



#fightforfreelancers

FOR IMMEDIATE RELEASE:

New Federal Lawsuit Says Anti-independent Contractor Law Unconstitutional
Similar legal action possible if S4204 becomes law in NJ

December 17, 2019 - New Jersey: A federal lawsuit arguing that AB5, the California version of the New Jersey independent contractor bills A5936/S4202, is unconstitutional was filed today in federal court in Los Angeles.

The American Society of Journalists and Authors (ASJA) and the National Press Photographers Association (NPPA) filed a lawsuit stating that California's version of A5936/S4204, known as AB5, is a form of unconstitutional discrimination against journalists. The lawsuit was filed by ASJA's attorneys at Pacific Legal Foundation.

"We have no choice but to go to court to protect the rights of independent writers and freelance journalists as a whole," said Milton C. Toby, JD, president of ASJA. "The stakes are too high, and we cannot stand by as our members and our colleagues face ill-conceived and potentially career-ending legislation."

Unconstitutional restrictions on independent journalism may spread beyond California. ASJA is deeply concerned about proposed laws in New York and New Jersey that are inspired by AB5. If necessary, ASJA is prepared to launch more legal action in support of the free speech, free press and equal protection rights protected by the Constitution.

"We hope and expect that the legal challenges to the constitutionality of AB5 will encourage lawmakers considering similar measures in other states to draft legislation that protects the rights of all independent writers and other freelance journalists," Toby stated.

Numerous members of the American Society of Journalists and Authors--including the leaders of the ad hoc coalition Fight For Freelancers--testified at the New Jersey Senate Labor Committee meeting this month that A5936/S4204 would violate their rights to work in their chosen professions. Though the bills are intended to address employee misclassification, they are so sweeping in scope and murky in language that they would turn the lifelong, hard-earned careers of independent contractors statewide into tragic unintended consequences.

The New Jersey citizens affected include not just writers, journalists and photographers, but also truckers, construction subcontractors, architects, online teachers, per diem nurses, hospice workers, musicians, interpreters for the deaf, and other people who have happily traded the benefits and protections that come with working full-time for someone else for their freedom to work when they want and how they want, often for more money.

The outcry against A5936/S4204 is now coming from the national and state media, and from local government officials. In New Jersey this past week, local governments including Democrat-led South Orange in Essex County, Republican-led Washington Township in Morris County, and bipartisan-led Woodcliff Lake in Bergen County sent letters to state lawmakers or enacted resolutions requesting that A5936/S4204 be withdrawn from consideration entirely.

ASJA and the NPPA will hold a conference call on December 18, 2019 at 2:30 p.m. EST/11:30 a.m. PST about today's federal lawsuit for press and other interested parties.

Join online: <https://pacificlegal.zoom.us/j/662304962>

Join by phone: (669) 900-6833

Meeting ID: 662 304 962

For more information and national media coverage:

- FightforFreelancers.com: <https://fightforfreelancers.com/>
- CNBC: [Vox Media to cut hundreds of freelance jobs ahead of changes in California gig economy laws](#)
- Washington Post: [Laws to protect Uber drivers could put freelance journalists out of business](#)

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