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## THE AI NEWSROOM

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*The news industry, particularly local journalism, faces compounding crises of financial sustainability and public trust. Artificial intelligence presents both a potential accelerant to these crises and a pathway toward revitalization. This Article argues against merely incremental AI adoption within existing journalistic structures. Drawing upon Joshua Gans’s framework of disruption, it posits that news organizations must undertake a fundamental redesign of their operational systems—information acquisition, news production, and personalized delivery—centered around AI capabilities. Fully leveraging AI requires addressing significant legal and ethical challenges, including reforming information access protocols, navigating copyright and privacy law (particularly the fair use doctrine), mitigating First Amendment concerns related to personalization, and establishing new governance models, such as cooperatives, to foster accountability. Critically, the successful and ethical integration of AI necessitates transparent, participatory rollout strategies to build and maintain public trust. This Article analyzes these interconnected challenges and proposes legal and policy considerations to facilitate AI innovation while reinforcing the Fourth Estate’s democratic function in the digital age.*

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## INTRODUCTION

The American news landscape, especially at the local level, is navigating a period of profound crisis, marked by economic fragility and diminishing public confidence.<sup>1</sup> Decades of declining advertising revenue, severely exacerbated by the digital transition and the overwhelming market power of large technology platforms, have precipitated widespread newsroom closures, drastic staff reductions, and the alarming proliferation of “news deserts”—communities left without reliable local reporting.<sup>2</sup> Concurrently, trust in media institutions has plummeted amidst pervasive concerns about misinformation, deepening political polarization, and perceptions of inherent bias within news coverage.<sup>3</sup> Into this turbulent environment enters artificial intelligence (“AI”), a suite of technologies poised to reshape industries across the globe, presenting both unprecedented opportunities and significant perils for the future of journalism.<sup>4</sup>

For an industry already grappling with existential threats, AI represents a critical inflection point. Existing and forthcoming tools may revolutionize newsgathering, automate production processes, and personalize

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<sup>1</sup> Elisa Shearer et al., *Americans’ Changing Relationship With Local News*, PEW RSCH. CTR. (May 7, 2024), <https://www.pewresearch.org/journalism/2024/05/07/americans-changing-relationship-with-local-news/>; Zach Metzger, *The State of Local News*, THE STATE OF LOCAL NEWS PROJECT (Oct. 23, 2024), <https://localnewsinitiative.northwestern.edu/projects/state-of-local-news/2024/report/>; Jesse Holcomb, *Media Mistrust Has Been Growing for Decades - Does It Matter?*, PEW (Oct. 17, 2024), <https://www.pewtrusts.org/en/trend/archive/fall-2024/media-mistrust-has-been-growing-for-decades-does-it-matter>.

<sup>2</sup> Shearer, et al., *supra* note 1; Kevin T. Greene et al., *An Evaluation of Online Information Acquisition in US News Deserts*, 14 SCI. REPORTS (Nov. 13, 2024), <https://www.nature.com/articles/s41598-024-77303-y>.

<sup>3</sup> See Sarah Naseer, *Most Americans Continue to Say Media Scrutiny Keeps Politicians from Doing Things They Shouldn’t*, PEW RSCH. CTR. (Dec. 2, 2024), <https://www.pewresearch.org/short-reads/2024/12/02/most-americans-continue-to-say-media-scrutiny-keeps-politicians-from-doing-things-they-shouldnt/> (“In the September [2024] survey, about nine-in-ten Republicans (88%) say news organizations tend to favor one side when presenting the news on political and social issues, compared with 67% of Democrats.”); Elizabeth A. Harris et al., *The Consequences of Misinformation Concern on Media Consumption*, HARV. MISINFO. REV. (June 25, 2024), <https://misinforeview.hks.harvard.edu/article/the-consequences-of-misinformation-concern-on-media-consumption/> (finding that groups more concerned with the prevalence of misinformation alter their media consumption habits).

<sup>4</sup> Compare Andrea Azzo, *How Journalists Can Use AI Technologies to ‘Speak Truth to Power’*, A.I. AT NW. (Feb. 5, 2024), <https://ai.northwestern.edu/news-events/articles/2024/how-journalists-can-use-ai-technologies-to-speak-truth-to-power.html> (detailing how the AP leveraged AI to assist with its operations) with Courtney C. Radsch, *Can Journalism Survive AI?*, BROOKINGS (Mar. 25, 2024), <https://www.brookings.edu/articles/can-journalism-survive-ai/> (warning that “AI advancements are continuing the ‘platformization’ of journalism and enabling a handful of technology firms to maintain their control over our information channels”).

information delivery.<sup>5</sup> Yet, such change will likely impose significant and long-lasting drawbacks, such as job displacement, algorithmic bias amplification, and the potential for generating sophisticated disinformation at scale.<sup>6</sup>

The typical organizational response to disruptive technological shifts often involves incremental adoption—integrating new tools into pre-existing workflows and structures.<sup>7</sup> Indeed, AI is already making inroads into contemporary newsrooms. For example, it has been employed for specific, bounded tasks such as transcribing interviews, automatically tagging digital content, generating metadata, analyzing datasets for simple trends, and even drafting basic, template-driven news stories like quarterly earnings reports or local sports scores.<sup>8</sup> These applications represent valuable efficiency gains, potentially freeing journalists from routine labor to pursue more complex investigations.<sup>9</sup> However, viewed through the lens of innovation strategy, particularly the framework articulated by Ajay Agrawal, Joshua Gans, and Avi Goldfarb in their book, *Power and Prediction* (“Agrawal et al.”), such piecemeal implementation may prove insufficient to address the fundamental challenges facing the news industry or to fully unlock the transformative potential of AI.<sup>10</sup>

Agrawal et al. distinguish between incremental adoption of a new technology—“point” and “application” solutions—and true disruption—“system” solutions. They argue that industries are often reshaped not by organizations that merely enhance existing processes, but by those willing to undertake a fundamental redesign of their entire operational systems around the core capabilities of a new technology.<sup>11</sup> Applying this

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<sup>5</sup> See *Artificial Intelligence in Journalism*, CTR. FOR NEWS, TECH. & INNOVATION (July 29, 2025), <https://innovating.news/article/ai-in-journalism/> (setting forth a few ways in which AI may improve journalism).

<sup>6</sup> See Michael Lipka, *Americans Largely Foresee AI Having Negative Effects on News, Journalists*, PEW RSCH. CTR. (Apr. 28, 2025), <https://www.pewresearch.org/short-reads/2025/04/28/americans-largely-foresee-ai-having-negative-effects-on-news-journalists/> (“66% of Americans are extremely or very concerned about people getting inaccurate information from AI. An additional 26% are somewhat concerned”).

<sup>7</sup> AJAY AGRAWAL, ET AL., *POWER AND PREDICTION: THE DISRUPTIVE ECONOMICS OF ARTIFICIAL INTELLIGENCE* at 5–6 (2022).

<sup>8</sup> See, e.g., Sarah Betancourt & Lisa Wardle, *Local Gannett-owned Websites are Using AI to Help Write Articles*, WGBH (Mar. 12, 2025), <https://www.wgbh.org/news/local/2025-03-11/local-gannett-owned-websites-are-using-ai-to-help-write-articles>; Felix M. Simon, *Artificial Intelligence in the News: How AI Retools, Rationalizes, and Reshapes Journalism and the Public Arena*, COLUM. JOURNALISM REV. (Feb. 6, 2024), [https://www.cjr.org/tow\\_center\\_reports/artificial-intelligence-in-the-news.php](https://www.cjr.org/tow_center_reports/artificial-intelligence-in-the-news.php) (“AI is now applied across an ever greater range of tasks in the production and distribution of news.”).

<sup>9</sup> Simon, *supra* note 8.

<sup>10</sup> See AGRAWAL ET AL., *supra* note 7.

<sup>11</sup> *Id.*

perspective, this Article contends that the future viability, relevance, and impact of journalism, particularly the beleaguered local news sector, hinges on moving decisively beyond incremental AI adoption towards a *systemic redesign* of the newsroom. This entails reimagining the interconnected functions of information acquisition, news production, content personalization, and audience engagement with AI capabilities integrated at their core, rather than bolted on at the periphery.

Such a systemic redesign necessitates an honest and rigorous appraisal of where AI systems may perform certain functions—conceptualized at a higher level than mere tasks—more efficiently, comprehensively, or rapidly than humans. Simultaneously, it requires identifying, with equal clarity, those aspects of journalism that must remain fundamentally human-centric. This delineation should be based not necessarily on a simplistic comparison of human versus machine superiority for a given task. Instead, a more holistic assessment is in order. More specifically, whether and how to adopt AI for a certain task should consider the importance of human judgment, ethical reasoning, accountability, and the imperative of maintaining public trust in the individuals and institutions delivering the news.<sup>12</sup> Building this integrated, AI-powered news ecosystem requires navigating a complex and evolving web of legal, ethical, and governance challenges. How can news organizations ensure AI systems have access to the vast datasets necessary for effective development, deployment, and improvement of AI systems without violating privacy rights or infringing copyright protections? How can AI-driven news generation be implemented to enhance coverage breadth and speed without sacrificing accuracy, introducing subtle biases, or eroding journalistic standards? How can the promise of personalized news delivery be realized to increase audience engagement and information relevance without creating fragmenting echo chambers or raising free speech-related concerns about viewpoint discrimination? Crucially, what new governance structures, such as media cooperatives or multi-stakeholder models, can ensure that AI is deployed in the public interest, fostering accountability rather than opacity?

Furthermore, the successful deployment of these transformative systems cannot occur in a vacuum. It demands a proactive strategy that actively engages the public, fosters open discourse about the role and limitations of AI in news, and builds enduring trust through radical transparency and meaningful opportunities for participation. Failure to manage this socio-technical transition carefully risks public backlash against perceived

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<sup>12</sup> Cf. Simon, *supra* note 8 (exploring the appropriateness of AI taking over tasks that traditionally required human judgment).

opaque, unaccountable, or job-destroying automation.<sup>13</sup> Any such backlash would further damage the already fragile relationship between news producers and consumers.<sup>14</sup> Addressing these multifaceted questions requires not only technological innovation and ethical deliberation but also thoughtful legal and policy reform.

This Article proceeds as follows: [Part I](#) elaborates on the idea of “systems” solutions to incorporating emerging technologies and applies its insights to the specific context of the news industry, making the case for systemic AI integration over incrementalism. [Part II](#) explores concrete strategies for radically improving information flows to AI-powered newsrooms, analyzing some of the attendant legal complexities—namely, privacy and copyright considerations. [Part III](#) examines the practicalities and implications of positioning AI as a “first drafter” in the news production workflow, detailing potential benefits alongside necessary risk mitigation strategies for accuracy and bias. [Part IV](#) addresses the significant promise and potential perils of AI-driven personalized news delivery, with a particular focus on navigating the complex terrain of free speech values in an algorithmically curated information environment. [Part V](#) proposes essential trust-building mechanisms, including the exploration of cooperative governance models and a necessary evolution in the role and skillset of the human journalist. [Part VI](#) briefly touches upon other critical considerations often intertwined with AI adoption, including economic impacts on employment and business models, the potential exacerbation of the digital divide, and emerging cybersecurity threats. Finally, the Article concludes by summarizing the core argument and highlighting key areas where targeted legal and policy interventions can foster a future where AI enhances, rather than diminishes, the integrity and democratic function of trusted journalism.

## I. THE AI IMPERATIVE IN JOURNALISM: BEYOND INCREMENTALISM TOWARDS SYSTEMIC REDESIGN

To fully appreciate the potential impact of AI on journalism and the strategic choices facing news organizations, it is instructive to consider the dynamics of technological disruption through the analytical framework

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<sup>13</sup> Cf. Robert D. Atkinson et al., *A Policymaker’s Guide to the “Techlash” – What It Is and Why It’s a Threat to Growth and Progress*, INFO. TECH. & INNOVATION FOUND. (Oct. 28, 2019), [itif.org/publications/2019/10/28/policymakers-guide-techlash/](https://itif.org/publications/2019/10/28/policymakers-guide-techlash/) (outlining the causes and ramifications of techlash in the late 2010s).

<sup>14</sup> See, e.g., Claudia Deane, *Americans’ Deepening Mistrust of Institutions*, PEW CHARITABLE TRS. (Oct. 17, 2024), <https://www.pewtrusts.org/en/trend/archive/fall-2024/americans-deepening-mistrust-of-institutions>.

provided by Agrawal et al.<sup>15</sup> While Clayton Christensen's seminal work popularized the concept of "disruptive innovation," focusing primarily on demand-side dynamics where incumbents are overthrown by entrants catering initially to overlooked market segments,<sup>16</sup> Agrawal et al. offers a complementary and arguably more relevant perspective for the AI transition in news by emphasizing supply-side factors and organizational architecture.<sup>17</sup> They posit that established firms often falter amid technological shifts not because they fail to recognize new technologies or market shifts, but because of shortcomings with their existing organizational structures, deeply ingrained competencies, and established routines and rules. Organizations struggle to move on from those core features—the very elements that drove their past success, rendering them incapable of effectively adapting to innovations that require fundamental changes in how they operate.<sup>18</sup> This structural inertia may come at a significant cost. A failure to abandon outdated processes and frameworks can prevent incumbents from reconfiguring their operations to leverage new technological capabilities, even when the potential benefits are apparent.<sup>19</sup>

Agrawal et al. identifies a core barrier faced by incumbents: the organizational strategies optimized for exploiting existing, mature technologies and markets (often characterized by tight integration, efficiency, incremental improvement, and complex sets of specific rules) are frequently antithetical to those required for exploring and integrating potentially disruptive innovations (which may necessitate greater autonomy, experimentation, tolerance for failure, and a willingness to cannibalize existing revenue streams).<sup>20</sup> They flag the limitations of simplistic "point" and "application" solutions, such as merely adopting an emerging technology

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<sup>15</sup> See AGRAWAL ET AL., *supra* note 7 at 4–8.

<sup>16</sup> See Clayton M. Christensen et al., *What Is Disruptive Innovation?*, HARV. BUS. REV. (Dec. 2015), <https://hbr.org/2015/12/what-is-disruptive-innovation>.

<sup>17</sup> See AGRAWAL ET AL., *supra* note 7 at 81–83.

<sup>18</sup> See AGRAWAL ET AL., *supra* note 7 at 66–71.; Jonathan D. Bohlmann et al., *Incumbent Inertia, Innovativeness, and Performance (Dis)advantages: A Demand-Side Learning Perspective*, 14 AMS REV. 122, 122 (2024) (“[O]rganizations can develop an inability to change their current forms, processes, and routines or otherwise fail to stretch their capabilities.”) (citations omitted).

<sup>19</sup> See generally Julian Birkinshaw et al., *How Incumbent Firms Respond to Emerging Technologies: Comparing Supply-side and Demand-side Effects*, 66 CAL. MANG. REV. 48, 48–50 (2023) (analyzing the conditions and incentives that may delay an incumbent firm's adoption of emerging technology); Prasad Narasimhan Sulur et al., *Defending against Disruption: How Software Incumbents Can Stay Ahead*, BAIN & CO. (Sept. 2022), <https://www.bain.com/insights/defending-against-disruption/> (“Unfortunately for incumbents, many don't pick up signals of impending disruption until it's too late, or worse, they recognize the signals, but disregard them because they believe they're in a niche, sufficiently sheltered market.”).

<sup>20</sup> See AGRAWAL ET AL., *supra* note 18.

to improve a single task or process.<sup>21</sup> Minor adjustments to new technologies often fail to achieve meaningful integration or transformation of the core business.<sup>22</sup> Instead, the trio of researchers suggest that navigating disruption successfully requires a conscious, strategic choice about organizational design.<sup>23</sup> This approach may involve a more integrated approach where different parts of the organization develop mutual understanding and adaptability, allowing the firm as a whole to pivot more effectively when faced with architectural shifts driven by new technology.<sup>24</sup> Incumbent reluctance to embrace such fundamental change stems from several rational, yet potentially fatal, considerations: the “Arrow replacement effect,” where investing in a disruptive technology might accelerate the decline of a currently profitable business line;<sup>25</sup> the inherent uncertainty surrounding which new technologies will ultimately succeed;<sup>26</sup> and the often higher costs associated with reconfiguring established operations compared to the leaner structures of new entrants.<sup>27</sup>

Applying this framework to the contemporary news industry reveals that current AI adoption patterns largely reflect an incrementalist approach, fitting new tools into the existing organizational architecture rather than fundamentally altering it.<sup>28</sup> Newsrooms utilize AI as point solutions for specific tasks:<sup>29</sup> machine transcription services streamline the

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<sup>21</sup> *Id.* at 4–5.

<sup>22</sup> *Id.*

<sup>23</sup> *Id.* at 90–94.

<sup>24</sup> *Id.* at 4.

<sup>25</sup> See Alex Tabarrok, *The Arrow Replacement Effect and the Dynamics of US Inventors*, MARGINAL REVOLUTION UNIV. (Apr. 5, 2023), <https://marginalrevolution.com/marginalrevolution/2023/04/the-arrow-replacement-effect-and-the-dynamics-of-us-inventors.html>; see AGRAWAL ET AL., *supra* note 18 at 68–70.

<sup>26</sup> Cf. François Cadelon et al., *The Incumbent’s Deep Tech Strategy Playbook*, MIT SLOAN MGMT. REV. (May 25, 2023), <https://sloanreview.mit.edu/article/the-incumbents-deep-tech-strategy-playbook/> (suggesting strategies for incumbents to avoid succumbing to their typical hesitancy to adopt new technology).

<sup>27</sup> Carlos J. P. . rez & Carlos J. Ponce, *Disruption Costs, Learning by Doing, & Technology Adoption*, 41 INT’L J. INDUST. ORG. 64, 64–65 (2015) (explaining the disruption costs that may prevent an incumbent for expeditiously incorporating new technology into their operations).

