

March 3, 2022

The Honorable Maria Cantwell
Chairperson
Senate Committee on Commerce,
Science, and Transportation
254 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Roger Wicker
Ranking Member
Senate Committee on Commerce,
Science, and Transportation
254 Russell Senate Office Building
Washington, D.C. 20510

Dear Chairperson Cantwell and Ranking Member Wicker:

We, the undersigned, represent a broad coalition of organizations opposing the confirmation of Alvaro Bedoya to serve as a commissioner on the Federal Trade Commission (FTC). If confirmed, Bedoya would bring a record of hyper-partisan, extremist advocacy to the FTC and would steer the agency in a direction of over-reaching and harmful regulatory policies.

The FTC is an enforcement agency with oversight of issues such as antitrust, consumer protection, and privacy. The Commission should respect the long-standing commitment to the consumer welfare standard and free markets, not focus on expanding government control or social issues.

Bedoya would not bring a cooler head but would exacerbate the FTC's increasing disregard for consensus and precedent. As an enforcement agency, FTC commissioners should strive towards a cooperative, measured, and transparent approach to decisions, aiming towards unanimity over political gamesmanship.

The confirmation of an ideological, progressive ally would give Chair Lina Khan an even freer hand in transforming the FTC, doing away with its rules, hamstringing businesses with red tape, and dismantling our market-driven economy. Khan has come under criticism for pursuing a hyper-regulatory, anti-business agenda, dispensing with the FTC's precedents and rules along the way.

Khan has been rightfully criticized for using the "zombie" votes of former FTC Commissioner Rohit Chopra after he no longer served on the Commission.¹ She has decreased transparency by including public comments after votes are held and stops FTC staff from participating in public events.² When the commission rammed through controversial changes to business merger guidelines, the two Republican appointed commissioners said it was done "with the minimum notice required by law, virtually no public input, and no analysis or guidance."³

¹ Leah Nylen, "Senators propose ban on FTC 'zombie votes,'" *Politico* (December 2, 2021)

(<https://www.politico.com/news/2021/12/02/senators-propose-ban-on-ftc-zombie-votes-523685>)

² Leah Nylen and Betsy Woodruff Swan. "FTC staffers told to back out of public appearances," *Politico*, (July 6, 2021) <https://www.politico.com/news/2021/07/06/ftc-staffers-public-appearances-498386>

³ United States Federal Trade Commission, "Dissenting Statement of Commissioners Noah Joshua Phillips and Christine S. Wilson," (September 15, 2021)

https://www.ftc.gov/system/files/documents/public_statements/1596388/p810034phillipswilsonstatementvmgrecission.pdf

As the Commission’s primary function is enforcement, Bedoya’s disregard and distaste for law enforcement functions is concerning. In terms of immigration and “sanctuary cities,” Bedoya said, “I think it’s high time that state legislators understand that they can do something about this. . . . And already you’ve seen States like New York, like California, New Jersey, pass laws protecting their residents’ data, their residents’ faces from ICE.”⁴ Bedoya also called for a focus on political priorities in Biden’s stimulus package rather than support for law enforcement.⁵ Today, we are seeing the results of a lack of appreciation and support for the rule of law.

Bedoya has a history of personally attacking and supporting attacks on those he disagrees with. He has amplified Twitter posts calling Governors Abbott and DeSantis “death-eaters”⁶ and urging Republican Senators to resign.⁷ Additionally, Bedoya has shared numerous social media posts calling President Trump and individuals in the Trump administration “racist and white supremacist.”⁸ He even liked a tweet disparaging Baron Trump.⁹ This type of aggressive rhetoric and behavior is inconsistent with the type of temperament required for a commissioner of the FTC.

These extremist views and actions of Bedoya caught the attention of Senators during the confirmation process. Sen. Roger Wicker (R-MS), the ranking Republican on the Senate Commerce Committee said, “I remain concerned by the frequency with which he has publicly expressed divisive views on policy matters, rather than a more measured and more unifying tone. . . . I fear Mr. Bedoya would not bring the cooperative spirit to the commission that we need at this time.”¹⁰ Sen. Ted Cruz (R-TX) said Bedoya’s record was one of “a left-wing activist, a provocateur, a bomb-thrower, and an extremist.”¹¹

Bedoya’s confirmation would jeopardize investment and innovation, threaten the already weakening economy, and bring never before seen partisanship to the FTC. For these and other reasons, we urge Senators to reject Bedoya’s confirmation.

Regards,

Grover Norquist
President
Americans for Tax Reform

Phil Kerpen
President
American Commitment

⁴ Keep Me Posted - Episode 6: Alvaro Bedoya, *Spitfire* <https://spitfirestrategies.com/keep-me-posted-podcast-bedoya>

⁵ “My hope is that the money from these stimulus packages will not go into law enforcement, will not go into surveillance, but we’ll go into investing into a public health infrastructure that works, into our education system and the schools that teach people that vaccines are real and climate change is real and racism is real.”

<https://spitfirestrategies.com/keep-me-posted-podcast-bedoya>

⁶ Alvaro Bedoya (@alvarombedoya), Twitter Post, <https://twitter.com/alvarombedoya?lang=en>

⁷ Alvaro Bedoya (@alvarombedoya), Twitter Post, (January 8, 2021)

<https://twitter.com/alvarombedoya/status/1347514156216418305?s=20>

⁸ Alvaro Bedoya (@alvarombedoya), Twitter Post, (January 12, 2018) <https://twitter.com/alvarombedoya>

⁹ Alvaro Bedoya (@alvarombedoya), Twitter Post, <https://twitter.com/alvarombedoya/likes>

¹⁰ Bryan Koenig, “Commerce Committee Deadlocks On FTC Pick Bedoya,” *Law360*, (December 1, 2021)

<https://www.law360.com/articles/1444666/commerce-committee-deadlocks-on-ftc-pick-bedoya>

¹¹ Ben Brody, “Republican pushback to the Biden tech agenda is getting personal,” *Protocol*, (November 17, 2021)

<https://www.protocol.com/policy/republicans-bedoya-sohn>

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