

Journalism Competition and Preservation Act (JCPA)

Talking Points & Message Guidance

KEY ASK: We urge you to support the Journalism Competition and Preservation Act (JCPA) to ensure that news publishers are fairly compensated by Big Tech for the value of their content.

FREE PRESS IS CRITICAL

A free and diverse press is the backbone of a healthy and vibrant democracy, but local newspapers across the country are under incredible financial pressure and in jeopardy of going out of business.

Supporting Points:

- Quality journalism is key to sustaining civic society, and we must ensure that the people who create journalistic content are compensated for their work.
- With Freedom of the Press enshrined in the Constitution, it is imperative to take reasonable and meaningful steps to protect this important institution.
- Local journalism strengthens communal ties and provides critical information to communities.
- The public rightfully trusts their local newspapers -- 73% of US adults surveyed said they have confidence in their local newspaper, compared to 55% for national network news

BIG TECH CONTROLS DATA AND INFORMATION PEOPLE RECEIVE

One of the largest problems facing journalism is that control of access to trustworthy news online has become concentrated on just two platforms: Facebook and Google.

Supporting Points:

- Facebook and Google exert their dominance over the digital marketplace, setting the rules for news publishers and determining how journalism is displayed, prioritized, and monetized. 65% of users do not leave Google and click through to the news publishers' websites.
- Google and Facebook also capture the vast majority (60%) of all digital advertising dollars because of their ability to collect consumer data across the web, and their dominance of the ad exchange results in exorbitant fees adding to the platforms' ad tech take.
- Americans access journalism via Google or Facebook and these platforms make up 70% of all traffic referrals to news publishers—leaving the two dominant platforms is not an option.

QUALITY JOURNALISM FUELS BIG TECH PROFITS, BUT BIG TECH WON'T PAY UP

There must be a fair exchange for the significant value news publishers' content provided to Google and Facebook, so that publishers can continue to invest in journalism.

Supporting Points:

- Despite record audiences – news organizations reach more than 135 million US adults each week – revenue produced by US news publications has dropped by more than 50% in recent years due to the distortive effect of news content being distributed by the dominant digital platforms.

- News publishers provide must-have content for the tech platforms to capture viewers. Publishers deserve fair compensation for the value they offer. The incremental value to the platforms that results from this enrichment is not adequately returned to the content creators who provide that value.
- Individual news publishers cannot challenge the basic terms offered by Big Tech because these platforms are too big.

HOW THE JCPA CAN HELP

The JCPA is reasonably and specifically tailored to ensure news publishers have the ability to negotiate fair compensation with Big Tech to ultimately help improve the quality and accessibility of reporting and ensure local journalists are able to continue their critical work.

Supporting Points:

- The JCPA is a bipartisan bill that provides a narrow and limited antitrust safe harbor for news publishers to collectively negotiate with Facebook and Google for fair compensation for the use of their content.
- The JCPA would help flow subscription and advertising dollars back to publishers, helping to protect quality news and encourage competition.
- Guidelines on creating collectives would ensure no discrimination based on size or viewpoints—small, local, or conservative will not be left behind
- Good faith requirements will ensure the platforms come to the table and negotiate fairly, while prohibiting picking off publications at the expense of the collective
- An enforcement mechanism will ensure fair market value after a period of good faith negotiations
- Small and medium sized papers will be the largest beneficiaries of the JCPA, which will include an allocation structure to ensure that payments are well distributed to small and medium sized papers.

Additional points often stressed by majority of Progressives:

- Big Tech's dominance over news distribution is threatening quality journalism critical to a functioning democracy, and the cost of inaction – spread of misinformation, the decline of local journalism – is too great to continue to ignore.
- The dominant tech platforms are built to favor content that drive clicks which favors dangerous misinformation that undermines the fabric of our democracy.
- Ironically, Big Tech is protected by U.S. antitrust laws which prevent small and local papers from organizing and reflecting their market power.

Additional points often stressed by majority of Conservatives:

- The JCPA is content neutral and conservative publications such as the Daily Caller, NewsMax, Washington Times, and Breitbart cannot be excluded under the First Amendment; a nondiscrimination provision will ensure no publication is left behind
- JCPA's benefit to conservative news publishers and broadcasters may be most valuable because conservative publications and journalists have proven more likely to be victims of marketplace selection and viewpoint discrimination.
- Collective bargaining is not compulsory. Any newspaper can opt to negotiate separately or not to negotiate at all. But once a news publication opts in, it cannot opt out and negotiate against the collective.