<sup>28</sup> See Michael Savage, ‘We Need to Set the Terms or We’re All Screwed’: How Newsrooms are Tackling AI’s Uncertainties & Opportunities, THE GUARDIAN (Mar. 22, 2025), <https://www.theguardian.com/technology/2025/mar/22/we-need-to-set-the-terms-or-were-all-screwed-how-newsrooms-are-tackling-ais-uncertainties-and-opportunities>.

<sup>29</sup> See generally Charlie Beckett & Mira Yaseen, *Generating Change: A global survey of what news organisations are doing with AI*, LSE’s Journalism AI project, [https://static1.squarespace.com/static/64d60527c01ae7106f2646e9/t/656e400a1c23e22da0681e46/1701724190867/Generating+Change+\\_+The+Journalism+AI+report+\\_+English.pdf](https://static1.squarespace.com/static/64d60527c01ae7106f2646e9/t/656e400a1c23e22da0681e46/1701724190867/Generating+Change+_+The+Journalism+AI+report+_+English.pdf).

conversion of audio interviews into text;<sup>30</sup> content management systems employ AI for automated tagging and metadata generation to improve searchability;<sup>31</sup> algorithms may assist in summarizing lengthy documents or suggesting headlines optimized for online engagement;<sup>32</sup> and some outlets—to varying levels of success—use template-based AI systems to generate routine reports on structured data like financial results or sports scores.<sup>33</sup> These applications, while offering tangible benefits in terms of speed and efficiency, primarily serve to optimize components of the *existing* news production chain. They do not represent a wholesale rethinking of how news is gathered, processed, verified, contextualized, and disseminated in an environment where AI could potentially handle significant portions of the information processing workload. This approach is akin to adding electronic fuel injection to a horse-drawn carriage—an improvement, certainly, but one that fails to grasp the transformative potential of the internal combustion engine.

This prevailing incrementalism, while understandable given the severe, persistent financial pressures,<sup>34</sup> risk aversion,<sup>35</sup> emergent public and professional norms,<sup>36</sup> and embedded routines within many news organizations, is insufficient to address the industry’s structural challenges or to fully harness AI’s capabilities. It does little to alter the broken business models reliant on dwindling advertising revenues or subscription fatigue.<sup>37</sup> It fails to enable the kind of comprehensive, real-time, data-driven coverage that the digital information environment demands and that AI could

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<sup>30</sup> See, e.g., Marian Siljeholm, *Is Apple’s new free AI-powered transcription feature a game-changer for journalists? We compared it to paid services*, STORYBENCH (Oct. 28, 2024), <https://www.storybench.org/is-apples-new-free-ai-powered-transcription-feature-a-game-changer-for-journalists-we-compared-it-to-paid-services/>; *How The New York Times Uses A.I. for Journalism*, N.Y. TIMES (Oct. 7, 2024), <https://www.nytimes.com/2024/10/07/reader-center/how-new-york-times-uses-ai-journalism.html> [hereinafter *How The N.Y. Times Uses A.I.*].

<sup>31</sup> *How The N.Y. Times Uses A.I.*, *supra* note 30.

<sup>32</sup> *Id.*

<sup>33</sup> See Clare Duffy, *Gannett to pause AI experiment after botched high school sports articles*, CNN (Aug. 31, 2023), <https://edition.cnn.com/2023/08/30/tech/gannett-ai-experiment-paused/index.html>.

<sup>34</sup> Sara Fischer, *The local news crisis is deepening America’s divides*, AXIOS (July 4, 2022), <https://www.axios.com/2022/07/04/local-newspapers-news-deserts/>; Viktorya Vilks et al., *Losing the News*, PEN AMERICA (Nov. 20, 2019), <https://pen.org/report/local-news/>.

<sup>35</sup> Maximilian Eder & Helle Sjøvaag, *Falling behind the adoption curve: Local journalism’s struggle for innovation in the AI transformation*, J. MEDIA BUS. STUD. (2025).

<sup>36</sup> Mike Krings, *Study finds readers trust news less when AI is involved, even when they don’t understand to what extent*, KAN. UNIV. (Dec. 9, 2024), <https://news.ku.edu/news/article/study-finds-readers-trust-news-less-when-ai-is-involved-even-when-they-dont-understand-to-what-extent>.

<sup>37</sup> Sara Fischer, *News companies reverse course on hard subscriptions*, AXIOS (Feb. 6, 2024), <https://www.axios.com/2024/02/06/great-subscription-news-reversal>.

potentially facilitate.<sup>38</sup> Most importantly, it risks leaving news organizations vulnerable to disruption from new players who build their operations natively around AI from the ground up.<sup>39</sup>

A systemic redesign, therefore, moves beyond task automation to a functional reallocation between human and machine intelligence. It envisions a newsroom architecture where AI is not merely an add-on tool but a core component of the operating system. This involves designing workflows where AI systems are the default first processors of incoming information streams, capable of identifying potential stories, anomalies, and trends from vast quantities of data that would overwhelm human capacity. It means leveraging AI for the initial generation of news drafts across a wider range of topics, shifting the primary role of human journalists upstream towards verification, investigation, critical analysis, narrative crafting, ethical deliberation, and direct community engagement—activities where human skills provide unique and irreplaceable value.<sup>40</sup> This goes beyond achieving cost savings through automation; it is about a whole restructuring of the news production process to maximize the complementary strengths of human journalists and AI systems. If properly done, the result is a synergistic outcome that enhances both the quality and quantity of reliable information available to the public. Overcoming the incumbent's dilemma—the organizational inertia and fear of disrupting established practices, however inadequate they may seem—is the central strategic challenge for news organizations seeking not just to survive, but to thrive and fulfill their democratic mission in the age of AI.<sup>41</sup> The remainder of this Article explores the practical, legal, and ethical dimensions of undertaking such a systemic transformation.

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<sup>38</sup> See Jon Allsop, *Too Much News, Redux*, COLUM. JOURNALISM REV. (Jan. 27, 2025), [https://www.cjr.org/the\\_media\\_today/too-much-news-redux.php](https://www.cjr.org/the_media_today/too-much-news-redux.php) (noting that the rapid pace of breaking news has put increased pressure on newsrooms).

<sup>39</sup> See, e.g., Sarah Perez, *Particle brings its AI-powered news reader to the web*, TECHCRUNCH (May 6, 2025), <https://techcrunch.com/2025/05/06/particle-brings-its-ai-powered-news-reader-to-the-web/>.

<sup>40</sup> *But see* Simon, *supra* note 8 (questioning whether greater AI integration into certain tasks will free journalists to shift to deeper, judgment-based functions).

<sup>41</sup> See Leighton Walter Kille, *Committee of Concerned Journalists: The principles of journalism*, THE JOURNALIST'S RES. (Nov. 26, 2009), <https://journalistsresource.org/home/principles-of-journalism/> (“Democracy depends on citizens having reliable, accurate facts put in a meaningful context.”) (quoting *The Elements of Journalism*).

## II. REIMAGINING INFORMATION FLOWS FOR THE AI NEWSROOM: DATA ACCESS, LEGAL HURDLES, AND PARTICIPATORY MODELS

A newsroom architected around AI capabilities cannot function effectively without a radical transformation in how it acquires and processes its most fundamental input: information.<sup>42</sup> For AI systems, particularly sophisticated Large Language Models (“LLMs”) and advanced data analytics tools, to perform functions like monitoring community developments, identifying emerging trends, generating timely initial reports, and enabling comprehensive coverage, they require access to data streams that are vastly more voluminous, diverse, timely, and, ideally, structured than what is typically available to traditional newsrooms, especially resource-constrained local outlets.<sup>43</sup> Achieving this necessitates a multi-pronged strategy. Minimally, this necessitates establishing automated data feeds from public and private sources, developing innovative participatory data collection models, and, critically, navigating a complex legal landscape involving privacy rights and copyright law.

### A. Engineering Automated Data Streams: Building the Digital Intake Valve

The foundational element of an AI-centric newsgathering operation involves creating reliable, automated pipelines that feed relevant public and semi-public information directly into newsroom AI systems.<sup>44</sup> This represents a paradigm shift from the traditional, often passive, methods of waiting for press releases, monitoring scanners, or assigning reporters to

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<sup>42</sup> See *id.* (“The central purpose of journalism is to provide citizens with accurate and reliable information they need to function in a free society.”).

<sup>43</sup> See Clara Hendrickson, *Local Journalism in Crisis: Why America Must Revive Its Local Newsrooms*, THE BROOKINGS INST. 11 (Nov. 12, 2019), <https://www.brookings.edu/wp-content/uploads/2019/11/Local-Journalism-in-Crisis.pdf> (detailing how a shortage of resources, including staff, may undermine the ability of papers to gather information, complete investigations, and otherwise compile the background necessary to produce quality stories).

<sup>44</sup> See Jaemark Tordecilla, *I Created an AI Tool to Help Investigative Journalists Find Stories in Audit Reports. Here’s How I Did It and Why It Matters*, REUTERS INST. (Feb. 16, 2024), <https://reutersinstitute.politics.ox.ac.uk/news/i-created-ai-tool-help-investigative-journalists-find-stories-audit-reports-heres-how-i-did-it> (highlighting how AI tools can assist with story development amid a deluge of content); cf. Leila Okahata, *AI Can Help Journalists Find Diverse and Original Sources*, UNIV. S. CAL. INFO. SCI. INST. (Dec. 6, 2023), <https://www.isi.edu/news/61950/ai-can-help-journalists-find-diverse-and-original-sources/> (evaluating the use of AI to assist journalists with identifying new sources and stories).

physically attend meetings.<sup>45</sup> The goal is to create a continuous, machine-readable flow of potentially newsworthy data. It has long been the case that many papers lack the resources and processes to extensively source stories and pursue a wide-range of potential sources.<sup>46</sup> It is not that such sources do not exist—in fact, other outlets, such as citizen news sites, may compile more sources per story than larger outlets.<sup>47</sup> The fact is that some newspapers may simply be spread too thin to make sense of the information they receive as well as to seek out additional perspectives.<sup>48</sup> An AI-first newspaper could help address this issue.

Significant potential lies in leveraging data generated by government entities at all levels. Local, state, and federal agencies produce enormous quantities of information directly relevant to public accountability, civic awareness, and community well-being. Establishing protocols, potentially facilitated by legislative mandates, open data policies, or public-private partnerships, could enable agencies to provide real-time or near-real-time feeds of various data categories to qualifying news organizations. This could include legislative and council activities, such as meeting minutes, agendas, draft legislation, voting records, and even indexed video or audio transcripts of public sessions. Executive branch data streams might encompass agency reports, financial audits, budget documents, public notices, regulatory filings, inspection results, and non-confidential official communications. Access to structured data from judicial systems, including court filings, rulings, and hearing schedules, could also be invaluable, though careful consideration must be given to balancing transparency with necessary privacy protections for sensitive cases, particularly involving minors or victims of crime.

A crucial prerequisite for the utility of such feeds is data standardization.<sup>49</sup> To minimize the substantial pre-processing burden on news outlets, especially smaller ones, this information should ideally be provided in consistent, machine-readable formats, such as through well-documented Application Programming Interfaces or structured data files (e.g., XML,

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<sup>45</sup> See Alison Hill, *How to Hunt Down New Stories to Cover as a Journalist*, WRITER'S DIG. UNIV. (Jan. 10, 2023, 8:00 PM), <https://www.writersdigest.com/write-better-nonfiction/how-to-hunt-down-new-stories-to-cover-as-a-journalist>.

<sup>46</sup> See *Media Coverage of City Governments*, PEW RSCH. CTR. (July 29, 2010), <https://www.pewresearch.org/journalism/2010/07/29/media-coverage-city-governments/>.

<sup>47</sup> *Id.*

<sup>48</sup> See Allsop, *supra* note 38.

<sup>49</sup> See Davit Buniatyan, *Why AI Teams Need a Unified Data Format for Machine Learning Datasets*, FORBES TECH. COUNCIL (Jun. 21, 2022, 8:50 AM), <https://www.forbes.com/councils/forbestechcouncil/2021/11/11/why-ai-teams-need-a-unified-data-format-for-machine-learning-datasets/>.

JSON).<sup>50</sup> Creation of such a data pipeline would place outlets on an even informational playing field and significantly diminish the need for papers to individually seek out already publicly-available data—an expensive, and duplicitous characteristic of the status quo.

Beyond government sources, mechanisms could be developed to encourage or, in some cases, require organizations to contribute to designated newsroom intake systems. Ideal contributors to such a system include businesses (particularly large corporations, publicly traded companies, or those with significant local environmental or economic impact), major non-profit institutions (like hospitals, universities, and large foundations), civil society organizations, and political groups. This informational flow would encompass standard press releases and official statements but could extend to regulatory filings, environmental impact reports, labor statistics disclosures, community benefit reports, and other forms of public accountability documentation. Again, rather than allocate scarce resources to chasing down information, this would afford each qualifying newsroom the chance to prioritize formatting and curating the news rather than chasing it down.

Of course, news organizations would need to develop AI intake systems capable of ingesting this diverse torrent of information. These systems would be designed to categorize, summarize, prioritize, and flag potentially significant items, alerting human journalists to developments or patterns that might otherwise remain buried in the sheer volume of data, thus enabling broader and more timely awareness of community affairs. Outlets such as CalMatters and The Associated Press<sup>51</sup> have already started experimenting with comparable systems.

This influx of information carries the potential to improve the quality of local news across two dimensions. First, there is the possibility of local outlets covering more topics. A majority of the public turns to local news to cover weather, crime, traffic and transportation, government and

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<sup>50</sup> See Lorenz Noe, *Are Official Statistics Machine-Understandable Enough? Analyzing ODIN to Understand Data Readiness for AI*, OPEN DATA WATCH (Apr. 25, 2024), <https://opendatawatch.com/blog/are-official-statistics-ready-for-ai/> (flagging instances in which official statistics are often published in non-machine readable formats).

<sup>51</sup> Nicole Meir, *AP, AppliedXL to Deliver AI-powered News Tips to Local Newsrooms*, THE ASSOCIATED PRESS (Sept. 17, 2024), <https://www.ap.org/media-center/press-releases/2024/ap-appliedxl-to-deliver-ai-powered-news-tips-to-local-newsrooms/>; Mike Ananny & Matt Pearce, *How We're Using AI*, COLUM. JOURNALISM REV. (May 12, 2025), <https://www.cjr.org/feature-2/how-were-using-ai-tech-gina-chua-nicholas-thompson-emilia-david-zach-seward-millie-tran.php> (referring to Digital Democracy, a CalMatters tool, which provides transcripts of government documents).

politics, arts and culture, economy, schools, and sports.<sup>52</sup> An AI-assisted information collection process could ease the ability of smaller newsrooms to stay on top of each of these areas. Second, such information could improve the quality of reporting, especially with respect to more complex topics, such as the economy. Readers who rely on local papers for coverage of the regional economy have low assessments of the quality—a mere 26 percent report being extremely or very satisfied with this.<sup>53</sup> The aforementioned intake system should provide papers with more timely, nuanced, and thorough information on each of the main coverage topics.

*B. Cultivating Participatory Data Collection: The Community as a Distributed Sensor Network*

While automated feeds from official sources provide a crucial baseline, the information landscape can be significantly enriched by actively involving the community in the data collection process. Increased public engagement can transform newsgathering from a purely institutional activity into a more participatory civic endeavor. This approach may generate unique datasets in addition to fostering deeper community engagement and build trust through shared contribution. Though nearly 70 percent of adults think their local journalists stay in touch with the community,<sup>54</sup> only 21 percent have never talked to one as of 2019.<sup>55</sup> As of 2016, however, 26 percent reported having spoken to a local journalist.<sup>56</sup> Given cuts to local newsrooms, the percentage of the public who has interacted with their local newsroom has likely declined further. A meaningful opportunity for the public to assist their newsrooms in learning about key events could perhaps make up for that disconnect.

One avenue is through “citizen data journalism” platforms, analogous to crowdsourced applications like Waze or iNaturalist but focused on local news and information. News organizations could develop or partner

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<sup>52</sup> Elisa Shearer et al., *Americans’ Changing Relationship with Local News*, PEW RSCH. CTR. (May 7, 2024), <https://www.pewresearch.org/journalism/2024/05/07/americans-changing-relationship-with-local-news/>.

<sup>53</sup> *Id.*; see Luxuan Wang et al., *How Americans Get Local Political News*, PEW RSCH. CTR. (July 24, 2024), <https://www.pewresearch.org/journalism/2024/07/24/how-americans-get-local-political-news/> (covering widespread disappointment with the quality of local news coverage of politics).

<sup>54</sup> Shearer et al., *supra* note 52.

<sup>55</sup> Elizabeth Grieco, *It’s more common for white, older, more-educated Americans to have spoken with local journalists*, PEW RSCH. CTR. (May 10, 2019), <https://www.pewresearch.org/short-reads/2019/05/10/its-more-common-for-white-older-more-educated-americans-to-have-spoken-with-local-journalists/>.

<sup>56</sup> *Id.*

on platforms allowing residents to submit structured observations or data points relevant to community life—reporting potholes or power outages, submitting photos or videos of local events (with appropriate verification), documenting wait times at public service offices, providing standardized feedback from neighborhood association meetings, or even contributing readings from personal environmental sensors. Robust verification mechanisms, including cross-referencing with official data, algorithmic plausibility checks, reputation systems for contributors, and essential human oversight, would be paramount to ensure the integrity of such crowdsourced information. This system could even solicit information from community stakeholders likely to have uniquely informative insights. Imagine a paper planning a report on the local economy—the platform could notify scholars and researchers of an opportunity to contribute. This would remind those individuals of the need to share their findings while also improving the quality of the report, which would respond to aforementioned concerns about subpar content.

