

June 15, 2023

RE: Appreciation for Your Remarks Opposing the Journalism Competition and Preservation Act

The Honorable Kevin McCarthy
Speaker of the House
2468 Rayburn House Office Building
Washington, DC 20515

Dear Speaker McCarthy:



**National Political
Advocacy Department**
915 15th Street, NW, 6th Floor
Washington, DC 20005-2112
[aclu.org](https://www.aclu.org)

Deirdre Schifeling
National Political Director

Anthony D. Romero
Executive Director

Deborah N. Archer
President

The American Civil Liberties Union writes to thank you for your commitment to stopping the Journalism Competition and Preservation Act (JCPA) from passing through the House of Representatives. The JCPA would create an exemption from antitrust law to enable news organizations to collectively bargain with platforms that access their content. We have long [opposed](#) this legislation because it would interfere with the First Amendment rights of platforms, and the public's ability to access news and other factual information. We are grateful for your statement in a recent interview that you will not let the JCPA pass the House.

Journalism, including local news, is a cornerstone of our democracy. Despite the bill's title, the JCPA is not an effective way of protecting local journalism. Rather than protecting Americans' right to read news and gather facts, this bill would limit the public's ability to access news and jeopardize the free and open internet that has been so important to our modern society. Today, nearly half of Americans get their news from social media¹, and many more get their news by searching for a topic through search engines. Consumers rely on links and the small snippets of information from them to know what news is relevant and interesting to them. However, by making platforms pay to access and display these facts, this legislation would make it harder for consumers to find news on social media, or in their search results. Many platforms would likely choose not to link to news at all, or charge customers to view it.

Moreover, by effectively compelling platforms to host the content of a news organization that joins a given negotiating entity, this legislation would also violate the First Amendment. The First Amendment protects a platform's ability to choose what content it carries. However, the JCPA would enable a news organization to force a platform to display their content merely by joining a negotiating entity. This obligation would apply even if that content violates a platforms' terms of service.

¹ Mason Walker and Katerina Eva Matsa, *News Consumption Across Social Media in 2021*, Pew Research Center (Sept. 20, 2021), available at <https://www.pewresearch.org/journalism/2021/09/20/news-consumption-across-social-media-in-2021/>.

The JCPA interferes with access to information, free speech, and a free and open internet. Again, we thank you for your commitment to blocking this bill from moving through the House of Representatives. We urge other members of the House of Representatives to do their part to protect these vital components of democracy by not sponsoring or cosponsoring the JCPA in the House.

If you have any questions, please do not hesitate to reach out to Jenna Leventoff (JLeventoff@aclu.org). Thank you for your attention to this matter.

Sincerely,



Christopher Anders
Federal Policy Director
American Civil Liberties Union



Jenna Leventoff
Senior Policy Counsel
American Civil Liberties Union