment structure on union recordings is composed of several pieces. It is designed to compensate musicians for the time they spend in the studio, and to also share with them to some extent the profits

from CD sales, and finally to compensate them when their work is exploited in a new medium.

What has historically been missing from this structure is, of course, any compensation for the broadcast of sound recordings over the radio. Because historically there was no performance right in sound recordings, the broadcast industry was able to use our creative product without any compensation to us. Every time "Crazy" was broadcast over the radio, Willie Nelson received a songwriter's royalty. But Patsy Cline got nothing, and neither did Decca Records, or my brother Owen, or Bob Moore, or Floyd Cramer, or Walter Haynes or Buddy Harman or the other studio musicians whose combined magic made that recording.

The AFM always viewed that state of affairs as a great injustice, and was active in every effort over the years to persuade Congress to amend the Copyright Act to include a performance right in sound recordings.

A. The AFM's Critical Role in Obtaining a Digital Performance Right That Compensates Musicians

In the face of the dawn of the digital age, the AFM, like the record industry, invested enormous energy into the effort that finally led to the passage of the Digital Performance Rights in Sound Recordings Act of 1995. Our International President and the president of our internal union conference of recording musicians, the Recording Musicians Association, testified before Congress. I came to Washington along with other recording musicians to meet with individual Congressmen about the importance of the Act. Although the union and its recording company employers don't always agree, in this effort

we worked together. It was crucial to the well-being of recording artists, and the survival of their art, that they be compensated for the exploitation of their work in the new digital media, especially since the new media were likely to reduce the sales upon which so much of their income depends.

Thus, a condition of the AFM's support of the Act was that the income streams generated by this new right be shared with performing artists. And indeed, as you know, that is the structure of the Act as it was passed. Of particular relevance to this proceeding, the Act requires that 45% of the proceeds from the compulsory license be allocated to featured performing artists, that 2 ½% shall be allocated to non-featured musicians and that 2 ½ % shall be allocated to non-featured vocalists.

B. The Importance of the Digital Performance Compulsory License to Royalty Artists and Session Musicians

I think that a few comparisons will demonstrate for you how important this new income stream will be to working musicians. As I have said, I was blessed with a very successful music career, and I am proud and grateful to have benefited from decent union conditions, scale wages, Special Payment Fund payments that were considerable in the heyday of my career, and especially, now, a meaningful pension. But as I look back at my old records, I see that for the recording session that created "Crazy" I received scale wages of $89.16, based on the then-current negotiated scales. Exhibit 247 DP is a copy of my calendar for the week of August 21, 1961, which shows the "Crazy" session on that date and notes my wages and withholding for the session. The pension plan was relatively new at that time, and I believe that the pension

contribution made on my behalf would have been 5-½ % of my scale wages for the session. The Special Payments Fund was not created until 1964, so I would not have received that form of compensation in 1961. Of course, the success of "Crazy" and the later sales of "Greatest Hits" album ultimately resulted in increases in the Fund that benefited all recording musicians, including me. But I think it is interesting to realize how modest this compensation is in relation to the extraordinary success of the single "Crazy" track – the #1 jukebox hit – not to mention the success of the "Greatest Hits" album on which it was later re-released.

Not only are the traditional forms of compensation for musicians very modest in relation to their great talent and level of skill and creativity, but even those modest forms of compensation are threatened in the new digital age. Musicians in my own home town and home Local of Nashville have suffered as a result of the retrenchment of the recording industry in the wake of reduced CD sales. In 1999, the total SRLA scale wages paid to musicians in Nashville topped $15.5 million. Those wages also generated pension contributions and resulted in Fund payments. In 2003 and 2004, Nashville SRLA scale wages amounted to only $12 million annually, and we desperately hope that this represents a leveling-off and that there will not be further declines. The loss of $3 million in annual wages, and the attendant loss in pension contributions and lowered Fund payments, is a huge misfortune for us, and, we think, for everyone. It not only means that there was less work and reduced living standards for our brother and sister musicians, but also that there was less

music and less art in Nashville, which hurts the whole country. We believe that the decline in sales is caused in large measure by unauthorized file-sharing and the insidious notion that our work and art should be free for the taking. We know that the downturn in the industry has resulted in record company mergers that lead to reduced artist rosters and fewer of the recording sessions that form our life's work and put bread on our tables.