A more structured approach could involve the creation of community data trusts or cooperatives, drawing inspiration from emerging models designed to give individuals greater control over their personal data<sup>57</sup> as well as from frameworks employed by the Rural Electrification Administration (REA) to galvanize farmers in the 1930s and beyond.<sup>58</sup> Data cooperatives come in myriad forms and serve a range of purposes. The Long-Term Care (LTC) Data Cooperative, for example, formed in the wake of COVID-19 to ensure academics, governments, and private sector actors had a more complete understanding of the health of post-acute and long-term care residents across the country.<sup>59</sup> Funded by the National Institute on Aging, the LTC Data Cooperative consolidates data from electronic medical record vendors and authorizes researchers to initiate various studies intended to improve resident care.<sup>60</sup> More generally, the National Institute for Health (NIH) supports dozens of scientific data repositories.<sup>61</sup>

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<sup>57</sup> See George Zarkadakis, “Data Trusts” Could Be the Key to Better AI, HARV. BUS. REV. (Nov. 10, 2020), <https://hbr.org/2020/11/data-trusts-could-be-the-key-to-better-ai>; Agnes Liminga & Simon Lindgren, *Mapping the Discursive Landscape of Data Activism: Articulations and Actors in an Emerging Movement*, BIG DATA & SOC’Y, July – Sept. 2024, at 1; Eli Freedman, *Note: Data Unions: The Need for Informational Democracy*, 111 CAL. L. REV. 657, 661 (2023).

<sup>58</sup> See generally Christopher Ali, *The Legacy of the Rural Electrification Act and the Promise of Rural Broadband*, THE L. & POL. ECON. PROJECT (July 12, 2021), <https://lpeproject.org/blog/the-legacy-of-the-rural-electrification-act-and-the-promise-of-rural-broadband/>.

<sup>59</sup> LTC Data Cooperative, LONG-TERM CARE DATA COOP., <https://www.ltcdatacooperative.org/> (last visited Dec. 6, 2025).

<sup>60</sup> *Id.*

<sup>61</sup> See *Accessing Scientific Data NIH*, <https://grants.nih.gov/policy-and-compliance/policy-topics/sharing-policies/accessing-data/scientific> (last visited Dec. 5, 2025).

Each has different purposes, data submission policies, and intended use cases.<sup>62</sup> The range of designs for facilitating diverse data sharing regimes bodes well for this effort. Different communities can follow different approaches based on their concerns about privacy, the number and type of institutions pulling from the data to develop news, and the priorities and interests of the public.

Learning from the REA, communities, perhaps facilitated by local news organizations, libraries, or civic tech groups, could establish entities allowing residents to voluntarily pool anonymized or specifically permissioned local data. The REA took on the challenge of diffusing the benefits of electricity across the country.<sup>63</sup> It was no easy task.<sup>64</sup> Economic, political, and cultural barriers had delayed the electrification of America's farms.<sup>65</sup> Utilities questioned if farmers would use enough electricity to warrant investing in costly infrastructure. Some policies hindered the amount of cooperation between the REA and private utilities, delaying the project.<sup>66</sup> A few utilities even doubted that farmers really wanted electricity; they "viewed farmers with derision – as backward, unmodern, and unsophisticated."<sup>67</sup> The solution came from aggregating the buying power and demand of farmers via cooperatives.<sup>68</sup> More inputs—in the case of electricity, appliances, homes, farms, and equipment in need of power; and, in the case of AI, more data from more sources—was the key to lowering the aforementioned barriers. Cooperatives made up of local farmers could more easily show the REA and private utilities that they collectively had the demand necessary to justify further electrification.

A parallel phenomenon could apply to kickstarting AI-first newsrooms. Community members may question the accuracy and value of pooling their data to shape and improve local news. Such skepticism would be warranted unless and until a sufficient number of residents pledged to

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<sup>62</sup> See *id.*

<sup>63</sup> See generally Tim Sablik, *Electrifying Rural America*, FED. RSRV. BANK OF RICHMOND (2020), [https://www.richmondfed.org/publications/research/econ\\_focus/2020/q1/economic\\_history](https://www.richmondfed.org/publications/research/econ_focus/2020/q1/economic_history); but see Richard F. Hirsh, *Revising the Traditional Interpretation of Rural Electrification*, JOHNS HOPKINS UNIV. PRESS (June 3, 2022), [https://www.press.jhu.edu/newsroom/revising-traditional-interpretation-rural-electrification?srsId=AfmBOoqSlkqBIENltg19O9A\\_nrWCIiCEDbF8UFg2ngHqyDL4hMp4yhV3](https://www.press.jhu.edu/newsroom/revising-traditional-interpretation-rural-electrification?srsId=AfmBOoqSlkqBIENltg19O9A_nrWCIiCEDbF8UFg2ngHqyDL4hMp4yhV3) (contending that the popular retelling of rural electrification fails to adequately give credit to the role of private utilities in accelerating electrification efforts).

<sup>64</sup> See Sablik, *supra* note 63.

<sup>65</sup> Ali, *supra* note 58.

<sup>66</sup> See Sablik, *supra* note 63.

<sup>67</sup> Ali, *supra* note 58 (quoting Richard Hirsh, *Shedding New Light on Rural Electrification: The Neglected Story of Successful Efforts to Power Up Farms in the 1920s and 1930s*, 92 AGRIC. HIST. 296, 304 (2018)).

<sup>68</sup> Sablik, *supra* note 63.

contribute vast quantities of high-quality information. Formation of data cooperatives that ease that data sharing and give members a chance to see the fruits of their efforts may be a promising solution. Just as farmers were more willing to contribute their time and money to cooperatives that served their communal and individual interests, twenty-first century Americans in search of more timely and reliable local news may do the same.

As to what data residents may share, a helpful exercise is to think through the information we already share with private companies in an attempt to understand our community, its activities, and our interactions with our neighbors. This might include aggregated data on local traffic patterns derived from navigation apps, anonymized retail foot traffic data, community-level energy consumption trends, or environmental quality readings from distributed sensor networks. In short, this would amount to local residents sharing the data they already share with third parties with their news intake system too. The pooled data would be accessible to trusted local news AI systems for analysis and reporting, potentially governed by the contributing members who might also share in any derived benefits or insights. Small businesses, nonprofits, and other civil society organizations that in one way or another sustain the data cooperative could tap into its datasets for their own AI projects, for instance. Such a model would shift the power dynamic, enabling collective data stewardship for community benefit rather than purely commercial exploitation.

Furthermore, strategic partnerships between newsrooms and other local institutions like universities, public libraries, historical societies, and independent civic technology organizations can unlock valuable data resources. Collaborative projects focused on collecting, digitizing, cleaning, and analyzing local historical records, demographic data, or specialized community datasets can create rich informational assets accessible for journalistic inquiry, powered by AI analytics.

### *C. Navigating the Legal Labyrinth: Privacy, Copyright, and the Fair Use Doctrine*

The prospect of vastly expanded information flows, whether through automated feeds or participatory collection, inevitably intersects with significant legal constraints and raises complex questions that demand careful consideration and potentially necessitate legal or policy reforms. Chief among these are concerns related to individual privacy and intellectual property rights, particularly copyright.

Privacy law presents immediate considerations. Ingesting and processing large volumes of government, business, and potentially citizen-contributed data requires strict adherence to a complex patchwork of privacy

regulations. While the United States lacks a single comprehensive federal privacy law akin to the European Union's General Data Protection Regulation,<sup>69</sup> various federal laws address specific sectors (e.g., the Health Insurance Portability and Accountability Act (HIPAA) for health information,<sup>70</sup> the Family Educational Rights and Privacy Act (FERPA) for student records),<sup>71</sup> and a growing number of states have enacted comprehensive consumer privacy laws.<sup>72</sup> For news organizations operating in Texas, for instance, compliance with the Texas Data Privacy and Security Act (TDPSA) would be essential,<sup>73</sup> alongside considerations of other relevant state and federal statutes. News organizations implementing AI-driven data ingestion must establish robust internal data governance policies. These should align with best privacy and cybersecurity practices.<sup>74</sup> For example, they should adhere to data minimization principles by only collecting necessary data. In practice this looks like culling any sensitive information that may have been sent to the data pool such as Social Security numbers, dates of birth, and addresses.

Data minimization may also alter the very means of submitting data to the data pool. For instance, the aforementioned data sharing arrangements with governments, businesses, and civil society could include template data submission standards that prevent the entry of sensitive information. By way of example, the template could only allow for the entry of the year of birth rather than the submission of the full date of birth. Information such as a full date of birth has minimal, if any, news value, yet may be collected if news entities fail to follow the tenets of data minimization.

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<sup>69</sup> See generally *What is GDPR, the EU's New Data Protection Law?*, GDPR.EU (last accessed May 8, 2025), <https://gdpr.eu/what-is-gdpr/>.

<sup>70</sup> See generally *Health Insurance Portability and Accountability Act of 1996 (HIPAA)*, CDC: PUB. HEALTH L. (Sept. 10, 2024), <https://www.cdc.gov/phlp/php/resources/health-insurance-portability-and-accountability-act-of-1996-hipaa.html>.

<sup>71</sup> See generally *FERPA*, U.S. DEP'T OF EDUC.: PROTECTING STUDENT PRIV. (last accessed May 8, 2025), <https://studentprivacy.ed.gov/ferpa>.

<sup>72</sup> *Which States Have Consumer Data Privacy Laws?*, BLOOMBERG L. (Apr. 7, 2025), <https://pro.bloomberglaw.com/insights/privacy/state-privacy-legislation-tracker/>; C. Kibby, *US State Privacy Legislation Tracker*, IAPP, <https://iapp.org/resources/article/us-state-privacy-legislation-tracker/> (July 7, 2025).

<sup>73</sup> See generally *Texas Data Privacy and Security Act*, ATT'Y GEN. OF TEX. <https://www.texasattorneygeneral.gov/consumer-protection/file-consumer-complaint/consumer-privacy-rights/texas-data-privacy-and-security-act> (last visited Dec. 6, 2025).

<sup>74</sup> See, e.g., *Fair Information Practice Principles (FIPPs)*, FED. PRIV. COUNCIL, <https://www.fpc.gov/resources/fipps/> (last visited Dec. 6, 2025) (outlining key privacy principles that inform data collection and usage practices within the federal government); Dana Mancuso, *Privacy considerations for Generative AI*, UNIV. OF ILL. URBANA-CHAMPAIGN: OFF. OF THE CHIEF INFO. OFFICER (July 17, 2023), <https://www.cybersecurity.illinois.edu/privacy-considerations-for-generative-ai/> (listing best practices for creating or developing generative AI tools).

Adherence to data retention periods marks another key principle. Though some think that more data always means better data,<sup>75</sup> that conflation is particularly troubling in the context of a data pool intended for news generation. Excessive retention of old data may perpetuate the use of outdated terms, literally old news, and previously dismissed theories and norms. A smaller dataset of higher quality information may actually boost the value of the AI.<sup>76</sup> Smaller language models, those trained with fewer parameters and less of the “messy stuff” (low-quality data) may prove best suited to the narrower task of news generation.<sup>77</sup> A few other practices merit special attention: implementation of strong security measures to prevent breaches, anonymization or pseudonymization techniques where feasible and appropriate (especially for sensitive or crowdsourced data), and commitment to transparently communicating to the public regarding data sources and usage practices. A failure to adhere to any of these, combined with any data breach or allegations of a near-miss with respect to a data incident, could sap public trust in the endeavor.

Copyright law poses perhaps the most significant and currently contentious legal barrier to leveraging AI for newsgathering and production, particularly concerning the massive datasets required to train sophisticated LLMs.<sup>78</sup> The act of copying vast amounts of text, images, and other data—much of it protected by copyright—to train AI models is the central issue in numerous high-profile lawsuits brought by authors, artists, and news publishers against AI development companies.<sup>79</sup> These plaintiffs typically argue that such unauthorized ingestion constitutes massive copyright

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<sup>75</sup> Veronika Samborska, *Scaling Up: How Increasing Inputs Has Made Artificial Intelligence More Capable*, OUR WORLD IN DATA (Jan. 19, 2025), <https://ourworldindata.org/scaling-up-ai> (“The idea is simple but powerful: bigger AI systems, trained on more data and using more computational resources, tend to perform better.”).

<sup>76</sup> Stephen Ornes, *Small Language Models Are the New Rage, Researchers Say*, WIRED (Apr. 13, 2025, 2:00 AM), <https://www.wired.com/story/why-researchers-are-turning-to-small-language-models/>.

<sup>77</sup> *Id.* (quoting Zico Kolter).

<sup>78</sup> See generally Mark MacCarthy, *Copyright Alone Cannot Protect the Future of Creative Work*, BROOKINGS (May 1, 2025), <https://www.brookings.edu/articles/copyright-alone-cannot-protect-the-future-of-creative-work/>; Tori Noble, *AI and Copyright: Expanding Copyright Hurts Everyone—Here’s What to Do Instead*, ELECTR. FRONTIER FOUND. (Feb. 19, 2025), <https://www EFF.org/deepinks/2025/02/ai-and-copyright-expanding-copyright-hurts-everyone-here-what-do-instead>; Matt Blaszczyk et al., *Artificial Intelligence Impacts on Copyright Law*, RAND (Nov. 20, 2024), <https://www.rand.org/pubs/perspectives/PEA3243-1.html>; Gil Appel et al., *Generative AI Has an Intellectual Property Problem*, HARV. BUS. REV. (Apr. 7, 2023), <https://hbr.org/2023/04/generative-ai-has-an-intellectual-property-problem>.

<sup>79</sup> See, e.g., Kate Knibbs, *Every AI Copyright Lawsuit in the US, Visualized*, WIRED (Dec. 19, 2024, 1:41 PM), <https://www.wired.com/story/ai-copyright-case-tracker/>.

infringement.<sup>80</sup> Defendant AI companies typically assert that the copying qualifies as fair use, often characterizing the use as transformative research or necessary for technological advancement.<sup>81</sup>

Analyzing the application of the four statutory fair use factors to the context of AI newsgathering reveals considerable uncertainty.<sup>82</sup>

1. *The Purpose and Character of the Use*: News reporting itself is explicitly listed as a favored purpose in the preamble to Section 107 of the Copyright Act.<sup>83</sup> However, the analysis quickly becomes complicated.<sup>84</sup> Most news organizations operate commercially, a factor that traditionally weighs against fair use, although it is not dispositive.<sup>85</sup> The critical question often becomes whether the AI's use of the copyrighted material is “transformative”<sup>86</sup>—does it “add something new, with a further purpose or different character, altering the first work with new expression, meaning, or message?”<sup>87</sup> If an AI system merely summarizes or

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<sup>80</sup> See, e.g., Audrey Pope, *NYT v. OpenAI: The Times's About-Face*, HARV. L. REV. BLOG (Apr. 10, 2024), <https://harvardlawreview.org/blog/2024/04/nyt-v-openai-the-times-about-face/>; Keith Kupferschmid, *Insights from Court Orders in AI Copyright Infringement Cases*, COPYRIGHT ALL. (Dec. 12, 2024), <https://copyrightalliance.org/ai-copyright-infringement-cases-insights/>.

<sup>81</sup> Mira T. Sundara Rajan, *Is Generative AI Fair Use of Copyright Works? NYT v. OpenAI*, KLUWER COPYRIGHT BLOG (Feb. 29, 2024), <https://legalblogs.wolterskluwer.com/copyright-blog/is-generative-ai-fair-use-of-copyright-works-nyt-v-openai/>; Michael D. Murray, *Generative AI Art: Copyright Infringement and Fair Use*, 26 SMU SCI. & TECH. L. REV. 259, 269, 285, 287-88, 301 (2023).

<sup>82</sup> See *Princeton Univ. Press v. Mich. Document Servs., Inc.*, 99 F.3d 1381, 1392 (6th Cir. 1996) (“Fair use is one of the most unsettled areas of the law...so flexible as to virtually defy definition.”).

<sup>83</sup> 17 U.S.C. § 107 (“Notwithstanding the provisions of sections 106 and 106A, the fair use of a copyrighted work, . . . for purposes such as . . . news reporting . . . is not an infringement of copyright.”).

<sup>84</sup> See Matthew D. Bunker & Clay Calvert, *The Jurisprudence of Transformation: Intellectual Incoherence and Doctrinal Murkiness Twenty Years After Campbell v. Acuff-Rose Music*, 12 DUKE L. & TECH. REV. 92, 121–25 (2014) (identifying conflicting interpretations of fair use as applied to news reporting).

<sup>85</sup> See, e.g., Megan Parker, *Copyright in Journalism and News Reporting*, COPYRIGHT ALL. (Mar. 29, 2022), <https://copyrightalliance.org/copyright-journalism-news-reporting/> (“All the factors must be considered and not one factor on its own can determine whether a use constitutes fair use.”).

<sup>86</sup> Jiarui Liu, *An Empirical Study of Transformative Use in Copyright Law*, 22 STAN. TECH. L. REV. 163, 166 (2019) (reporting that empirical analysis of fair use decisions shows that “transformative use has been gradually approaching total dominance in fair use jurisprudence[.]”).

<sup>87</sup> *Campbell v. Acuff-Rose Music, Inc.*, 510 U.S. 569, 579 (1994) (internal quotation marks omitted). Myriad definitions of transformative have been applied by jurists over the years. Matthew D. Bunker & Clay Calvert, *The Jurisprudence of Transformation: Intellectual Incoherence and Doctrinal Murkiness Twenty Years After Campbell v. Acuff-Rose Music*, 1 DUKE L. & TECH

rephrases existing news articles to create competing content, the use is less likely to be deemed transformative than if the AI analyzes diverse data sources to identify novel trends or generate entirely new insights not present in any single source.<sup>88</sup> How courts will apply the transformative use doctrine to generative AI outputs that synthesize information from numerous sources remains a key open question.<sup>89</sup> News outlets may try to preempt any push back by characterizing their use as a “productive” one<sup>90</sup>—a specific interpretation of the “transformative” inquiry that has not always held sway with the Supreme Court but may nevertheless reinforce a newspaper’s position given the dire state of local news.<sup>91</sup>

2. *The Nature of the Copyrighted Work:* This factor, if weighed at all,<sup>92</sup> generally favors fair use when the copied work is factual rather than highly creative.<sup>93</sup> Much of the data envisioned for automated feeds—government reports, statistical data, and

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REV. 92, Part III (2014) (noting and analyzing three distinct “transformative” doctrines); see U.S. Copyright Office Fair Use Index, U.S. Copyright Office (last updated Feb. 2025), <https://www.copyright.gov/fair-use/> (“Transformative uses are those that add something new, with a further purpose or different character, and do not substitute for the original use of the work.”). A small sample reveals these common characteristics: If “the secondary use adds value to the original—if the quoted matter is used as raw material, transformed in the creation of new information, new aesthetics, new insights and understandings—this is the very type of activity that the fair use doctrine intends to protect for the enrichment of society.” Pierre N. Leval, *Toward a Fair Use Standard*, 103 Harv. L. Rev. 1105, 1111 (1990).

