

# McCain to Jackson Browne: Sorry

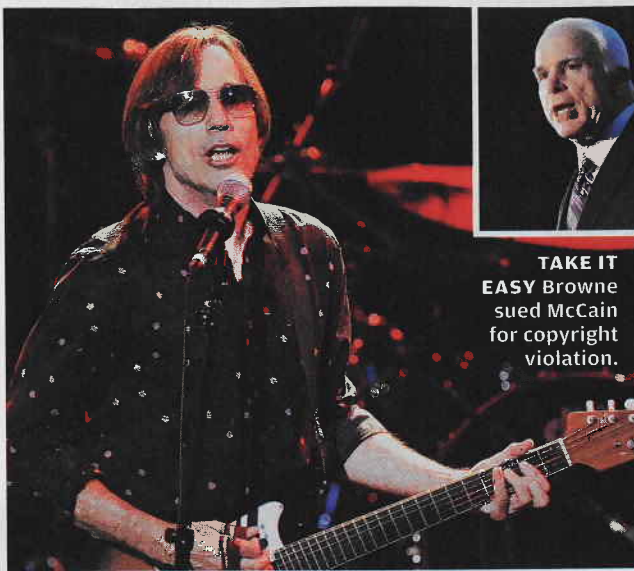
Singer and the senator settle their lawsuit over 2008 campaign spot

By Andy Greene

**L**AST AUGUST, REPUBLICANS supporting John McCain's presidential campaign posted an online ad mocking Barack Obama's energy policy by using Jackson Browne's "Running on Empty." "I started getting e-mails say-

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ing, 'Have you seen this ad?'" says Browne, a lifelong Democrat. "My first reaction was 'They can't do this, can they?'" His lawyers sent a cease-and-desist notice and filed a lawsuit against the Ohio GOP, the Republican National Committee and McCain for copyright infringement. On July 21st, after nearly a year of legal wrangling, the parties settled for an undisclosed sum and a public apology from McCain. "Getting a politician to admit they made a mistake is one of the hardest things in the world," says Browne. "It just doesn't happen."



**TAKE IT EASY** Browne sued McCain for copyright violation.

The campaign video - which was created by the Ohio GOP, posted for a few days on its YouTube channel and never shown on TV - questioned Obama's energy policy and his assertion that keeping your tires properly inflated would conserve gas. The spot closed with a recording of Browne's 1977 hit. "By associating Jackson's voice and song with the campaign,

it deceived people into believing he had actually given permission or otherwise endorsed McCain," says Browne's lawyer, Lawrence Iser. McCain's attorney, Lincoln Bandlow, argued that use of the song falls under the fair-use doctrine - a policy of U.S. copyright law that allows use of copyrighted material in certain circumstances, often for educational or paro-

dy purposes. "This was a criticism of Barack Obama in a campaign," Bandlow says. "It wasn't, by the way, followed by a solicitation for campaign funds."

Browne wasn't the only musician to object to the McCain campaign's adoption of popular songs. Heart, Van Halen and John Mellencamp all protested the playing of their hits at McCain-Palin rallies. Browne hopes the settlement causes politicians to think twice before using copyrighted songs without permission. "One gets used to seeing the law denigrated," he says. "I wanted a clear message from them that it had been a mistake and they weren't going to do it again." Would he have pursued the case if Obama had used the song in a campaign ad? "That's a fair question," Browne says. "It is conceivable, but the fact is that Obama doesn't need to usurp people's songs. I honestly think that had Obama wanted to use a song of mine, and he asked, I would have given him permission." 75