

July 2, 2026

Via Regulations.gov

Federal Trade Commission
Office of the Secretary
600 Pennsylvania Avenue NW
Washington, DC 20580

Re: X Corp. Petition to Reopen and Set Aside or Modify Decision and Order, Docket No. C-4316

Dear Commissioners:

We are scholars at the Ethics and Public Policy Center (EPPC) and we submit this comment because X's petition before the Commission raises questions that go well beyond one company or one consent decree. EPPC works to apply the riches of the Jewish and Christian traditions to contemporary questions of law, culture, and politics in service of America's civic and cultural renewal. That mission requires a public square in which citizens can speak the truth about human dignity, religious liberty, the family, life, medicine, technology, and the common good without fear that government power will be used to silence disfavored views. Ryan T. Anderson is President of EPPC and author of several books, including one that was banned by Amazon for four years. Rachel N. Morrison is an EPPC fellow, the director of EPPC's Administrative State Accountability Project, and a former attorney with the Equal Employment Opportunity Commission. Dr. Aaron Kheriaty is an EPPC fellow and the director of EPPC's Bioethics, Technology, and Human Flourishing Program.

In recent years, Americans have witnessed the growth of what Dr. Kheriaty has called a censorship Leviathan: a machinery of public and private power designed not merely to remove discrete unlawful content, but to manage the boundaries of permissible thought and debate.¹ During the Biden Administration, officials and allied institutions treated dissent from official narratives on COVID, abortion, gender ideology, religious liberty, and other contested issues as a threat to be contained.² Speech was not judged principally by whether it was true, but by whether it was in lockstep with official government policy.

That approach is incompatible with a free society. The now-familiar categories of "misinformation," "disinformation," and "malinformation" function as tools of control. Most troubling is the idea that true information can become objectionable because it lacks approved context or may lead citizens to draw conclusions government officials dislike. Once the state claims

¹ See Aaron Kheriaty, *Slaying the Censorship Leviathan*, Tablet Mag. (June 5, 2023), <https://www.tabletmag.com/sections/news/articles/slaying-censorship-leviathan>.

² See Aaron Kheriaty & Jenin Younes, *The White House Covid Censorship Machine*, Wall St. J. (Jan. 8, 2023), <https://www.wsj.com/articles/white-house-covid-censorship-machine-social-media-facebook-meta-executive-rob-flaherty-free-speech-google-11673203704>.

authority to protect the public’s “cognitive infrastructure,” the object of regulation becomes the very mind of the citizen.

EPPC scholars have direct experience with the consequences of this machinery. Dr. Kheriaty was among the private plaintiffs in *Missouri v. Biden*, the landmark challenge to federal pressure on social-media platforms.³ He and other plaintiffs sued after they were censored for COVID and public-health speech disfavored by the government.⁴ In one instance, after Dr. Kheriaty discussed the ethics and legality of vaccine mandates in an interview with independent journalist Alison Morrow, YouTube removed the interview and suspended Morrow’s channel; Morrow was then told by her state employer to remove the interview from other platforms or face termination, and she was later dismissed after refusing to do so.

EPPC scholars have also seen ideological gatekeeping in other contexts. EPPC President Anderson’s book *When Harry Became Sally* was removed from Amazon because it challenged the prevailing orthodoxy on gender ideology.⁵ Both of these episodes illustrate the broader problem: when powerful institutions declare contested moral and scientific questions off limits, the public loses access to serious arguments precisely when those arguments are most needed. A free society cannot permit public debate about the human person, the family, medicine, and religious truth to be governed by ideological filters enforced by dominant platforms or encouraged by government pressure.