<sup>88</sup> See Pierre N. Leval, *Toward a Fair Use Standard*, 103 HARV. L. REV. 1105, 1111 (1990).

<sup>89</sup> See, e.g., Jay Heidrick & Melenie Van, *AI vs. Authors: Two California Judges, Two Directions and More Uncertainty on Fair Use and Copyright*, JDSUPRA (July 14, 2025), <https://www.jdsupra.com/legalnews/ai-vs-authors-two-california-judges-two-2074935/> (providing an overview of recent diverging copyright decisions involving training data).

<sup>90</sup> See *Universal City Studios v. Sony Corp. of Am.*, 659 F.2d 963, 970 (9th Cir. 1981); *Sony Corp. of Am. v. Universal City Studios, Inc.*, 464 U.S. 417 (9th Cir. 1984) (arguing that application of the fair use exception traditionally turned on whether the use was “productive.”); *Sony Corp. of Am. v. Universal City Studios, Inc.*, 464 U.S. 417, 478 (9th Cir. 1984) (Blackmun, J., dissenting) (clarifying that a productive use was one that resulted in “some added benefit to the public beyond that produced by the first author”).

<sup>91</sup> Cf. Michael J. Madison, *Rewriting Fair Use and the Future of Copyright Reform*, 23 CARDOZO ARTS & ENT. L.J. 391, 393–94 (2005) (observing definitional difficulties that may explain why a majority of Supreme Court justices have not put “productive use” at the heart of their copyright analyses, such as in *Sony Corp. of Am. v. Universal City Studios, Inc.*, 464 U.S. at 478).

<sup>92</sup> See *Fox News Network, LLC v. Tveyes, Inc.*, 883 F.3d 169, 178 (2nd Cir. 2018) (asserting that the nature of the copyrighted work played “no significant role” in its fair use analysis); Michael Modak-Truran, *Is a Fair-Use Forever Fair?*, 98 N.Y.U. L. REV. 962 (2023) (listing instances of courts placing minimal emphasis on this factor).

<sup>93</sup> U.S. Copyright Office, Fair Use Index, COPYRIGHT OFF. (last updated Feb. 2025), <https://www.copyright.gov/fair-use/>.

meeting minutes—is predominantly factual in nature, which would support a finding of fair use for its ingestion. However, other potential inputs, such as press releases, transcripts of speeches, or articles from other news outlets used for training or analysis, contain original expression and creative elements, weighing against fair use. By way of a recent example, the district court in *Thomson Reuters Enterprise Centre GmbH v. Ross Intelligence Inc.* noted the factual nature of legal headnotes weighed in favor of fair use on this factor, but also stated this factor rarely drives the overall determination.<sup>94</sup>

3. *The Amount and Substantiality of the Portion Used:* AI training often involves copying entire works, or at least substantial portions thereof. Traditionally, copying the “heart” of a work or a quantitatively large amount weighs strongly against fair use.<sup>95</sup> More generally, courts have increasingly evaluated whether the amount of copied content aligns with the underlying purpose of its reproduction.<sup>96</sup> In the context of AI, given that AI training typically involves use of the entirety of the copyrighted materials,<sup>97</sup> some have argued that the resulting fair use analysis should focus less on the amount copied for *training* and more on the amount of the original work that is reproduced or made accessible in the model’s *output*.<sup>98</sup> If an AI generates a novel summary based on patterns learned from millions of documents, arguably only an insubstantial fragment of any single copyrighted work is

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<sup>94</sup> *Thomson Reuters Enter. Centre GmbH v. Ross Intelligence Inc.*, 765 F. Supp.3d 382, 397 (D. Del. 2025) (citing *Authors Guild v. Google, Inc.*, 805 F.3d 202, 220 (2d Cir. 2015) (Leval, J.)).

<sup>95</sup> *Harper & Row, Publishers, Inc. v. Nation Enters.*, 557 F. Supp. 1067, 1072 (S.D.N.Y. 1983), *rev’d by Haper & Row, Publishers, Inc. v. Nation Enters.*, 723 F.2d 195 (2d Cir.); *see generally* R. Anthony Reese, *How Much Is Too Much?: Campbell and the Third Fair Use Factor*, 90 WASH. L. REV. 755 (2015) (cataloging judicial interpretations of the third factor).

<sup>96</sup> *See* Barton Beebe, *An empirical study of U.S. Copyright Fair Use Opinions Updated, 1978-2019*, 10 N.Y.U. J. Intell. Prop. & Ent. L. 1, 32 (Fall 2020).

<sup>97</sup> When OpenAI scraped the internet for data, for instance, it did not randomly or systematically omit portions of copyrighted content. Ekene Chuks-Okeke, *Generative AI and intellectual property: Copyright implications for AI inputs, outputs*, IAPP (Aug. 7, 2024), <https://iapp.org/news/a/generative-ai-and-intellectual-property-copyright-implications-for-ai-inputs-outputs/>; *see generally* Kate Knibbs, *The Race to Block OpenAI’s Scraping Bots is Slowing Down*, WIRED (Oct. 7, 2024), <https://www.wired.com/story/open-ai-publisher-deals-scraping-bots/>.

<sup>98</sup> *Cf.* Wendy Heilbut et al., *Image-Generative AI: Has Technology Evolved Beyond Modern-Day Fair Use?*, NYSBA (May 24, 2024), [https://nysba.org/image-generative-ai-has-technology-evolved-beyond-modern-day-fair-use/?srsltid=AfmBOop66Lz0Pel1BAwgliDZeR5ajNjibU-jkNaNKng4Ve9Mf533cqm\\_A](https://nysba.org/image-generative-ai-has-technology-evolved-beyond-modern-day-fair-use/?srsltid=AfmBOop66Lz0Pel1BAwgliDZeR5ajNjibU-jkNaNKng4Ve9Mf533cqm_A) (breaking down the application of each fair use factor by AI inputs and outputs).

being utilized in the final product accessible to the public.<sup>99</sup> Conversely, if AI outputs frequently reproduce lengthy, verbatim passages from training data, this factor would weigh heavily against fair use.<sup>100</sup>

4. *The Effect of the Use upon the Potential Market for or Value of the Copyrighted Work*: Often considered the first or second most important factor,<sup>101</sup> this inquiry asks whether the alleged infringing use harms the market for the original work or its derivatives.<sup>102</sup> If AI-generated news articles directly substitute for and supplant the audience for original reporting from other sources, this factor would strongly favor the copyright holders. The *Ross* court found this factor weighed against the defendant precisely because its AI tool was designed as a “market substitute” for the plaintiff’s product.<sup>103</sup> However, the market effect could be viewed differently if AI enables coverage of previously uncovered topics (“news deserts”), generates analysis that drives readers to original sources for deeper dives, or creates entirely new types of information products that do not directly compete with existing ones. Demonstrating significant market harm may be challenging for plaintiffs if the AI use is truly transformative and targets different needs or audiences.

Given the legal uncertainty and the high stakes involved, some news organizations have opted for licensing agreements with AI companies,

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<sup>99</sup> See, e.g., Dan Primack, *The big risk behind the AI investment boom*, AXIOS (Oct. 23, 2023), <https://www.axios.com/2023/10/23/venture-capital-ai-risk-investment> (quoting a venture capitalist for the idea that models rarely regurgitate whole works); Sergei Tokmakov, *AI Fair Use Analyzer: Evaluate Copyright Considerations for AI Training & Outputs*, TERMS LAW (Mar. 21, 2025), <https://terms.law/2025/02/04/ai-fair-use-analyzer-evaluate-copyright-considerations-for-ai-training-outputs/> (explaining existing methods labs may use to reduce the odds of an output containing significant reproduction of existing works).

<sup>100</sup> See Reese, *supra* note 95 at 763 (summarizing the Supreme Court’s jurisprudence on this factor as recognizing that “copying the whole work would ordinarily militate against fair use, while copying only an insubstantial fraction of the work would not”); see also Lauren Leffer, *Your Personal Information Is Probably Being Used to Train Generative AI Models*, SCIENTIFIC AMERICAN (Oct. 19, 2023), <https://www.scientificamerican.com/article/your-personal-information-is-probably-being-used-to-train-generative-ai-models/> (flagging the potential for reproduction of the entirety of a copyrighted work).

<sup>101</sup> Beebe, *supra* note 94, at 33 (reviewing the scholarly debate over whether the first or fourth factor most influences judges).

<sup>102</sup> 17 U.S.C. § 107(4).

<sup>103</sup> Thomas Reuters Enter. Center GmbH, 765 F. Supp.3d at 400.

securing permission to use content for training in exchange for payment.<sup>104</sup> While providing legal certainty, this approach may be financially prohibitive for smaller outlets<sup>105</sup> and does not resolve the fundamental legal questions surrounding the use of publicly available information or data contributed through participatory channels. Furthermore, it risks creating a tiered system where only well-resourced organizations can legally leverage AI trained on comprehensive datasets.

This complex legal landscape suggests a compelling need for clarification, potentially through legislative action. Considering the vital public interest served by robust journalism, particularly at the local level, and the potential for AI to significantly enhance newsgathering and reporting capabilities, a strong policy argument exists for Congress to consider a specific statutory clarification or amendment addressing AI training data within the fair use framework. Such a reform could aim to provide greater certainty for news organizations utilizing AI for legitimate journalistic purposes, perhaps by establishing clearer guidelines for transformative use in this context, creating safe harbors for uses involving publicly accessible government data, or setting standards for data sourcing and attribution to diminish concerns around serving as a market substitute. Any such reform would need careful drafting to balance the public interest in informed discourse and technological innovation against the legitimate need for an incentive to ensure the creation of such news and information in the first place, ensuring that AI enhances, rather than undermines, the broader information ecosystem. Existing fair use protections offer some potential cover for using factual data, but their application to the large-scale ingestion required for training generative AI models remains highly uncertain and ripe for litigation, potentially chilling innovation precisely where it is needed most. Legal reform, carefully considered, could provide a crucial accelerant for the responsible adoption of AI in service of journalism.

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<sup>104</sup> Sara Guaglione, *2024 in review: A timeline of the major deals between publishers and AI companies*, DIGIDAY (Dec. 27, 2024), <https://digiday.com/media/2024-in-review-a-timeline-of-the-major-deals-between-publishers-and-ai-companies/>.

<sup>105</sup> Local newspapers likely lack the funds to license large datasets as well as the time to coordinate such purchases among manifold content producers. See Grace Harmon, *Microsoft and HarperCollins sign AI licensing deal, but author opt-in still required*, EMARKETER (Nov. 25, 2024), <https://www.emarketer.com/content/microsoft-harpercollins-sign-ai-licensing-deal-author-opt-in-still-required> (providing details on a nuanced licensing agreement that nevertheless came at great expense to the entity seeking the data).

### III. AI AS THE FIRST DRAFTER: ACCELERATING NEWS PRODUCTION, ENHANCING HUMAN ROLES

Once enhanced information flows provide the necessary fuel, the next critical stage in the systemic redesign of the newsroom involves deploying AI as a primary engine for the initial stages of news production. This signifies a shift from using AI as an occasional assistant for discrete tasks to integrating it as a core component of the editorial workflow,<sup>106</sup> frequently serving as the “first drafter” for a wide range of news content. This approach aims not to replace human journalists but to augment their capabilities, automate routine information processing, and ultimately free them to focus on higher-value journalistic work that requires critical thinking, ethical judgment, and deep human understanding.<sup>107</sup>

#### A. *The Technological Underpinnings of AI News Generation*

The core technologies enabling AI to function as a first drafter fall under the umbrella of Natural Language Processing (“NLP”) and Natural Language Generation (“NLG”). NLP allows machines to read, decipher, and understand human language from various inputs, while NLG enables them to construct human-readable text outputs.<sup>108</sup> Modern LLMs, such as those developed by OpenAI, Google, Anthropic, and others, integrate these capabilities at increasingly sophisticated levels, allowing them to perform a variety of text-based tasks relevant to news production.<sup>109</sup> Specific applications pertinent to the “first drafter” concept include automated summarization, routine story generation, data analysis and trend identification, and content adaptation.

Automated summarization is a key capability, allowing AI systems to rapidly condense lengthy documents—such as government reports, legislative bills, court rulings, transcripts of meetings or press conferences, or wire

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<sup>106</sup> Cf. *How The N.Y. Times Uses A.I.*, *supra* note 30.

<sup>107</sup> But see *Tow Report: “Artificial Intelligence in the News” and How AI Reshapes Journalism and the Public Arena*, COLUM. JOURNALISM SCH. (Mar. 6, 2024), <https://journalism.columbia.edu/news/tow-report-artificial-intelligence-news-and-how-ai-reshapes-journalism-and-public-arena> (“Currently, AI aids news workers rather than replaces them, but there are no guarantees this will remain the case.”).

<sup>108</sup> See Eda Kavlakoglu & Rishi Vaish, *NLP vs. NLU vs. NLG: The Differences Between Three Natural Language Processing Concepts*, IBM (Nov. 12, 2020), <https://www.ibm.com/think/topics/nlp-vs-nlu-vs-nlg>.

<sup>109</sup> See Andrea Azzo, *How Journalists Can Use AI Technologies to ‘Speak Truth to Power’*, NW. UNIV. (Feb. 5, 2024), <https://ai.northwestern.edu/news-events/articles/2024/how-journalists-can-use-ai-technologies-to-speak-truth-to-power.html> (interviewing Aimee Rinehart, who identified OpenAI as offering a number of tools suited for use by journalists).

service feeds—into concise, digestible summaries.<sup>110</sup> These summaries can serve as internal briefings for editors and reporters, allowing them to quickly grasp the essence of complex materials, or, after careful verification, potentially form the basis of short news updates.

Routine story generation involves using AI, often guided by specific templates and style parameters, to create initial drafts for predictable, data-driven news stories.<sup>111</sup> This is particularly applicable to areas where structured data is readily available, such as quarterly corporate earnings reports, periodic economic indicator releases, election night results as they come in, sports game recaps based on box scores and play-by-play data, standard weather forecasts, or summaries of local government meetings derived from official minutes or transcripts.<sup>112</sup> News organizations like The Associated Press and The Washington Post pioneered the use of systems like Wordsmith and Heliograf for precisely these types of tasks, demonstrating the feasibility of automating high-volume, routine reporting.<sup>113</sup>

Data analysis and trend identification capabilities allow AI to sift through large datasets—crime statistics, public health records, campaign finance disclosures, real estate transactions, environmental monitoring data—to identify statistically significant patterns, anomalies, correlations, or emerging trends that might warrant journalistic investigation but would be difficult or impossible for humans to detect manually through sheer

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<sup>110</sup> See Charlotte Hu & Amanda Downie, *How is AI Being Used in Journalism?*, IBM (Nov. 25, 2024), <https://www.ibm.com/think/insights/ai-in-journalism>; see also *Connecting Users to Quality Journalism with AI-Powered Summaries*, LONDON SCH. OF ECON. & POL'Y SCI., <https://www.lse.ac.uk/media-and-communications/polis/JournalismAI/Collab-Team-3> (last visited Dec. 6, 2025).

<sup>111</sup> See Team EMB, *The Impact of AI on Journalism: Transforming News Reporting*, EMB GLOBAL (Dec. 21, 2023), <https://blog.emb.global/the-impact-of-ai-on-journalism/>.

<sup>112</sup> See, e.g., *Reuters and Synthesia Unveil AI Prototype for Automated Video Reports*, REUTERS (Feb. 7, 2020, 7:33 AM), <https://www.reuters.com/article/rpb-synthesia-prototype-idUSKBN2011O3/>. Cf. Mike Ananny & Matt Pearce, *How We're Using AI*, COLUM. JOURNALISM REV. (May 12, 2025), <https://www.cjr.org/feature-2/how-were-using-ai-tech-ginachua-nicholas-thompson-emilia-david-zach-seward-millie-tran.php> (detailing how several different journalists use AI tools, including for rapid drafting).

