



August 12, 2021

The Honorable Lorena Gonzalez, Chair
Assembly Appropriations Committee
State Capitol
Sacramento, CA 95814

RE: ACR 95 (Cunningham and Wicks): California Law Revision Commission: studies: antitrust. – SUPPORT

Dear Assemblymember Gonzalez,

Writers Guild of America West, a labor union representing 10,000 professional writers of motion pictures, television, radio and Internet programming, is pleased to support ACR 95 (Cunningham and Wicks), a bi-partisan resolution that calls on the California Law Revision Commission (CLRC) to study whether California's antitrust law should be modernized and expanded to address corporate concentration, particularly monopolistic behavior by single companies and technology companies.

The Writers Guild of America West has long been concerned about consolidation and concentration in media and entertainment. We have repeatedly raised concerns with legislators and regulators about the failures of existing antitrust laws and enforcement to protect markets from anticompetitive conduct of media's conglomerate gatekeepers. For all the promise of new competition, innovation, and choice the Internet promised to deliver, the online media landscape is poised to become as consolidated, or more so, than traditional film and television markets. Tech giants such as Amazon have joined the few remaining traditional media conglomerates in using their market power to entrench control across media and entertainment, harming competition, content creators, and consumers.

For the last several decades, court decisions have steadily eroded the efficacy of antitrust laws and fostered an environment that breeds corporate concentration. Congress has recognized the imminent need to address the failures of current policy and amend existing federal antitrust statutes. Earlier this month, the House Judiciary Committee passed six bills to reform and modernize antitrust law, aimed at reining in the power of Big Tech. The Senate is currently considering its own comprehensive legislation to address concentration in all industries.

States are also acting to protect their own citizens based on their own laws. New York State is considering legislation that would fundamentally rewrite its antitrust laws to appropriately combat the growing accumulation of concentrated power. The District of Columbia's Attorney General has filed an antitrust lawsuit against Amazon based in part on its monopoly power violating D.C. law, while other states are weighing similar suits.

Yet, unlike the antitrust laws in D.C. and most other states, California's antitrust statute, the Cartwright Act, does not permit antitrust suits against a single company based on the company's vast size and power alone. California's law currently only prohibits antitrust conspiracies between separate actors.

We support ACR 95, a resolution that sensibly asks California's expert CLRC to study and report to the Legislature on whether state antitrust law should be broadened in order to better protect workers, consumers, and tomorrow's innovators.

We respectfully urge you to endorse expert review of a pressing issue for all Californians by voting in favor of ACR 95.

Sincerely,

Corrina Freedman
Political and Legislative Director

Laura Blum-Smith
Director of Research and Public Policy

cc: Members and Staff, Assembly Appropriations Committee
Assemblymember Cunningham
Assemblymember Wicks