We urge the Commission to evaluate X Corp.’s petition with those lessons in mind. The Commission should not permit this consent decree to become a standing mechanism for government influence over one of the nation’s most important forums for public debate. And the Commission should consider that this decree—if left in place—will be a tool that a future administration could use to pressure X over the viewpoints permitted on the platform. The First Amendment forbids government from accomplishing “indirectly” what it cannot do “directly.”⁶

The danger is real. The record developed in *Missouri v. Biden*, the Twitter Files, and related public reporting revealed how pressure from government officials and government-adjacent entities could induce platforms to suppress speech at scale.⁷ Platforms need not receive a formal censorship order to understand what powerful regulators expect. Threats, persistent demands, requests for “partnership,” access to privileged reporting channels, and the prospect of adverse regulatory consequences can be enough to make private companies alter policies, demote content, restrict users, or suppress entire categories of speech.⁸

The administrative-law principles at stake here are equally important. Under our constitutional structure, agencies possess only the authority the President or Congress has expressly given them. Recent Supreme Court decisions have properly restored attention to statutory text, separation of powers, and the danger of agencies claiming vast regulatory authority from old or

³ See *Murthy v. Missouri*, 603 U.S. 43 (2024).

⁴ See Kheriaty, *supra* note 1.

⁵ *Amazon Lifts Ban on Ryan Anderson*, Ethics & Pub. Pol’y Ctr. (Feb. 5, 2025), <https://eppc.org/news/amazon-lifts-ban-on-ryan-anderson/>.

⁶ See *Nat’l Rifle Ass’n of Am. v. Vullo*, 602 U.S. 175, 190 (2024) (“[A] government official cannot do indirectly what she is barred from doing directly: A government official cannot coerce a private party to punish or suppress disfavored speech on her behalf.”).

⁷ See Kheriaty, *supra* note 1; Kheriaty & Younes, *supra* note 2.

⁸ See Kheriaty & Younes, *supra* note 2; *Murthy*, 603 U.S. at 96–140 (Alito, J., dissenting).

ambiguous legal instruments.⁹ It is crucial that this consent decree not become a substitute for legislation, a permanent license to supervise a communications platform, or an end-run around the limits Congress placed on the FTC's statutory mission.

Taking the petition seriously would not undermine legitimate consumer-protection efforts, including the Commission's recent attention to deceptive claims related to sex-rejecting procedures. To the contrary, protecting consumers from deception and protecting citizens from censorship are complementary goods. The Commission's recent lawsuit against the WPATH reflects the proper use of consumer-protection authority to address allegedly false or unsubstantiated claims made to parents and children.¹⁰ The public cannot evaluate claims about sex-rejecting procedures, COVID policy, abortion, religious liberty, or any other contested issue if one side of the debate is suppressed by platform rules shaped by government pressure.

The current Administration has rightly emphasized free speech, opposition to government censorship, accountability for the administrative state, and protection of children and families from ideological capture.¹¹ FTC action in this proceeding can advance those priorities by ensuring that regulatory authority is not left available for future abuse.

In sum, we respectfully urge the Commission to evaluate X Corp.'s petition in light of these principles: government must not weaponize regulatory authority against disfavored viewpoints; agencies must remain within their lawful bounds; consent decrees must not become perpetual supervisory regimes; and the digital public square must remain open to citizens seeking the truth about the most important questions of our time. In this way FTC can help promote the common good and maintain a public square that allows citizens to speak the truth about human dignity and on issues impacting religious liberty, the family, life, medicine, and technology.

Respectfully submitted,

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⁹ See *Loper Bright Enters. v. Raimondo*, 603 U.S. 369 (2024); *West Virginia v. EPA*, 597 U.S. 697 (2022).

¹⁰ Press Release, Fed. Trade Comm'n, *FTC, States Sue World Professional Association for Transgender Health Over Deceptive Claims Regarding the Treatment of Children* (June 17, 2026), <https://www.ftc.gov/news-events/news/press-releases/2026/06/ftc-states-sue-world-professional-association-transgender-health-over-deceptive-claims-regarding-treatment-children>.

¹¹ See, e.g., Exec. Order No. 14,149, 90 Fed. Reg. 8243 (Jan. 20, 2025).