<sup>113</sup> See *What Is Wordsmith AI? How the Associated Press Use It?*, PAMPERME, [https://www.pampermenetwork.com/index.php?option=com\\_alphauserpoin&view=creator-manager&id=2938&layout=detailblogfeed&lang=en](https://www.pampermenetwork.com/index.php?option=com_alphauserpoin&view=creator-manager&id=2938&layout=detailblogfeed&lang=en) (last visited Dec. 6, 2025); Emily Reynolds, *Wordsmith's 'Robot Journalist' Has Been Unleashed*, WIRED (Oct. 28, 2015, 10:25 AM), <https://www.wired.com/story/wordsmith-robot-journalist-download/>; Lucia Moses, *The Washington Post's Robot Reporter Has Published 850 Articles in the Past Year*, DIGIDAY (Sept. 14, 2017), <https://digiday.com/media/washington-posts-robot-reporter-published-500-articles-last-year/>; Brian Novak, *AI and Journalism: Navigating the New Era of News*, RIVERJ. (Nov. 14, 2024), <https://riverjournalonline.com/business/ai-and-journalism-navigating-the-new-era-of-news/197258/>.

scale.<sup>114</sup> AI can generate initial reports highlighting these findings, serving as leads for deeper reporting. Across the digital landscape, prominent media entities like Thomson Reuters, Bloomberg, and The Associated Press now harness intricate algorithmic systems that relentlessly sift through expansive information ecosystems, identifying potentially newsworthy patterns—whether sudden market fluctuations, unexpected financial trends, or resonant social discourse emerging on digital platforms.<sup>115</sup> Within Bloomberg’s operational framework exists a diverse ecosystem of AI applications dedicated to generating financial narratives without human intervention.<sup>116</sup> These technological frameworks leverage sophisticated Named-Entity Recognition protocols to extract and categorize references to individuals, corporations, and institutions embedded within textual information, while parallel sentiment analysis mechanisms evaluate how particular developments might positively or negatively influence an organization’s standing within its market context.<sup>117</sup>

Content adaptation and translation functions enable AI to automatically reformat a core news story for different platforms and audiences. This could involve generating concise versions for social media, drafting email newsletter blurbs, optimizing web headlines for search engines, or even translating articles into different languages to reach diverse community segments, potentially incorporating culturally relevant nuances suggested by the AI.<sup>118</sup> A powerful illustration of this use of AI comes from Puerto Rico, where the Center for Investigative Journalism deploys AI translation tools to expand their reach to English-speaking audiences while preserving their Spanish-language reporting integrity.<sup>119</sup> This technological bridge not only democratized access to regional news but also maintained the cultural nuances essential to authentic storytelling, demonstrating how thoughtful AI implementation can transcend linguistic barriers without compromising

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<sup>114</sup> See Rebecca Ciesielski, *On the Hunt for Hidden Patterns*, MEDIUM (June 17, 2022), <https://medium.com/codex/on-the-hunt-for-hidden-patterns-1bda632d43ad>.

<sup>115</sup> See *id.*

<sup>116</sup> See *Tech at Bloomberg – Artificial Intelligence (AI)*, BLOOMBERG, <https://www.bloomberg.com/company/values/tech-at-bloomberg/artificial-intelligence-ai/> (last visited Dec. 5, 2025).

<sup>117</sup> See *id.*; see also Ciesielski, *supra* note 114.

<sup>118</sup> See Knewz Staff, *How Newsrooms Are Adapting to the Short-Form Video Boom*, KNEWZ (Apr. 30, 2025), <https://knewz.com/how-newsrooms-are-adapting-to-the-short-form-video-boom/>; see also Dawn M. Deguzman, *Faster and More Efficient Content Production: The Role of Video in Modern Newsrooms*, THE ASSOCIATED PRESS (Sept. 23, 2024), <https://www.ap.org/insights/faster-and-more-efficient-content-production-the-role-of-video-in-modern-newsrooms/>.

<sup>119</sup> Katherine Pennacchio, *Inside a Puerto Rican Newsroom’s Experiment with AI-powered Translations to Reach English-speaking Audiences*, LATAM JOURNALISM REV. (Mar. 2, 2025), <https://latamjournalismreview.org/articles/inside-a-puerto-rican-newsrooms-experiment-with-ai-powered-translations-to-reach-english-speaking-audiences/>.

journalistic values. The experiment represents a compelling case study in how resource-constrained media outlets can leverage AI to amplify marginalized voices while navigating the delicate balance between technological efficiency and editorial responsibility.

*B. Reconfiguring the Workflow: Human Oversight as the Cornerstone*

Crucially, positioning AI as the “first drafter” necessitates a reimagined editorial workflow. In this hybrid flow, human oversight and intervention must not be afterthoughts but integral and indispensable components. The objective is a collaborative human-AI process designed to leverage the strengths of both AI’s speed and scale for initial processing and drafting, and human journalists’ critical judgment, ethical reasoning, contextual understanding, and storytelling craft for refinement and validation. A typical workflow might look like this:

First, AI systems continuously monitor incoming data streams, using NLP and pattern recognition to identify potential news events, flag significant developments, or surface interesting trends from data analysis. Second, for designated types of stories (particularly routine or data-heavy ones), the AI system generates an initial draft based on the available information, adhering to pre-programmed templates, style guidelines, and ethical parameters set by the newsroom. Third, and most critically, a human journalist meticulously reviews the AI-generated draft. This review includes more than simple proofreading; it involves rigorous fact-checking against primary sources, assessing the draft for potential bias or lack of nuance, evaluating its completeness, adding essential context and background information, conducting original reporting to obtain quotes and diverse human perspectives, ensuring compliance with journalistic ethics and standards, and editing the text for clarity, tone, narrative coherence, and overall quality. The human journalist acts as the ultimate arbiter of accuracy, fairness, and relevance. Fourth and finally, only after this thorough human review, editing, and explicit approval is the story published.

This collaborative workflow model offers potentially transformative benefits for news organizations. Reports from outlets utilizing AI assistance indicate dramatic improvements in speed and output volume for certain types of content, with some suggesting reductions in time to publication by as much as 75–85 percent or tenfold increases in total coverage of certain areas and events like quarterly earnings reports.<sup>120</sup> Such efficiency gains

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<sup>120</sup> Daniel Felix, *How AI Writing Tools Are Helping Journalists Break News Faster*, YOMU AI (Mar. 13, 2024), <https://www.yomu.ai/resources/how-ai-writing-tools-are-helping-journalists-break>

can allow newsrooms, particularly those facing resource constraints, to significantly broaden their coverage, ensuring that more community information—from local government decisions to neighborhood events—receives timely attention, mitigating the growth of news deserts. Perhaps more importantly, by automating the more routine aspects of information processing and drafting, this model can free up valuable journalist time and cognitive resources. This allows reporters and editors to dedicate more effort to the types of journalism that provide the greatest public value and are least amenable to automation: in-depth investigative reporting, nuanced feature writing, sophisticated data analysis and interpretation, source cultivation, community relationship building, and holding powerful institutions accountable. In practice, the time saved will hinge on newsroom culture and norms as well as training.<sup>121</sup> A collaborative approach that insists on human oversight has another key benefit: ensuring that readers and the general public can still identify the actual people responsible for news shaping commerce, culture, and politics.

### C. *Confronting the Risks: Ensuring Accuracy, Fairness, and Quality*

Despite the compelling potential, integrating AI as a first drafter is fraught with inherent risks that demand proactive and robust mitigation strategies. Failure to address these risks could undermine journalistic credibility and public trust.

The risk of inaccurate, biased, or hallucinated stories is paramount. LLMs have a well-documented tendency to sometimes generate confident sounding but factually incorrect or nonsensical statements, often referred to as hallucinations.<sup>122</sup> Critically, even as models have progressed on many benchmarks, that progress has not always carried over to hallucinations.

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news-faster; but see Neha Gupta, *From Lab to Newsroom: How Reuters Builds AI Tools Journalists Actually Use*, WAN-IFRA (Apr. 14, 2025), <https://wan-ifra.org/2025/04/from-lab-to-newsroom-how-reuters-builds-ai-tools-journalists-actually-use/> (interviewing journalists who report that in some instances AI may slow down certain members of the newsroom).

<sup>121</sup> See Gupta, *supra* note 120; Nicol Turner Lee & Courtney C. Radsch, *Journalism Needs Better Representation to Counter AI*, BROOKINGS (Dec. 23, 2024), <https://www.brookings.edu/articles/journalism-needs-better-representation-to-counter-ai/> (recommending that news organizations provide their journalists with professional development opportunities related to AI).

<sup>122</sup> Cade Metz & Karen Weise, *A.I. Is Getting More Powerful, but Its Hallucinations Are Getting Worse*, N.Y. TIMES (May 5, 2025), <https://www.nytimes.com/2025/05/05/technology/ai-hallucinations-chatgpt-google.html> (defining hallucinations as when models “just make stuff up”); Yujie Sun et al., *AI Hallucination: Towards a Comprehensive Classification of Distorted Information in Artificial Intelligence-Generated Content*, 11 HUM. & SOC. SCI. COMM. 1, 2–3 (2024), <https://www.nature.com/articles/s41599-024-03811-x> (defining an AI hallucination as “the phenomenon where artificial intelligence generates distorted information”).

Some recent models have even revealed a greater tendency to hallucinate than their predecessors.<sup>123</sup> Relying on and, perhaps even more so, failing to catch and timely fix unverified AI outputs would be a death-knell for journalistic integrity as well as for the ongoing willingness of the public to tolerate the integration of AI into journalistic endeavors.<sup>124</sup> Therefore, rigorous, independent fact-checking and verification of AI-generated content by human journalists, using traditional reporting techniques and primary sources, must remain a non-negotiable standard operating procedure in all stories of consequence.<sup>125</sup> Newsrooms need to establish clear protocols and potentially develop specialized tools or checklists for this verification process, treating AI drafts as potentially unreliable raw material requiring confirmation, not as finished products. As discussed in detail below, public participation in the development of those protocols may go a long way in increasing the readership's relationship to AI-generated and AI-assisted stories.

The problem of algorithmic bias presents another significant concern. AI models can inherit and perpetuate biases present in their training data, or biases may appear through the design of the algorithms themselves.<sup>126</sup> This can manifest in skewed reporting that reinforces societal stereotypes, underrepresents marginalized communities or perspectives, or unfairly frames certain issues.<sup>127</sup> Note, however, that some research has concluded that AI-generated news actually reduces biased reporting when compared to human-produced alternatives,<sup>128</sup> a finding that merits close

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<sup>123</sup> Cade Metz & Karen Weise, *A.I. Is Getting More Powerful, but Its Hallucinations Are Getting Worse*, N.Y. TIMES (May 5, 2025), <https://www.nytimes.com/2025/05/05/technology/ai-hallucinations-chatgpt-google.html>.

<sup>124</sup> Public unease with AI has already been recorded in many surveys, though the level of unease varies by country. See, e.g., Amy Ross Arguedas, *Public Attitudes Towards the Use of AI in Journalism*, REUTERS INST. (June 17, 2024), <https://reutersinstitute.politics.ox.ac.uk/digital-news-report/2024/public-attitudes-towards-use-ai-and-journalism>.

<sup>125</sup> Just as many general AI regulations vary the level of oversight based on the severity and likelihood of risks manifesting, newsrooms should tailor the level of oversight to the nature of the AI-generated story. A summary of a high school basketball game, for example, may not warrant the same degree of review as an investigatory piece on a state government official. The AP, for instance, reportedly applies an 80/20 Rule in which automated processes may contribute 80 percent of a story and the remaining 20 goes to a human. Lorena Mendez, *AI's Transformation of Journalism: Navigating Trust and Bias*, RED LINE PROJECT (Mar. 20, 2025), <https://redlineproject.news/2025/03/20/opinion-ais-transformation-of-journalism-navigating-trust-and-bias/>.

<sup>126</sup> *Bias in AI*, CHAPMAN UNIV., <https://www.chapman.edu/ai/bias-in-ai.aspx> (last visited Dec. 6, 2025); Thomas Dethmann & Jannis Spierkmann, *Ethical Use of Training Data: Ensuring Fairness and Data Protection in AI*, LAMARR (July 3, 2024), <https://lamarr-institute.org/blog/ai-training-data-bias/>.

<sup>127</sup> Mendez, *supra* note 125.

<sup>128</sup> See Seungahn Nah et al., *Algorithmic Bias or Algorithmic Reconstruction? A Comparative Analysis Between AI News and Human News*, 18 INT'L J. COMM'C'N. 700 *passim* (2024).

attention and cuts against the reflexive instinct to suspect that AI bias exceeds human bias. So long as AI bias persists and generally exceeds that of humans, mitigation requires a multi-layered approach: careful auditing and curation of training data to identify and minimize bias where possible; implementing technical bias detection and mitigation tools during model development and deployment; ensuring diverse human oversight throughout the review and editing process to catch subtle biases AI might miss; and establishing mechanisms for ongoing monitoring and public feedback regarding the fairness of AI-assisted reporting.

AI systems often struggle with nuance, context, and empathy,<sup>129</sup> though this, again, may exist as a feature of contemporary systems and diminish with improvements in AI systems. As of now, many AI systems lack a deep understanding of complex social dynamics, human emotions, cultural contexts, irony, and the subtle ethical considerations that are often crucial for accurate reporting.<sup>130</sup> Current AI systems likewise cannot replicate human judgment, skepticism developed through experience, or the ability to connect with sources and subjects on an empathetic level in an in-person setting. This limitation underscores the absolute necessity of human journalists not just passively reviewing AI drafts, but actively reporting, interpreting, and adding layers of contextual understanding and ethical sensitivity that machines cannot provide.

Finally, there is a risk of homogenization and degradation of quality.<sup>131</sup> Over-reliance on AI for drafting, especially if driven by simplistic templates or prompts, could lead to formulaic, repetitive, and stylistically

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<sup>129</sup> See David Moschella, *AI Bias Is Correctable. Human Bias? Not So Much, Defending Digital*, ITIF (Apr. 25, 2022), <https://itif.org/publications/2022/04/25/ai-bias-correctable-human-bias-not-so-much/> (questioning whether people overemphasize the bias that may exist in AI systems); cf. Nathan L. Meikle & Bryan L. Bonner, *Unaware and Unaccepting: Human Biases and the Advent of Artificial Intelligence*, 5 TECH., MIND & BEHAV. 2 *passim* (2024) (documenting that well-known cognitive biases may cause humans to underestimate the capabilities of AI systems, which may carry over to overestimates of the bias of the systems).

<sup>130</sup> This shortcoming, too, may be short-lived. See Ian Sample, *Researchers Build AI-driven Sarcasm Detector*, THE GUARDIAN (May 16, 2024), <https://www.theguardian.com/technology/article/2024/may/16/researchers-build-ai-driven-sarcasm-detector>; MJ Crockett, *AI Is 'Beating' Humans at Empathy and Creativity. But These Games Are Rigged*, THE GUARDIAN (Feb. 27, 2025), <https://www.theguardian.com/commentisfree/2025/feb/28/ai-empathy-humans>; but see Dariya Ovsyannikova et al., *Third-party Evaluators Perceive AI as More Compassionate than Expert Humans*, 3 COMM. PSYCH. 1, 8–9 (2025).

<sup>131</sup> See Rhiannon Williams, *AI Can Make You More Creative—But It Has Limits*, MIT TECH. REVIEW (July 12, 2024), <https://www.technologyreview.com/2024/07/12/1094892/ai-can-make-you-more-creative-but-it-has-limits/>; see also Laura Hartenberger, *What AI Teaches Us About Good Writing*, NOEMA (July 25, 2023), <https://www.noemamag.com/what-ai-teaches-us-about-good-writing/>; cf. Ian Whitworth, *AI is Making Everything in Business Look and Sound the Same*, SMART COMPANY (Jan. 17, 2023), <https://www.smartcompany.com.au/technology/ai-everything-in-business-the-same/> (analyzing how reliance on AI has homogenized business marketing).

bland news content across different outlets, diminishing the richness and diversity of journalistic expression. Maintaining high standards of writing quality, narrative craft, and distinctive voice requires careful management. Newsrooms should consider the following safeguards against the creation and publication of news slop. They may invest in developing sophisticated prompting strategies that reduce the odds of homogeneous copy. Some technologically savvy outlets may potentially fine-tune AI models to better reflect their specific editorial standards and styles. And, as mentioned above, all outlets should empower human editors to retain strong control over the final narrative, ensuring that efficiency gains do not come at the cost of journalistic excellence. After all, there's a reason communities commonly come to develop specific bonds with their local journalists and columnists; local residents appreciate their unique style and become familiar with their personality and view. A paper full of columns of identical sentence structure, tone, and diction may fail to achieve that same effect.

By explicitly acknowledging these inherent risks and embedding robust human oversight, rigorous verification processes, and strong ethical guardrails within the AI-assisted workflow, news organizations can strive to harness the speed and scale benefits of AI without compromising the fundamental principles of accuracy, fairness, context, and quality that underpin trustworthy journalism.

#### IV. PERSONALIZED NEWS DELIVERY: IMPACT, ENGAGEMENT, AND FREE SPEECH CONSIDERATIONS

Beyond transforming the production of news, AI holds the potential to fundamentally reshape its *delivery* and *consumption* through sophisticated personalization.<sup>132</sup> Moving beyond the traditional one-size-fits-all model of a printed newspaper or a relatively static website homepage, AI algorithms can curate and tailor news content to align with individual users' expressed interests, past behaviors, and inferred preferences.<sup>133</sup> Though algorithmic recommendation feeds have been a feature of social media platforms for years,<sup>134</sup> new AI development tools could take this

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<sup>132</sup> Andrea Azzo, *Personalizing the News: Does It Work?*, NE. UNIV.: A.I. AT NE. (May 22, 2023), <https://ai.northwestern.edu/news-events/articles/2023/personalizing-the-news-does-it-work.html> (detailing the research on personalizing the news being conducted by Edward Malt-house and others).

<sup>133</sup> See Laura Gartry, *Personalised News: How to Balance Technology and Editorial Integrity*, REUTERS INSTIT. (July 19, 2024), <https://reutersinstitute.politics.ox.ac.uk/personalised-news-how-balance-technology-and-editorial-integrity>.

<sup>134</sup> See, e.g., Arvind Narayanan, *Understanding Social Media Recommendation Algorithms*, KNIGHT FIRST AMEND. INST. (2023); Constanza M. Vidal Bustamante (Ariel Higuchi & Amritha Jayanti eds.), *Technology Primer: Social Media Recommendation Algorithms*, BELFER

personalization a step further, not merely prioritizing content for your review but changing aspects of that content to cater to your preferences, interests, level of literacy, and familiarity with a topic.<sup>135</sup> This capability promises to enhance user engagement, make complex information more accessible, and potentially forge stronger connections between citizens and the news relevant to their lives, yet it simultaneously raises profound challenges, particularly concerning the health of the public sphere and core free speech values.

#### A. *The Mechanics of Algorithmic Curation*

AI-driven news personalization carries the potential of a fundamental transformation in how information reaches citizens. The technical architecture underpinning this transformation merits careful examination through both functional and normative lenses.

