

WHAT THEY ARE SAYING:

California Journalism Preservation Act (AB 886)

California is considering a Journalism Preservation Act (CJPA) that aims to fund local journalists and publications through taxing links on popular digital services. However, The legislation contains a multitude of issues ranging from constitutional concerns to worries about content moderation. Many have also expressed fears that the funding would go to large, national media conglomerates rather than local California publications. The following includes third-party pieces, news articles, and research relevant to the legislation, its impact on the online news ecosystem, and CJPA's negative consequences.

Public Knowledge, [“The Debate About ‘Journalism Preservation’ Just Got More Confusing”](#)

“What the two bills (JCPA and CJPA) have in common is that they both would force dominant digital platforms to pay for linking to news (i.e., “you are stealing from us”). You know, links, those things that make the whole darn internet run and allow you, and friends and family and students and news reporters and small businesses and social services agencies and activists and governments, to freely – literally, for the most part, freely – find and share information.”

The Jewish News of Northern California, [“This bill could harm the cause of good journalism in California”](#)

“Because community and ethnic media like J. do not use programmatic advertising, we are not harmed by the platforms. To the contrary, the platforms are very helpful to us, because it is their links which bring us new readers. Of J.'s 200,000 unique readers per month, over 50% come to us from Google search. Without that organic search, some readers will be unable to find J. at all.”

Coalition Letter Re: AB 886 (Wicks) [“California Journalism Preservation Act” – Oppose](#)

“The bill starts from the false premise that digital services somehow “siphon” revenue away from news sites by linking to them and sending them traffic. While there is a serious crisis in local journalism, this crisis has many causes, as explained by a report last year from the Copyright Office. There is little evidence that online services’ linking to news sites is the cause of this crisis. On the contrary, the news sites depend on this linking. The bill itself recognizes this by prohibiting so-called “retaliation;” the news sites get much of their traffic from search engines and news aggregators.”

Techdirt, [“California’s Journalism Protection Act Is An Unconstitutional Cluster**** Of Terrible Lawmaking”](#)

“Instead, the CJPA takes an asinine, ineffective, unconstitutional, and industry-captured approach to this critical topic. The CJPA isn’t a referendum on the importance of journalism; instead, it’s a test of our legislators’ skills at problem-solving, drafting, and helping constituents. Sadly, the California Assembly failed that test.”

Cato Institute, [“A Link Tax Won’t Save the Newspaper Industry”](#)

“The CIPA relies on a slightly different mechanism than its federal counterpart (despite a confusingly similar acronym: the JCPA), but both bills are fundamentally alike in that they would force Big Tech to cross-subsidize Big Ink. They would create similar flawed incentives and worsen the plight of the already struggling local newspaper industry.”

Chamber of Progress, [“California Tech-Journalism Bill A Boon for National Media, Viral Content”](#)

“If this law passes, the biggest winners won’t be Californians or even journalists, it will be national media outlets that demand payment for viral content. If California lawmakers want to support local news outlets, there needs to be a serious conversation about how to directly support the local news ecosystem, rather than creating incentives for clickbait and sensational stories.”

Jeff Jarvis/Nieman Lab, [“The California Journalism Preservation Act would do more harm than good. Here’s how the state might better help news”](#)

“The CIPA forbids platforms from “retaliating” against news outlets “by refusing to index content or changing the ranking, identification, modification, branding, or placement of the content.” This amounts to a must-carry provision. Note well that freedom of expression protected under the First Amendment includes not only the creation of content but also the choice of what to carry. Newspapers, magazines, broadcast stations, and platforms each have a First Amendment right to decide what they will and will not carry; choice is speech.”

Times of San Diego, [“Newspapers Claim Google Steals Their News, But Squawk When The Links Stop”](#)

“While the bill would offer payment to every type of publication, legacy newspapers would benefit far more because Google has indexed their articles for over two decades. There’s no expectation that business should be fair. Newspapers have a right to seek a new benefit any way that is legal. But as upholders of democracy, one might expect a concern for fairness. Is it fair for California to tax one of its most innovative companies to support a dying, legacy industry?”

Free Press Action Study Finds California Legislation to ‘Save Journalism’ Won’t Help Local Outlets Struggling to Cover Their Communities

“The problems with the CIPA are inherent to the legislation’s design, and failed models elsewhere show that this approach is the wrong path to take. No amount of tinkering with this framework would change the reality that the independent, nonprofit and ethnic media outlets that need help the most would receive at-best token payments. This is because the CIPA creates an automatic revenue stream for companies that can afford to invest in search engine optimization and viral content production.”

TechFreedom, [“California Journalism Preservation Act Threatens Content Moderation, Free Expression”](#)

“Even the seemingly simple task of determining which “journalism providers” qualify under the CIPA raises significant constitutional concerns. By conditioning eligibility on subjective assessments of journalistic practices, CIPA will thrust the courts into the untenable position of

deciding what qualifies as “real journalism.” The First Amendment issue is two-pronged: the government has no business determining what constitutes “legitimate” journalism, and likewise it cannot seek to benefit only that journalism that it approves of. But if legislators think that it will pull off the latter, they may be disappointed when, in order to avoid thorny constitutional questions, courts interpret the eligibility criteria so broadly as to include publications that make it harder to find reliable and accurate news.

Black Press USA, “The California Journalism Preservation Act (CJPA) Will Hurt African American and Other Minority Owned Newspapers”

“Local journalism is facing financial pressure and our industry needs to adapt to the preferences of our readers. However, CJPA, while well-intentioned, will not provide a long-term, sustainable solution. I urge California lawmakers to hold discussions between the platforms, news publishers, and the state to explore a different solution to these problems. It’s critical that we find an alternative proposal to ensure support goes to the minority-owned news organizations that serve vulnerable communities in the state of California.”

Jeff Jarvis, “The California Journalism Preservation Act: Analysis and Alternatives”

“The California Journalism Preservation Act (CJPA) is the latest in a long line of efforts by the news industry — lobbying legislators in many countries — to extend copyright and diminish fair use for the exclusive benefit of news publishers and producers...The future of journalism is uncertain but there are many efforts to imagine a better future, including movements called Engagement Journalism, Solutions Journalism, Constructive Journalism, Dialog Journalism, Reparative Journalism, Deliberative Journalism, and more. How might California participate in and lead such movements?”