

FOR IMMEDIATE RELEASE

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WLF Urges FTC to Withdraw Unconstitutional “Ideological Bias” Proposal (*In re Suppression of Accuracy in Artificial Intelligence*)

“The Constitution forbids the Federal Trade Commission from acting as the Federal Truth Commission.”

— Zac Morgan, WLF Senior Litigation Counsel

WASHINGTON, DC—Washington Legal Foundation (WLF) today urged the Federal Trade Commission (FTC) to withdraw a proposed policy statement contending that AI systems with “undisclosed ideological objectives” violate a federal law barring unfair or deceptive business practices.

Under the proposed policy, if a company touted its AI system as a superior model at answering user queries, but the platform gave answers the federal government found insufficiently supported, the FTC could bring an enforcement action. The proposed statement suggests that companies can avoid this liability by posting a conspicuous disclaimer advising users that the platform has a hidden agenda.

WLF’s comment explains why this proposal violates the First Amendment and should be withdrawn. The FTC’s proposed policy rests on the false premise that there is an easily administrable distinction between fact and opinion, and that the government can police facts without infringing on protected speech. That is not so. And the Commission’s proposed disclaimer regime is no fix. Two First Amendment wrongs (speech regulation and compelled-speech) can’t make a constitutional right.

Celebrating its 49th year, WLF is America’s premier public-interest law firm and policy center advocating for free-market principles, limited government, individual liberty, and the rule of law.

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