Modern personalization systems operate through three interconnected mechanisms that collectively reshape the information environment. First, behavioral tracking frameworks continuously monitor user interactions across digital platforms, capturing not only explicit preferences but the subtle patterns of engagement that reveal deeper information affinities.<sup>136</sup> These systems observe which stories capture attention, which topics prompt deeper exploration, and which formats generate sustained engagement—creating comprehensive behavioral profiles that serve as the foundation for algorithmic decision-making.<sup>137</sup> To the extent this tracking includes data from other sources, such as searches, emails, and even texts, readers may find that the paper can suggest stories of immediate relevance to their life, such as information on the housing market if the reader has initiated a home search. Some papers may supplement this inferred information about readers by prompting readers to explicitly state their preferences. This first-hand indication of interests may reduce the odds of the insights gleaned due to behavioral tracking from getting too off track. In practice, you could imagine (or recall!) signing up for a news platform,

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CTR. (Aug. 25, 2022), <https://www.belfercenter.org/publication/technology-primer-social-media-recommendation-algorithms>.

<sup>135</sup> Cf. Paul Hood, *Could AI-Powered Personalisation Boost Reader Engagement for Publishers?*, PRESS GAZETTE (Jan. 30, 2025), <https://pressgazette.co.uk/comment-analysis/ai-personalisation-news-publishers/> (listing novel uses of AI by newsroom to increase personalization).

<sup>136</sup> See *Behavioral Targeting*, THE DECISION LAB (last accessed May 23, 2025), <https://thedecisionlab.com/reference-guide/psychology/behavioral-targeting> (explaining how websites may track users to develop inferences about their preferences).

<sup>137</sup> See Dustin D. Berger, *Balancing Consumer Privacy with Behavioral Targeting*, 27 SANTA CLARA HIGH TECH. L.J. 3, 4–5 (2010) (detailing the practice of creating user profiles to inform content delivery).

agreeing to allow the publication to retain certain information about you, and then selecting the topics you most want to follow.

The second key mechanism is content matching algorithms that analyze these behavioral patterns and self-selected preferences to construct predictive models of user interests, employing machine learning techniques to identify correlations between content characteristics and engagement likelihood. These systems evaluate potential content-user pairings by analyzing topic relevance, source reputation, format compatibility, and contextual factors, calculating engagement probability scores that determine content selection and prioritization. These algorithms will likely improve over time. More and more information collected from various sources will influence future algorithmic outputs. For example, publications may monitor whether a reader selects a story, how thoroughly they read it, and whether they engage with it through a comment or share via social media; outlets will then feed that information back into the algorithm on a continuous basis.

Finally, customized delivery systems implement these algorithmic decisions through various personalized channels. It may soon be the case that outlets offer dynamic news feeds that continuously reorder content based on predicted relevance, tailored email compilations containing individually selected stories, adaptively formatted articles that modulate complexity based on inferred literacy levels, and targeted notifications that selectively alert users to developments within their demonstrated interest domains. In practice, this may look like receiving a morning newsletter that is entirely unique to you.

For sake of illustration, consider how the *New York Times* may leverage these systems. On the evening of May 22, 2025, the New York Times pushed their newsletter, “The Evening,”<sup>138</sup> to my inbox. It included the following headlines (listed in the order they appeared): “Man charged with murder in killing of Israeli Embassy aides,” “Justices rejected the nation’s first religious charter school,” “Trump officials blocked Harvard from enrolling foreign students,” and “Trump’s domestic agenda squeaked through the House.” A prompt to Gemini 2.5 reveals how personalization tools may alter how and what publications publish in order to maximize engagement. Here’s the prompt: You are the editor of a news publication. You face a mandate to balance maximizing user engagement with an organizational mission of ensuring a robust democratic discourse. A junior editor proposed the following order of stories and titles. Consider how best to adjust that order as well as the story titles to fulfill that mandate. Suggest

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<sup>138</sup> Matthew Cullen, *The Evening*, N.Y. TIMES (May 22, 2025) <https://www.nytimes.com/2025/05/22/briefing/charges-israel-embassy-shooting-harvard-students.html>.

the best order and titles for a reader in Louisiana and a reader in California. Gemini's revealing response is in Appendix A. A paper that adheres to a less nuanced mission would likely generate even more disparate newsletters and would presumably tailor them to individual readers rather than merely the state level.

This personalization infrastructure reflects broader social trends toward individualized experiences, yet raises profound questions about the appropriate balance between personal relevance and collective information needs in maintaining the informed citizenry essential to democratic governance.

### B. *The Allure of Personalization: Potential Benefits*

The contemporary movement toward personalized news delivery emerges from a deeper historical tension in American media consumption. In particular, it surfaces the perpetual struggle between information abundance and human attention scarcity. Just as the proliferation of penny papers in the 1830s necessitated new organizational schemes to help readers navigate expanding content,<sup>139</sup> today's digital landscape demands more nuanced filtering mechanisms to prevent our collective civic ecosystem from drowning in the information deluge.

Personalization advocates may highlight several potential democratic benefits flowing from algorithmic curation. First, by increasing the relevance of news to individual circumstances and interests, these systems may reinvigorate the waning civic attention that has plagued journalism since the fragmentation of media markets began in the 1980s.<sup>140</sup> When information feels directly connected to one's immediate concerns—professional advancement, neighborhood developments, or educational opportunities—citizens demonstrate greater willingness to engage deeply. This engagement may counteract the troubling decline in news consumption that has accompanied the dismantling of traditional media structures.<sup>141</sup>

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<sup>139</sup> See RICHARD CAMPBELL ET AL., *MEDIA & CULTURE: MASS COMMUNICATION IN A DIGITAL AGE*, 280–81 (9th ed. 2014).

<sup>140</sup> See *Media Use and Evaluation*, GALLUP (last accessed May 23, 2025), <https://news.gallup.com/poll/1663/media-use-evaluation.aspx>; but see Tom Rosentiel, *Two Decades of American News Preferences*, PEW RSCH. CTR. (Aug. 15, 2007), <https://www.pewresearch.org/politics/2007/08/15/two-decades-of-american-news-preferences/> (sharing survey reports that by some measures Americans in the early 2000s paid as much attention to the news as those in the 1980s).

<sup>141</sup> See Telli Davoodi, *Why Do Americans Turn to Individuals for News and Information? Personality, Trust, Perspectives Outside the Mainstream*, KNIGHT FOUNDATION (Apr. 25, 2023), <https://knightfoundation.org/articles/why-do-americans-turn-to-individuals-for-news-and-information-personality-trust-perspectives-outside-the-mainstream/>; cf. Elisa Shearer et al., *Americans'*

Beyond mere engagement, personalization may democratize comprehension itself. Much like the push for plain language in government communications that initiated in the mid- to late-1800s,<sup>142</sup> AI-driven systems can adapt complex civic information—budget documents, policy analyses, or scientific findings—to diverse educational backgrounds and learning styles. By offering stratified layers of complexity and contextual explanations tailored to individual knowledge levels, these systems potentially expand the circle of citizens capable of meaningful participation in public discourse.

For communities historically underserved by mainstream media, hyper-local personalization may represent a particularly promising development. Drawing parallels to earlier community newspaper traditions, these systems can theoretically ensure consistent coverage of hyperlocal concerns—neighborhood development projects, school board decisions, or local environmental conditions—fostering the informed local citizenship that has proven essential to community resilience since the earliest days of the republic.

Finally, in an era of declining advertising revenue and subscription fatigue, personalization may offer struggling news organizations a pathway toward sustainable economic models. Much like the specialized industry publications that have historically commanded premium subscription rates,<sup>143</sup> deeply personalized news products potentially create sufficient value to justify tiered subscription models, specialized information services, and other novel revenue streams beyond traditional advertising.

These potential benefits, while compelling, must be weighed against the countervailing risks to collective discourse and democratic functioning—a balancing that requires careful policy design and ongoing empirical

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*Changing Relationship with Local News*, PEW RSCH. CTR. (May 7, 2024), <https://www.pewresearch.org/journalism/2024/05/07/views-of-local-news/> (relaying a decline in local news consumption despite its immediate relevance to a reader).

<sup>142</sup> Michael A. Blasie, *Regulating Plain Language*, 2023 WISC. L. REV. 687, 700–02 (2023) (examining, briefly, the history of plain language statutes).

<sup>143</sup> Lamberto Lambertini & George Montagu, *Dynamic, Cheap and “Shocking”: The Evolution of Paywalls, Pricing, and Trials in the News Industry*, FT STRATEGIES (last accessed May 23, 2025), <https://www.ftstrategies.com/en-gb/insights/dynamic-cheap-and-shocking-the-evolution-of-paywalls-pricing-and-trials-in-the-news-industry> (“Specialist publishers with a differentiated value proposition can charge a premium as general news content becomes commoditised and automated.”); see, e.g., Juan Antonio Giner, *The Financial Times’ Post-Print Digital Newsroom and Mobile Future*, INNOVATION, <https://innovation.media/insights/the-financial-times-post-print-digital-newsroom-and-mobile-future> (last visited Nov. 8, 2025) (documenting the success of the Financial Times as a trade publication that has managed to maintain a high number of subscribers); see generally Christopher M. Booth et al., *The Changing Medical Publishing Industry: Economics, Expansion, and Equity*, 38 J. Gen. In. Med. 3242 (2023) (covering the evolution of medical publication pricing strategies).

assessment of personalization's actual impacts on civic knowledge and engagement.

*C. The Free Speech Conundrum: Filter Bubbles, Viewpoint  
Discrimination, and the Marketplace of Ideas*

Today's AI-driven personalization represents not a wholly new phenomenon but rather the technological culmination of this historical progression, now operating with unprecedented precision and scale. Since the emergence of engagement algorithms on social media platforms, it has become clear that such tools can drastically shape our information environment. More specifically, such algorithms shape our informational diet by selecting which stories appear in our feeds, determining which issues demand our attention, and dictating which perspectives frame our understanding.<sup>144</sup> This has allowed platforms to function as powerful gatekeepers that may inadvertently undermine the marketplace of ideas that has served as the philosophical bedrock of First Amendment jurisprudence and free speech considerations since at least Justice Holmes's dissent in *Abrams v. United States*.<sup>145</sup>

The emergence of AI-powered personalization directly within journalistic institutions represents a significant evolution in how citizens encounter news. As outlined above, consider the seemingly benign innovations that may soon become ubiquitous in modern newsrooms: automatically customized newsletters that present different lead stories to different subscribers; articles dynamically rewritten to match readers' political orientations; local news selectively curated based on neighborhood-level relevance; and complexity levels adjusted to inferred educational backgrounds. These capabilities introduce a far greater range of editorial discretion than traditional editorial decisions about story placement, headline emphasis, or the sort of content ordering typical on social media platforms. They represent a fundamental reimagining of what constitutes "the news" itself<sup>146</sup>—under this very possible future, news may no longer be a shared textual artifact but rather a bespoke information product uniquely configured for each reader.

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<sup>144</sup> Cf. Amy Ross Arguedas et al., *Echo Chambers, Filter Bubbles, and Polarisation: a Literature Review*, REUTERS INST. 2, 4–5 (2022), [https://reutersinstitute.politics.ox.ac.uk/sites/default/files/2022-01/Echo\\_Chambers\\_Filter\\_Bubbles\\_and\\_Polarisation\\_A\\_Literature\\_Review.pdf](https://reutersinstitute.politics.ox.ac.uk/sites/default/files/2022-01/Echo_Chambers_Filter_Bubbles_and_Polarisation_A_Literature_Review.pdf) ("Studies in the UK and several other countries show that the forms of algorithmic selection offered by search engines, social media, and other digital platforms generally lead to slightly more diverse news use – the opposite of what the 'filter bubble' hypothesis posits.").

<sup>145</sup> *Abrams v. United States*, 250 U.S. 616, 630 (1919) (Holmes, J., dissenting).

<sup>146</sup> See Kirsten Eddy et al., *What Is News?*, PEW RSCH. CTR. (May 13, 2025), <https://www.pewresearch.org/journalism/2025/05/13/what-is-news/>.

This shift amplifies the democratic tensions that have existed since partisan papers of the Early National Period,<sup>147</sup> but with a crucial difference in scope and precision. While Americans have always exercised choice in their information consumption—selecting *The Federalist* or *Anti-Federalist* papers, Hearst or Pulitzer newspapers, CNN or Fox News—they previously encountered essentially the same content as others who made similar choices. Today’s emerging AI personalization within newsrooms creates potentially unlimited variations, fracturing the common informational foundation that democratic deliberation presupposes.

The democratic risks emerge not from nefarious intent but from the subtle reinforcement of our innate psychological preferences. When news organizations optimize for “maximum engagement” or “subscriber satisfaction,” they inevitably confront what Walter Lippmann recognized a century ago: citizens often prefer affirmation over contradiction, simplicity over complexity, proximity over distance.<sup>148</sup> Much as yellow journalism discovered that sensationalism sold papers,<sup>149</sup> AI-driven personalization may gravitate toward content that confirms existing beliefs rather than challenges them—creating a technologically enhanced confirmation bias that systematically narrows exposure to contradictory viewpoints. It may also deprive readers of the subtle improvements to their literacy introduced by encountering new words and phrases. Though the idea of ensuring every article reaches a reader at their respective level comes with manifold benefits, such a limitation also warrants concern at a time when literacy rates have dipped.<sup>150</sup>

Unlike traditional editorial decisions, which journalists visibly make and defend, these personalization choices lack transparency and accountability. When a reader encounters a personalized article, they typically remain unaware of the alternative versions other citizens receive—making it impossible to recognize systematic patterns of bias, distortion, or exclusion. This disappearance of a “common text” for critical analysis recalls the challenges faced during the early radio era, when broadcasting rules struggled to ensure balanced presentation of competing perspectives.<sup>151</sup> And,

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<sup>147</sup> David L. Jamison, *Newspapers and the Press*, GALE, <https://gale.com/academic/essays/product/k-r/david-l-jamison-newspapers-press> (last visited Dec. 6, 2025).

<sup>148</sup> See WALTER LIPPMAN, *PUBLIC OPINION passim* (1922).

<sup>149</sup> *Yellow Journalism*, PBS, <https://www.pbs.org/crucible/journalism.html> (last visited Dec. 5, 2025).

<sup>150</sup> Joe Murphy, *Survey: Growing Number of U.S. Adults Lack Literacy Skills*, NBC (Dec. 10, 2024), <https://www.nbcnews.com/data-graphics/survey-growing-number-us-adults-lack-literacy-skills-rcna183498>.

<sup>151</sup> Adrian Cronauer, *The Fairness Doctrine: A Solution in Search of a Problem*, 47 *FED. COMM’NS. L.J.* 51, 57–60 (1994); Thomas G. Krattenmaker & L. A. Powe, Jr., *The Fairness*

without *ex ante* specification of who or *what* bears responsibility for each version of an article, the public may struggle to place blame on the responsible actor or actors for a version that strays too far from the underlying truth, omits key information, or otherwise fails to fully and accurately inform readers. In contrast, an editor-in-chief of a traditional publication may lose their job for publishing erroneous information.<sup>152</sup>

Consider, too, the potential chilling effects on individual information-seeking behavior. As citizens recognize that their reading patterns actively shape future content delivery, they may hesitate to explore perspectives that challenge their existing beliefs—not from external censorship but self-protective instinct. Put differently, they may not want to “change the algorithm” in a way that suddenly fills their feed with information they may only want to encounter on rare occasions, such as speculation over which candidates will run for which offices two years prior to the next election. This subtle self-censorship may narrow the diversity of ideas citizens encounter, undermining the deliberative exchange essential to democratic functioning. It may also render Americans more unwilling to face hard realities. Yes, the news may often seem overly fixated on depressing stories of war, disasters, and economic plight.<sup>153</sup> However, deep knowledge of such events may have direct relevance to personal and political decisions.

These concerns take on particular urgency when we consider how deeply personalization might embed within local journalism. When coverage of town councils, school boards, and community development becomes selectively distributed based on algorithmically determined relevance to each reader, the resulting smorgasbord of stories risks undermining a common understanding of community challenges. Debates around proper COVID-19 policies at the school district level reveal that drastically different understandings of the facts may exacerbate inflamed discussions.<sup>154</sup>

Our existing legal frameworks, constructed around assumptions of visible editorial judgment, offer limited guidance. First Amendment jurisprudence has traditionally granted robust protection to editorial discretion, but algorithmic personalization blurs the boundary between editorial

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*Doctrine Today: A Constitutional Curiosity and an Impossible Dream*, 1985 DUKE L.J. 151, 152–53 (1985).

<sup>152</sup> See Loree Seitz, *New Yorker Archivist Fired After Accusing Editor-in-Chief David Remnick of Inserting Errors Into Her Work*, THE WRAP (July 25, 2022, 9:56 AM), <https://www.the-wrap.com/new-yorker-erin-overbey-fired-david-remnick/>.

<sup>153</sup> Noor Nanji, *More People Turning Away from News, Report Says*, BBC (June 17, 2024), <https://www.bbc.com/news/articles/cj7799jv74vo>.

<sup>154</sup> Erika Cohen, *COVID Still Casts a Shadow Over American School Boards*, ESCHOOL NEWS (Mar. 28, 2025), <https://www.eschoolnews.com/educational-leadership/2025/03/28/covid-still-casts-a-shadow-school-boards/>.

judgment and targeted content delivery in ways existing precedent struggles to address. Traditional requirements for balanced coverage—like the now-defunct Fairness Doctrine—assumed common broadcast content rather than infinitely variable personalized delivery.<sup>155</sup>

For news organizations committed to their democratic function, this new landscape demands personalization designs that consciously prioritize civic values alongside individual preferences. This might include incorporating “serendipity” metrics that ensure exposure to civically important stories regardless of predicted engagement;<sup>156</sup> implementing transparency mechanisms that reveal to readers how and why their personalized content differs from those of others; providing meaningful user control over personalization parameters;<sup>157</sup> and conducting regular ethical audits to assess collective impacts on information diversity.

As we navigate this uncharted territory, we might draw wisdom from earlier media transitions. Just as American society developed normative expectations and regulatory frameworks to govern earlier communication technologies, from postal subsidies for newspapers<sup>158</sup> to broadcast licensing requirements,<sup>159</sup> this new era invites consideration of governance structures better suited to the challenges at hand.