Along with reduced wages, recent years have brought us reduced Fund payments as the recording company contributions to the Fund, which are based on their sales, have declined. Pre-audit contributions made by signatory recording companies to the Fund in 2001 totaled $18,377,532. They were down to $16,548,558 in 2002 and to $12,805,481 in 2003. Although pre-audit contributions increased in 2004 to $15,779,996 – which is consistent with the generally-reported recovery in the industry in that year – they certainly did not increase to 2001 levels. And, the recovery does not appear to have maintained itself in 2005. I understand that Fund contributions for 2005 are running at lower levels than in 2004.

Now the new digital music services are poised to build businesses and make profits based upon the product created by our skills, talent and hard work. I hope that this Panel will establish a fair market rate of payment for the use of our creations – one that will not require musicians to subsidize these new businesses but instead will provide a meaningful income stream for musicians who work so hard. I hope this in particular for the benefit of other, younger artists than myself.

I urge you to set a fair license rate so that featured artists, who so often see little or no profit from their projects because their royalties go to recoup the costs of recording – will see a better return on their creative work. I mentioned at the outset that I recorded three of my own albums on Columbia Records. Those albums were artistically very satisfying. They certainly were a lot of work. I spent months – while still working practically daily as a studio musician – developing the material I recorded on those albums. They still have some success. But they did not sell enough copies for me to see any royalty returns on my record contract. This is a very typical reality for royalty artists in our hit-driven music industry. And the situation is even harder for the young artists today, whose careers are often so short.

But the potential to receive royalties for the continued use of our recordings on digital music services like the webcasts and simulcasts covered by this proceeding means that we can continue to receive some benefit when the world enjoys our work. Although I never received any royalty payments based on the sales of my three solo CDs, those CDs do get transmitted by digital services under the compulsory license, and I was incredibly pleased to learn that I will be eligible to receive a check from SoundExchange as a result. The same is true for many other young and old performers.

And I also urge you to set a fair license rate that will enable all the young and upcoming session musicians to receive fair compensation from the transmission of their work on the Internet. This will provide a valuable and much-deserved income stream for them. I have participated in union

negotiations in this industry for the last fifteen years, and I am proud of all that the union has accomplished to improve wages, benefits and working conditions for recording musicians. But the union also fought for the new income stream made possible by the Digital Performance Rights in Sound Recordings Act and the Digital Millenium Copyright Act. Although that was a fight that occurred on Capitol Hill instead of across the bargaining table, it was an important part of our representation of musicians. For musicians with the good fortune to be recording under AFM's SRLA, the compulsory license income will be a valuable addition to their income. It will be even more important to all the young musicians who are recording, sadly, without the benefit of union conditions, wages and pension.

Finally, I urge you to designate SoundExchange as the sole collective to receive the compulsory license fees paid by the services. SoundExchange is a non-profit entity. It is experienced in collecting and distributing digital performance license fees to artists and copyright owners. And, most importantly, its governing board is composed equally of copyright owner and artist representatives, including the AFM. We believe that SoundExchange is the only appropriate agent to collect and distribute the royalties that are at issue in this proceeding.

I thank you very much for your kind attention.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Harold Ray Bradley

Harold Ray Bradley

Oct. 17, 2005

Date

Exhibits Sponsored by Harold Ray Bradley

EX. NO.	DESCRIPTION	RESTRICTIONS
242 DP	Biography of Harold Bradley	None
243 DP	Billboard chart dated April 26, 2003 with sales data for "Patsy Cline: 12 Greatest Hits"	None
244 DP	Bass Player Magazine article, "30 Essential Bass Albums You Must Own"	None
245 DP	Nashville Monitor article about the recording session for "Crazy"	None
246 DP	Sound Recording Labor Agreement ("SRLA") and the Digital Distribution Memorandum of Agreement	None
247 DP	Harold Bradley calendar for week of August 21, 1961	None
505 DP	CD containing Willie Nelson's demo of "Crazy" and Patsy Cline's final recording of "Crazy"	None
506 DP	CD containing Ray Price's version and Sammi Smith's version of "Help Me Make it Through the Night"	None