## V. FORGING TRUST IN THE ALGORITHMIC NEWSROOM

The substantial shifts in news production and delivery described above necessitate fundamentally reimagined governance structures. For better or worse, these shifts are not wholly without precedent but instead introduce a challenge reminiscent of earlier media transitions in American history. Just as the rise of radio broadcasting in the 1920s prompted the

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<sup>155</sup> Robert D. Richards, *Resurrecting the Fairness Doctrine: The Quandary of Enforcement Continues*, 37 CLEV. ST. L. REV. 557, 557–58 (1989); See Christina Pazzanese, *Danger in the Internet Echo Chamber*, THE HARV. GAZETTE (Mar. 21, 2017), <https://news.harvard.edu/gazette/story/2017/03/cass-sunsteins-republic-explores-dangers-of-social-media-curation/> (sharing an email exchange involving Cass Sunstein in which she warned of algorithmic tools leading to the creation of a “Daily Me”-type news publication).

<sup>156</sup> See CASS R. SUNSTEIN, #REPUBLIC: DIVIDED DEMOCRACY IN THE AGE OF SOCIAL MEDIA 79–80 (2017); Christina Pazzanese, *Danger in the Internet Echo Chamber*, THE HARV. GAZETTE (Mar. 21, 2017), <https://news.harvard.edu/gazette/story/2017/03/cass-sunsteins-republic-explores-dangers-of-social-media-curation/> (facilitating a conversation around Sunstein’s proposal for an “architecture of serendipity” to underlie social media platforms).

<sup>157</sup> For instance, a paper may require users to again express their preferred news topics, level of literacy, and other variables on a weekly, monthly, or quarterly basis.

<sup>158</sup> Kevin Frazier, *The Marketplace of Ideas Mandate: What the Postal Power Requires from Congress in the Age of AI*, 34 FORDHAM INTELL. PROP. MEDIA & ENT. L.J. 779, 784–85 (2024).

<sup>159</sup> KPMG, *History of the Broadcast License Application Process*, FCC (Nov. 2000), [https://transition.fcc.gov/opportunity/meb\\_study/broadcast\\_lic\\_study\\_pt1.pdf](https://transition.fcc.gov/opportunity/meb_study/broadcast_lic_study_pt1.pdf).

creation of the Federal Radio Commission to navigate novel questions of public interest,<sup>160</sup> today's algorithmic newsroom requires thoughtful institutional design that balances innovation with democratic values. For any systemic integration of AI into journalism to succeed, it must be anchored in public trust. Of course, trust is a scarce asset in today's media environment. Less than half of Americans reporting high confidence in news organizations, down from around 70 percent in the mid-1970s.<sup>161</sup>

This trust deficit is particularly pronounced regarding AI deployment in journalistic contexts.<sup>162</sup> Skepticism stems from layered concerns: the documented tendency of LLMs to produce hallucinations; biases perpetuated by algorithms trained on unrepresentative and antiquated data; the looming displacement of human journalists whose careers have already been decimated by successive waves of economic disruption; and a fundamental unease about surrendering the essential democratic function of information curation to opaque technical systems operating beyond meaningful public accountability.<sup>163</sup> These concerns echo historical patterns of technological skepticism that emerged during previous information revolutions (from the printing press to the telegraph) yet carry unique urgency in our fractured information landscape.

Building and maintaining trust in an AI-powered Fourth Estate requires a deliberate architecture of accountability. Maintenance of accountability in the age of AI requires addressing two related dimensions: democratic governance structures that distribute decision-making authority beyond technical specialists; and clear articulation of the evolving yet irreplaceable role of human journalists as ethical agents and community connectors. Without tackling these fundamental questions of power, purpose, and transparency, even the most sophisticated AI systems risk further eroding rather than reinforcing journalism's essential democratic function.

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<sup>160</sup> Radio Act of 1927, 47 U.S.C. §§ 81–121 (1927); see Jack Karsten, *90 Years Later, the Broadcast Public Interest Standard Remains Ill-Defined*, BROOKINGS (Mar. 23, 2017), <https://www.brookings.edu/articles/90-years-later-the-broadcast-public-interest-standard-remains-ill-defined/>.

<sup>161</sup> Jesse Holcomb, *Media Mistrust Has Been Growing for Decades—Does It Matter?*, PEW (Oct. 17, 2024), <https://www.pewtrusts.org/en/trend/archive/fall-2024/media-mistrust-has-been-growing-for-decades-does-it-matter>.

<sup>162</sup> Amy Ross Arguedas, *Public Attitudes Towards the Use of AI in Journalism*, REUTERS INST. (June 17, 2024), <https://reutersinstitute.politics.ox.ac.uk/digital-news-report/2024/public-attitudes-towards-use-ai-and-journalism>.

<sup>163</sup> See *id.*; Michael Lipka, *Americans Largely Foresee AI Having Negative Effects on News, Journalists*, PEW RSCH. CTR. (Apr. 28, 2025), <https://www.pewresearch.org/short-reads/2025/04/28/americans-largely-foresee-ai-having-negative-effects-on-news-journalists/>.

### A. *Reimagining Governance: The Potential of Cooperative Models*

A critical factor influencing public trust is the perception of who controls the technology and in whose interest it operates. When large, centralized corporate entities—whether established media conglomerates or powerful technology companies—exercise the greatest control over developing and deploying AI systems, public suspicion about motives, accountability, and the potential for commercial or political biases to shape the AI used in newsrooms understandably increases. This context underscores the need to explore alternative ownership and governance structures for news organizations embracing AI, structures designed to embed public interest values and enhance accountability. Among these alternatives, cooperative models offer a particularly promising avenue.

Cooperatives, which exist in various forms such as worker co-ops, consumer co-ops, producer co-ops (like The Associated Press itself),<sup>164</sup> or multi-stakeholder co-ops, typically operate through member ownership and democratic control. Applying these principles to news organizations could take several forms. A newsroom might opt for a worker cooperative structure owned and governed directly by its journalists,<sup>165</sup> ensuring that editorial decisions, including those related to AI implementation, align with journalistic ethics and values. Alternatively, a multi-stakeholder cooperative could include journalists, community members (readers and subscribers, for instance), and potentially even individuals contributing data through the aforementioned participatory models, creating a broader base of democratic oversight. Consortia cooperatives, where multiple independent news outlets pool resources to collectively develop, govern, and utilize shared AI tools and infrastructure, could offer smaller organizations access to sophisticated technology while retaining distributed control.<sup>166</sup>

Which of these models will allow for integration of new technology into the newsroom while also maintaining community support hinges on myriad factors. Each outlet will likely have to fine-tune their selected governance approach to local characteristics, presumably after significant community engagement about the best model. That said, newsrooms may want

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<sup>164</sup> *About AP*, THE ASSOCIATED PRESS (last accessed May 24, 2025), <https://www.ap.org/about/>.

<sup>165</sup> Angela Fu, *Why More and More Journalists are Launching Worker-Owned Outlets*, POYTNER (Jan. 8, 2025), <https://www.poynter.org/business-work/2025/worker-owned-news-publications-media-coops/>.

<sup>166</sup> See, e.g., Noodle Pros, *College Consortia: A Cooperative Model That Offers Students Greater Value*, FORBES (Feb. 1, 2017), <https://www.forbes.com/sites/noodleeducation/2017/02/01/college-consortia-a-cooperative-model-that-offers-students-greater-value/>.

to prime those conversations with a stated intention of pursuing a cooperative model.

The inherent democratic nature of cooperative governance offers several advantages for building trust in the context of AI. Members, through boards or direct voting mechanisms, could collectively participate in crucial decisions regarding AI strategy and deployment. This could include setting editorial priorities for AI monitoring and reporting (e.g., focusing AI analysis on specific community concerns like housing affordability or environmental justice); establishing binding ethical guidelines for AI use (such as limiting the extent to which stories will change their content to appeal to readers), covering issues like data privacy, algorithmic transparency, bias mitigation strategies, and required levels of human oversight; governing the collection and use of community data, ensuring it aligns with members' expectations and values, particularly in models involving data trusts or participatory sharing; and providing ongoing oversight of AI system performance and impact, ensuring alignment with the organization's mission and community needs.

By distributing control and fostering transparency, cooperative models can directly counter public fears of unaccountable corporate or technological influence over the news. They create structures where the news organization becomes more accountable to its journalists and the community it serves. This approach resonates with broader movements advocating for more participatory and collectively governed AI development, such as the use of alignment assemblies, citizens' juries, or participatory design workshops to incorporate public input into AI systems.<sup>167</sup> While establishing and scaling cooperative news organizations undoubtedly faces financial and operational challenges, particularly in the current media economy, they represent a powerful structural mechanism for embedding public interest values, enhancing legitimacy, and fostering the trust necessary for the responsible adoption of AI in journalism.

### *B. Redefining and Reasserting the Value of the Human Journalist*

Public trust in news, particularly as AI systems automate more journalistic tasks, will continue to hinge on the perceived competence, integrity, and indispensability of human journalists. As AI handles routine functions, news organizations must proactively counter narratives of human

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<sup>167</sup> See Claudia Chwalisz, *Citizen-led AI Governance*, DEMOCRACYNEXT (last accessed May 24, 2025), <https://www.demnext.org/projects/ai-governance>; Jack Stilgoe, *AI has a Democracy Problem. Citizens' Assemblies Can Help.*, SCI. (Aug. 22, 2024), <https://www.science.org/doi/10.1126/science.adr6713>.

obsolescence that could erode trust, especially if audiences perceive a surrender of critical thinking to AI. This warrants a clear articulation of the evolving, uniquely human skills central to ethical, high-quality journalism, alongside a commitment to defining which functions remain exclusively human endeavors.

To reinforce accountability and maintain ethical standards, newsrooms may adopt “redlines” around when AI may not play a role in its operations, explicitly reserving certain core journalistic responsibilities for human oversight and final decision-making.<sup>168</sup> These non-delegable functions could include decisions intimately wound up in society’s understandings of the journalism profession,<sup>169</sup> such as ultimate determinations of newsworthiness for sensitive or complex topics, final editorial approval before any content publication, and the exercise of nuanced ethical judgment, particularly in situations involving potential harm, privacy infringements, or complex moral considerations. Furthermore, the cultivation and management of confidential source relationships, which depend deeply on human trust, empathy, and discretion, may represent another area left within the human domain. Minimally, it seems likely that readers and the public will demand that human journalists bear responsibility for the veracity and fairness of all published material. The alternative—permitting journalists to simply blame faulty AI systems for misleading or low-quality news—seems destined to only further diminish the industry’s current standing.

This process of redefining roles and integrating AI must remain dynamic and adaptive. Journalistic norms, individual responsibilities, and the application of AI tools require continuous evaluation and adjustment through an iterative process. News organizations and journalists should consistently assess technological advancements, weighing new AI capabilities against evolving community norms regarding information accuracy, fairness, and transparency. Simultaneously, they may need to regularly consider the shifting demands of the news environment itself, ensuring that AI adoption serves the public interest and reinforces journalism’s

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<sup>168</sup> See Timothy Kang, *AI Red Lines: What Should Never Be Automated?*, THE AI POWER REPORT (Apr. 7, 2025), <https://www.linkedin.com/pulse/ai-red-lines-what-should-never-automated-timothy-kang-12mnc/>; see Kara Manke, *How to keep AI from killing us all*, BERKELEY NEWS (Apr. 9, 2024), <https://news.berkeley.edu/2024/04/09/how-to-keep-ai-from-killing-us-all/> (interviewing Stewart Russell about red lines that may need to govern AI development); cf. Kevin Frazier & Alan Z. Rozenstein, *Scaling Laws: Ethan Mollick: Navigating the Uncertainty of AI Development*, LAWFARE (July 10, 2025), <https://www.lawfaremedia.org/article/scaling-laws-ethan-mollick-navigating-the-uncertainty-of-ai-development> (interviewing Ethan Mollick) (discussing the contexts in which long-held expectations of tasks reserved for professionals, such as grading exams by professors, should cut against use of AI to perform that task).

<sup>169</sup> See Frazier & Rozenstein, *supra* note 168.

democratic functions rather than merely pursuing technological novelty or efficiency.

News organizations that want to strengthen community ties should clearly explain to their audiences how journalists work alongside technology in their newsrooms, outlining both current practices and how these roles continue to evolve. Without this transparent communication, even the most thoughtful adaptations to changing industry demands will fail to resonate with the public. Positioning human journalists as the essential drivers of investigation, analysis, ethics, and narrative—responsive to both technological possibilities and societal needs—seems fundamental to preserving trust in an AI-influenced media environment.

## VI. ADDRESSING UNCHARTED TERRITORIES: ECONOMIC SHIFTS, EQUITY CONCERNS, AND EMERGING RISKS

Beyond newsroom-by-newsroom and community-by-community considerations, the integration of AI into journalism presents a constellation of systemic challenges. These emerging issues, characterized by their interconnected nature and far-reaching implications, will fundamentally determine AI's long-term impact on the news landscape and demand sustained, coordinated attention from researchers, policymakers, and industry stakeholders as this technological transformation unfolds.

### A. Economic Disruption and Structural Transformation

Among the most immediate and publicly visible concerns centers on AI's profound economic repercussions for both employment patterns and established business models within the journalism industry. The specter of job displacement looms particularly large in a sector already experiencing precipitous contraction,<sup>170</sup> as AI's capacity to automate tasks traditionally performed by journalists, editors, and support staff generates understandable anxieties about workforce reduction. However, this technological shift presents a more nuanced employment landscape than simple substitution models suggest.<sup>171</sup> While AI will undoubtedly automate certain functions

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<sup>170</sup> See Pete Pachal, *How AI could sabotage the next generation of journalists*, FAST CO. (May 16, 2025), <https://www.fastcompany.com/91335432/ai-could-sabotage-next-generation-journalists>.

<sup>171</sup> Compare Khaled Diab, *What future for journalism in the age of AI?*, ALJAZEERA (July 19, 2023), <https://www.aljazeera.com/opinions/2023/7/19/what-future-for-journalism-in-the-age-of-ai> (citing Tracy Quan for the idea that demand for quality journalism will withstand the threat posed by AI) with Arthur Murauskas, *AI won't replace journalists, but it will favour those leveraging its strengths*, INT'L NEWS MEDIA (Mar. 6, 2025), <https://www.inma.org/blogs/digital->

and potentially diminish some existing roles, it simultaneously generates demand for entirely new skill sets and professional categories keyed in on AI oversight, data science, prompt engineering, ethical AI governance, and specialized digital content strategy.<sup>172</sup>

The net employment effects remain highly uncertain and will likely vary significantly based on how news organizations choose to implement AI technologies.<sup>173</sup> Organizations that deploy AI primarily as a cost-reduction mechanism may indeed reduce their workforce, while those that reinvest efficiency gains into enhanced reporting capacity and new journalistic capabilities may maintain or even expand employment. This divergence in implementation strategies underscores the critical importance of organizational leadership decisions and industry-wide policy frameworks in shaping AI's ultimate impact on journalism employment.

As explored above, beyond workforce considerations, continued advances in AI fundamentally challenge existing business models and revenue structures. Critical questions persist regarding whether AI-driven operational efficiencies and new capabilities, such as sophisticated audience personalization and automated content generation, can forge financially sustainable pathways for news organizations, particularly at the local level where economic pressures are most acute.<sup>174</sup> That said, potential new revenue streams may emerge thanks to AI. Tomorrow's most profitable outlets may be those that lean into premium personalized services, licensing of proprietary AI tools to other organizations, or development of novel information products that leverage AI capabilities in unprecedented ways.

However, a significant economic risk involves news organizations' increasing reliance on AI infrastructure presently provided by major technology companies.<sup>175</sup> This dependence could deepen the existing power

strategies/post.cfm/ai-won-t-replace-journalists-but-it-will-favour-those-leveraging-its-strengths (forecasting a \$40 billion market for AI-based journalism by 2033).

<sup>172</sup> Arthur Murauskas, *AI won't replace journalists, but it will favour those leveraging its strengths*, INT'L NEWS MEDIA ASS'N (Mar. 6, 2025), <https://www.inma.org/blogs/digital-strategies/post.cfm/ai-won-t-replace-journalists-but-it-will-favour-those-leveraging-its-strengths>.

<sup>173</sup> See David Caswell, *AI and journalism: What's next?*, REUTERS INST. (Sept. 19, 2023), <https://reutersinstitute.politics.ox.ac.uk/news/ai-and-journalism-whats-next>.

<sup>174</sup> See Steven Waldman, *How AI could sap — or save — local news*, POYNTER (Jan. 25, 2024), <https://www.poynter.org/commentary/2024/how-ai-could-sap-or-save-local-news/>; cf. Ben Mateev, *How generative AI can help local newspapers survive*, PRESS GAZETTE (June 18, 2024), <https://pressgazette.co.uk/comment-analysis/ai-local-newspapers-survival/> (discussing a future in which AI improves the economic stability of local news).

<sup>175</sup> See Jai Vipra & Anton Korinek, *Market Concentration Implications of Foundation Models: The Invisible Hand of ChatGPT*, BROOKINGS INST. (Sept. 7, 2023), <https://www.brookings.edu/articles/market-concentration-implications-of-foundation-models-the-invisible-hand-of-chatgpt/>; see also Tania Babina et al., *Artificial intelligence, firm growth, and product innovation*, 151 J. FIN. ECON. at 3 (2024).

imbalance between news creators and technology platforms,<sup>176</sup> potentially diverting economic value from journalism organizations to AI infrastructure providers. Alternative economic and governance structures, including the cooperative models previously outlined and collaborative AI development initiatives, may offer pathways toward more equitable distribution of benefits from AI innovation in journalism, though these approaches remain largely experimental and unproven at scale.

### B. Information Inequality and Access Disparities

AI's integration into journalism risks significantly exacerbating existing digital divides and information inequalities, creating new forms of stratification in access to quality news and information.<sup>177</sup> If sophisticated AI-enhanced journalism becomes predominantly accessible through expensive subscription models, or if its effective utilization requires advanced digital literacy skills and high-end technological devices, AI could substantially widen the gap between information “haves” and “have-nots” in society.<sup>178</sup>

This concern extends beyond individual consumer access to encompass the capacity of smaller, diverse news outlets to leverage AI technologies effectively. Resource-constrained organizations may find themselves unable to compete with well-funded competitors that can afford sophisticated AI tools and expertise. If this is indeed the way the media landscape

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<sup>176</sup> Clara Hendrickson, *Local Journalism in crisis: why America must revive its local newsrooms*, BROOKINGS INST. (Nov. 12, 2019), <https://www.brookings.edu/articles/local-journalism-in-crisis-why-america-must-revive-its-local-newsrooms/>; cf. Charlie Warzel, *The Great Social Media-News Collapse*, ATLANTIC (Nov. 3, 2023), <https://www.theatlantic.com/technology/archive/2023/11/social-media-news-readership-decline/675890/> (contesting the overly simplistic idea that social media platforms undercut journalism in the 2010s and beyond); David Moschella, *The Internet Isn't Destroying Journalism; It's Restructuring the News Business*, INFO TECH. & INNOVATION FOUND. (May 1, 2023), <https://itif.org/publications/2023/05/01/the-internet-is-restructuring-the-news-business/> (exploring the impact of social media platforms on journalism as well as its effects on journalists).

<sup>177</sup> Klaus Schwab, *It took nearly 4 years to connect a billion people to vital digital services – we must redouble our efforts as the world enters the age of AI*, WORLD ECON. F. (Sept. 25, 2024), <https://www.weforum.org/stories/2024/09/intelligent-age-ai-edison-alliance-digital-divide/>; Rahul Dogra, *The AI Divide: How AI is Deepening the Digital Divide*, AI WORLD TODAY (Feb. 7, 2025), <https://www.aiworldtoday.net/p/the-ai-divide>.

<sup>178</sup> Richard Fletcher, *Paying for News and the Limits of Subscription*, REUTERS (2019), <https://www.digitalnewsreport.org/survey/2019/paying-for-news-and-the-limits-of-subscription/> (analyzing whether “[i]n a world of hard paywalls, will a sharp divide between those who are willing and able to pay for online news, and those who are not, create information inequalities?”).

evolves, then it may lead to further consolidation and reduced diversity of voices and perspectives in news coverage.<sup>179</sup>

Ensuring equitable access to AI-powered journalism benefits requires deliberate intervention across multiple dimensions. For consumers, this necessitates initiatives that bridge socioeconomic barriers to accessing AI-enhanced news products. For news organizations, it demands support mechanisms that enable smaller outlets to compete effectively in an AI-transformed landscape. Public media organizations, libraries, and community technology centers could play vital roles in addressing these disparities through access initiatives, digital literacy training programs, and shared AI infrastructure that reduces individual organizations' technological barriers to entry. By way of example, some higher education institutions such as Wharton have released public AI prompt libraries that allow academics from less tech-forward institutions to stay on the leading edge of AI integration.<sup>180</sup> A similar library could help level the playing field when it comes to creative uses of AI by newsrooms.

### C. *Cybersecurity Vulnerabilities and Information Integrity Threats*

The increasing reliance on interconnected AI systems and automated data feeds in newsroom operations introduces novel cybersecurity vulnerabilities and information integrity risks that differ qualitatively from traditional digital security concerns.<sup>181</sup> These emerging threats operate across multiple vectors and could severely compromise both individual news organizations' credibility and the broader information ecosystem's reliability.<sup>182</sup>

Malicious actors may attempt to compromise AI-powered journalism through several sophisticated attack vectors. Data poisoning attacks could introduce false narratives or biased perspectives into AI training datasets, subtly influencing the systems' outputs in ways that may be difficult to

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<sup>179</sup> See Emilia David, *The New York Times is building a team to explore AI in the newsroom*, THE VERGE (Jan. 30, 2024), <https://www.theverge.com/2024/1/30/24055718/new-york-times-generative-ai-machine-learning> (detailing the investments in AI expertise made by the *New York Times*).

<sup>180</sup> *Prompt Library*, WHARTON SCH. (last accessed May 24, 2025), <https://gail.wharton.upenn.edu/prompt-library/>.

<sup>181</sup> See Charlie Lewis et al., *AI is the greatest threat—and defense—in cybersecurity today. Here's why.*, MCKINSEY & CO. (May 15, 2025), <https://www.mckinsey.com/about-us/new-at-mckinsey-blog/ai-is-the-greatest-threat-and-defense-in-cybersecurity-today>.

<sup>182</sup> See Press Release from Chad Boutin, *NIST, NIST Identifies Types of Cyberattacks That Manipulate Behavior of AI Systems* (Jan. 4, 2024), <https://www.nist.gov/news-events/news/2024/01/nist-identifies-types-cyberattacks-manipulate-behavior-ai-systems/>.

detect.<sup>183</sup> Algorithmic manipulation could involve exploiting AI systems to promote specific political or commercial agendas through carefully crafted inputs that trigger desired outputs.<sup>184</sup> Direct system compromises might target AI software vulnerabilities to launch denial-of-service attacks or gain unauthorized access to sensitive newsroom data and sources.<sup>185</sup>

Perhaps most concerning is the potential deployment of generative AI technologies to create highly convincing disinformation at unprecedented scale and sophistication,<sup>186</sup> a concern that has yet to fully manifest<sup>187</sup> but may become more likely in a world of AI-first newsrooms. As AI-generated content becomes increasingly difficult to distinguish from human-created material, the threat landscape for information manipulation expands, potentially undermining public trust in legitimate journalism and enabling more effective propaganda campaigns. Just one of these aforementioned types of cyber attacks, if successful, could derail some of the information schemes and novel AI use cases detailed throughout this Article.<sup>188</sup>

Defending against these threats requires developing robust, AI-specific cybersecurity protocols that go beyond traditional information

<sup>183</sup> *Id.*; Audra Simons, *Unpacking AI Data Poisoning*, FEDTECH (Jan. 11, 2024), <https://fedtechmagazine.com/article/2024/01/unpacking-ai-data-poisoning>.

<sup>184</sup> Corneliu Bjola, *Algorithmic invasions: How information warfare threatens NATO's eastern flank*, NATO REVIEW (Feb. 7, 2025), <https://www.nato.int/docu/review/articles/2025/02/07/algorithmic-invasions-how-information-warfare-threatens-nato-s-eastern-flank/index.html>; see generally Steven M. Williamson & Victor Prybutok, *The Era of Artificial Intelligence Deception: Unraveling the Complexities of False Realities and Emerging Threats of Misinformation*, 15 INFO. 299 (2024).

<sup>185</sup> Jennifer Gregory, *Are new Gen AI tools putting your business at additional risk?*, IBM (Sept. 25, 2024), <https://www.ibm.com/think/news/are-new-genai-tools-putting-your-business-at-risk>; Irshaad Jada & Thembekile O. Mayayise, *The impact of artificial intelligence on organisational cyber security: An outcome of a systematic literature review*, 8 DATA & INFO. MANG. (2024), <https://www.sciencedirect.com/science/article/pii/S2543925123000372>.

<sup>186</sup> See Marina Adami, *How AI-generated disinformation might impact this year's elections and how journalists should report on it*, REUTERS INSTITUTE (Mar. 15, 2024), <https://reutersinstitute.politics.ox.ac.uk/news/how-ai-generated-disinformation-might-impact-years-elections-and-how-journalists-should-report>; Ali Swenson & Kelvin Chan, *Election disinformation takes a big leap with AI being used to deceive worldwide*, THE ASSOCIATED PRESS (Mar. 14, 2024), <https://apnews.com/article/artificial-intelligence-elections-disinformation-chatgpt-bc283e7426402f0b4baa7df280a4c3fd>.

<sup>187</sup> Felix M. Simon et al., *Misinformation reloaded? Fears about the impact of generative AI on misinformation are overblown*, 4 HKS MISINFO. REV. 1 *passim* (2023).

<sup>188</sup> See Shinichi Kamiya et al., *Economic and Financial Consequences of Corporate Cyberattacks*, NBER (May 30, 2018), <https://www.nber.org/digest/jun18/economic-and-financial-consequences-corporate-cyberattacks> (“After suffering a breach of customers’ personal data, the average attacked firm loses 1.1 percent of its market value and experiences a 3.2 percentage point drop in its year-on-year sales growth rate.”); but see Kristen Doerer, *Consumers are becoming apathetic to cyber incidents, research finds*, CYBERSECURITY DIVE (Jan. 13, 2025), <https://www.cybersecuritydive.com/news/consumer-trust-cyber-incident-data-breach/737145/>.

security measures. News organizations must implement sophisticated methods for detecting AI-generated manipulation, establish secure AI development and deployment practices, and create incident response procedures tailored to AI-specific threats. Industry-wide collaboration on cybersecurity standards and threat intelligence sharing becomes essential for maintaining collective defense against increasingly sophisticated attacks.

#### *D. Regulatory Fragmentation and Compliance Challenges*

The global regulatory landscape for AI exhibits significant fragmentation, with different nations and regions adopting markedly distinct approaches to AI governance. This regulatory divergence creates substantial compliance challenges for news organizations operating internationally and may have profound implications for the development and deployment of AI technologies in journalism.

The European Union's comprehensive AI Act represents one of the most ambitious attempts at AI regulation, imposing varying levels of oversight and compliance requirements based on perceived risk levels of different AI applications.<sup>189</sup> This risk-based approach may eventually classify certain journalism applications as high-risk, subjecting them to stringent requirements for transparency, human oversight, and algorithmic accountability.<sup>190</sup> Meanwhile, the United States currently employs a more fragmented regulatory strategy, with sector-specific guidance from various federal agencies and divergent state-level initiatives that create a complex patchwork of requirements.<sup>191</sup>

This regulatory fragmentation poses particular challenges for international news organizations that must navigate multiple, potentially conflicting regulatory frameworks. Cross-border data flows, which are essential for training AI models on diverse datasets, may be restricted or complicated by different jurisdictions' data protection and AI governance requirements.

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<sup>189</sup> See, e.g., *EU AI Act: first regulation on artificial intelligence*, EUROPEAN PARLIAMENT (Feb. 19, 2025), <https://www.europarl.europa.eu/topics/en/article/20230601STO93804/eu-ai-act-first-regulation-on-artificial-intelligence>.

<sup>190</sup> See *id.* (describing the different risk buckets). As of this writing, uses of AI by the media sector generally fall outside the high risk category. However, some academics have questioned whether that categorization aligns with the risks posed by integration of AI into journalistic endeavors. See *The EU AI Act and its Implications for the Media Sector*, ALGOSOC (Apr. 3, 2024), <https://algosoc.org/results/panel-discussion-on-the-ai-act-and-its-implications-for-the-media-sector> (reviewing the statements of various academics on the EU AI Act and its application to newsrooms).

<sup>191</sup> See Ferial Saeed, *The Uncertain Future of AI Regulation in a Second Trump Term*, STIMSON (Mar. 13, 2025), <https://www.stimson.org/2025/the-uncertain-future-of-ai-regulation-in-a-second-trump-term/>.

The resulting compliance burden could disproportionately impact smaller news organizations that lack the resources to navigate complex international regulatory landscapes, potentially creating competitive advantages for larger organizations with dedicated legal and compliance teams. A patchwork of state AI regulations could likewise burden solely domestic news outlets.<sup>192</sup>

Furthermore, regulatory divergence may influence the pace and direction of AI development in different regions, potentially creating technological disparities that affect news organizations' competitive positioning globally. Organizations operating in more restrictive regulatory environments might find themselves at a disadvantage compared to competitors in jurisdictions with more permissive AI governance frameworks.

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The economic transformations, equity dilemmas, information integrity threats, and regulatory disarray detailed above are not discrete obstacles, but facets of a larger systemic challenge posed by AI's rapid integration into journalism. Their interconnectedness and profound implications demand more than piecemeal fixes or reactive adjustments. Instead, they compel a holistic assessment and a deliberate forward-looking strategy to ensure that AI's role in the news landscape is shaped by design rather than by default, aligning technological advancement with the enduring values and functions of journalism.

## CONCLUSION

AI integration into journalism has moved beyond theoretical possibility to accelerating reality. The industry now faces a pivotal choice: pursue incremental adoption that merely layers AI tools onto failing structures or embrace systemic redesign that rebuilds newsrooms around AI capabilities while strengthening journalistic ethics and public trust. This Article advocates for the transformative path, drawing on disruption frameworks to demonstrate that fundamental reorganization—not piecemeal implementation—offers journalism's best hope for addressing existential crises while fulfilling its democratic mission.

This transformation demands coordinated action across multiple fronts. News organizations must engineer automated information pipelines and participatory data collection systems while navigating complex privacy and copyright law, particularly fair use doctrine as applied to AI training

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<sup>192</sup> See Kevin Frazier & Adam Thierer, *1,000 AI Bills: Time for Congress to Get Serious About Preemption*, LAWFARE (May 9, 2025), <https://www.lawfaremedia.org/article/1-000-ai-bills--time-for-congress-to-get-serious-about-preemption> (examining the ramifications of myriad state AI regulations with varying requirements and definitions on AI development and adoption).

data. They must deploy AI as first drafters within workflows that explicitly elevate human journalists to verification, analysis, and ethical judgment roles. They must explore personalized delivery systems that enhance engagement without fragmenting the public sphere or compromising First Amendment values. Most critically, they must anchor these changes in robust governance structures—potentially including cooperative models—that embed democratic accountability and maintain transparency throughout the transition.

Success requires sustained collaboration among journalists, technologists, policymakers, and the public. Targeted legal reforms can clarify fair use for journalistic AI applications, establish algorithmic accountability standards, and support diverse governance structures. Strategic investments in media literacy and public engagement can transform citizens from passive consumers into active stakeholders in shaping AI's role in news. The challenges are formidable, but the stakes are clear: either journalism proactively harnesses AI to strengthen democratic discourse or it risks further erosion of its capacity to serve the public interest. The choice between systemic redesign and continued decline will determine whether AI becomes journalism's salvation or its final disruption.

## APPENDIX A

Here is how to adjust for readers in Louisiana and California:

For a Reader in Louisiana:

Louisiana has a complex relationship with education, including charter schools, and a generally conservative populace where religious viewpoints are prominent. National political tides also have a strong impact.

Proposed Order & Titles (Louisiana):

1. Original: “Justices rejected the nation’s first religious charter school”
  - New Title: “Supreme Court Blocks Nation’s First Religious Charter School: What It Means for Education”
  - Reasoning: This story likely has high relevance in Louisiana, where debates around school choice, charter schools, and the role of religion in education are ongoing. Leading with it addresses a key local concern through a national lens. The title is direct and highlights the core issue and its broader educational implications.
2. Original: “Trump’s domestic agenda squeaked through the House”
  - New Title: “Trump’s Sweeping Domestic Agenda Narrowly Clears House: What’s In It for Louisiana?”
  - Reasoning: This is major national news with direct consequences. Framing it with a question about local impact (“What’s In It for Louisiana?”) can increase engagement and perceived relevance.
3. Original: “Man charged with murder in killing of Israeli Embassy aides”
  - New Title: “Arrest Made in Killing of Israeli Embassy Aides; Global Tensions Watched”
  - Reasoning: This remains an engaging story due to its serious nature. The revised title is slightly more formal and hints at broader geopolitical implications, which fits a national/international news slot.

4. Original: “Trump officials blocked Harvard from enrolling foreign students”
  - New Title: “Report: Trump Officials Intervened to Block Foreign Students at Harvard”
  - Reasoning: While important, this story might have less immediate resonance in Louisiana compared to the others. “Report:” adds a touch of journalistic sourcing, and “intervened” is a strong verb. It’s still newsworthy but can be placed after more locally impactful or broader national policy news.

Why this order for Louisiana?

It prioritizes a Supreme Court decision with direct relevance to state-level debates, followed by broad national policy with a localized hook, then the international incident, and finally, a more specific administrative/political story. This order aims to balance democratic discourse (SCOTUS, legislative agenda) with engagement.

For a Reader in California:

California has a massive public education system, a large immigrant population, a tech sector reliant on global talent, and is often at the forefront of national policy debates, frequently taking progressive stances.

Proposed Order & Titles (California):

1. Original: “Trump officials blocked Harvard from enrolling foreign students”
  - New Title: “Revealed: Trump Officials Acted to Bar Foreign Students from Harvard – Impact on CA Universities?”
  - Reasoning: This story could be highly resonant in California, home to many world-class universities and a large international student body. The “Revealed” framing adds an investigative feel, and posing a question about California universities directly links it to local concerns and potential economic/academic impacts.
2. Original: “Trump’s domestic agenda squeaked through the House”
  - New Title: “Trump’s Domestic Agenda Passes House by Razor-Thin Margin: What it Means for California”

- Reasoning: California is often directly affected by or opposed to federal domestic agendas. Highlighting the narrow passage and directly asking about the implications for California boosts relevance and serves democratic discourse.
3. Original: “Justices rejected the nation’s first religious charter school”
- New Title: “Supreme Court Denies First Religious Charter School Bid: National Precedent Set”
  - Reasoning: This is a significant legal decision with national implications that Californians, particularly those interested in civil liberties and education policy, would find important. “National Precedent Set” underscores its importance for democratic discourse.
4. Original: “Man charged with murder in killing of Israeli Embassy aides”
- New Title: “Man Charged in Fatal Attack on Israeli Embassy Aides; International Security Alert”
  - Reasoning: This is still a major news story, but for a California audience, the other three might have more direct policy or local higher education implications. The title emphasizes the security aspect.

Why this order for California?

It leads with a story that has strong implications for California’s higher education system and innovation economy. This is followed by the broad domestic agenda’s impact on the state, then the significant Supreme Court ruling. This order balances high potential engagement (Harvard story’s implications for CA) with crucial news for democratic discourse.