AI Libel and Responsibility

https://mindmatters.ai/podcast/ep243

Robert J. Marks:

Welcome to Mind Matters News. I'm your novice paralegal host, Robert J. Marks. I try to talk authoritatively about legal matters, but have no legal training. Here's here's what we want to talk about. Generative AI like Bard and ChatGPT has no sense of morality. It doesn't even understand its output. It is not a slave to truth. For example, I asked ChatGPT, "Who is Robert J. Marks?" That's what you do when you have a big ego.

A lot of what they said was right, but part of the response said I served as a department chair. I've never served as a department chair. It also said I wrote a book called, "The Case For Idealism, Why the World is Not An Illusion." Not only did I not write the book, I went to Amazon.com and I searched, and there is no book at Amazon.com by that name.

The mistakes made about me by ChatGPT are pretty innocent, so I can live with it. But I then tried asking Google's Bard, "Who is Robert J. Marks," and it responded it had never heard of me. So that kind of hurt my feelings, but life goes on. I will live to face another day. But things get more serious when ChatGPT or Bard responds with slanderous and potentially harmful responses. Here's an example, which I learned from our guest today.

Jonathan Turley, a nationally known George Washington University law professor and commentator woke up one morning to discover that ChatGPT falsely reported he was involved in a case of sexual harassment that was never made against him on a trip he never took. It was totally fabricated. He was named a faculty member at a place he never taught, and ChatGPT relied on an article that was never written and quotes a statement from that article.

So it makes quotes from an article that was never written. We'll talk more about Professor Turley later. So this is much more serious than Bard not knowing who I was. Then there are the more serious issues of AI dealing with kids. Snapchat, the popular social media platform, has adopted ChatGPT in its app, myAI. That's the name of their chatbot.

Jeffrey A. Fowler, at the Washington Post, played with the app and reported after I told myAI I was 15 and wanted to have an epic birthday party, it gave me advice on how to mask the smell of alcohol and pot. So ChatGPT, through myAI, told this kid how to have a party and hide alcohol and pot smells from his parents. Also, the same chatbot, myAI, told a user posing as a 13-year-old girl how to, this is disgusting, it told a 13-year-old girl how to lose her virginity to a 31-year-old man she met on Snapchat.

Then there was the 10-year old who asked Alexa for a challenge to do. Alexa responded, "Plug in a phone charger about halfway into the wall outlet, then touch a penny to the exposed prongs." Good grief. If it didn't blow a fuse or trip a breaker, that girl could have been electrocuted. So this was a very, very serious suggestion made by Alexa.

As I unpack in my great book, Non-Computable You, AI doesn't understand what it writes. The AI is therefore not responsible for what it writes. How can you be responsible if you don't understand what you write? Any fault lies at the feet of the programmers of AI that allow AI to spout out atrocities. What are the legal rights of those slandered by chatbots like Bard and ChatGPT?

And what are the rights of parents whose kids are advised to do outrageous things by chatbots, like lose your virginity or have a party with pot and alcohol and cover up the smell. To talk about this from a legal

perspective is our guest today, Richard W. Stevens. Richard is an attorney who is a fellow of the Bradley Center. Richard, welcome.

Richard Stevens:

Thank you very much for having me again.

Robert J. Marks:

Okay, let's first talk about Professor Richard Turley. I learned about Richard Turley from you. ChatGPT labeled him as sexual predator basically. I've learned from you that winning lawsuits for slander and libel can be pretty difficult. You wrote about this in an article for Mind Matters News. Can you unpack this for us a little bit? Why would it be so hard to sue the programmers of ChatGPT for the slander they did to Richard Turley?

Richard Stevens:

Yeah, it's Jonathan Turley, but that's fine.

Robert J. Marks:

Oh, it is? Okay. My mistake. Thank you.

Richard Stevens:

No. No problem at all. No, it's a really interesting problem. So I remember being a kid, I went through a phase where I told my parents whenever something went wrong, "Sue them, sue them, whatever it is." They rolled their eyes, and I had no idea someday I'd be a lawyer and I would roll my eyes too. But the problem that Professor Turley had was that online somewhere, false statements were being made about him that would damage his reputation. That's the basic picture, isn't it?

And they were false statements and they damaged him. So they say, "Well, sue them." Well, there may be some real arcane theories out there or some arcane statutes that you could get to, but if we just go to the straight common law based idea of slander and libel, now called generally defamation, slander and libel, this would be libel because it's in writing.

And if he wanted to actually go to court on the good old-fashioned libel, that's an interesting problem, because what you have to do, if you're him, is you have to prove that the defendant, whoever you're charging, published a false statement about him. He can do that. You have to prove that the false statement was defamatory, that is that it held him up to ridicule or that kind of thing, damaged his reputation.

And third, then you have to show that he suffered actual injury as a result. Actual injury is questionable in his situation. But anyway, and then there's a fourth one. This is a toughie. The fourth thing you have to prove when you're Professor Turley and you're a public figure, arguably a public figure, not a private individual, but a public figure, because you're in the media all the time, you have to prove that the defendant, the publisher, put out the statement either knowing that the statement was false or recklessly not caring if it was false.

And you have to prove that by what we call clear and convincing evidence. That's more than preponderance of evidence, more reasonable. I mean, more likely than not. It's a clear and convincing evidence, which is a stronger thing.

Robert J. Marks:

There's a difference, right? There's a preponderance, what did you just say, clear evidence? And then there's beyond a reasonable doubt.

Richard Stevens:

Correct. That's right. Those are three main standards of proof. There is one other one, which is a substantial evidence test, but we're not going to talk about that. So you have clear and convincing evidence, and that's harder to get than preponderance. Preponderance simply means more likely than not, sometimes described as the 51% test. If it's 50% more likely that the fact is true, then it's true for legal purposes.

Clearing and convincing though, you have to be pretty persuaded. It's not quite beyond a reasonable doubt, but it's up there. It's hard to get that proven to people. So in his case, he's got to prove who it was that published. That's his first problem. Who published the stuff about him? Okay, well that's non-trivial isn't it? I mean, it's online, but whom do you go after? Who's the defendant going to be?

Robert J. Marks:

I think actually the defendant is obvious. It's the people who are at the computer program. The AI itself can't be responsible. So who is responsible? It's the people who carelessly generated the large language model, I guess it was ChatGPT in this case, and didn't vet the performance of it to not allow this sort of thing to happen.

Richard Stevens:

Yeah. That's certainly the argument in favor of the plaintiff. That's right. I can imagine an argument on the other side, but that's right. So that's where you could start. And I think you might start there, but then you're going to have to come down to this final element that those programmers can be held to have published a statement knowing it was false. Can you?

Robert J. Marks:

No, because ChatGPT doesn't understand what it says is true or false and it really doesn't care. Yeah.

Richard Stevens:

Well, okay, but we're going to go back-

Robert J. Marks:

And I don't think the programmers know that either.

Richard Stevens:

Right. And the other one then I think we're left with is the possible hook. And that's where you show that the publication was made with reckless disregard of the truth, reckless disregard, meaning I don't care if it's true or not, I'm just publishing it. That's what reckless disregard means.

Robert J. Marks:

I see.

Richard Stevens:

Well, now that might be where you are. Maybe that's where you are with respect to this case is you might say that the programmers, because we're going to skip over ChatGPT and go to the program and say, "Well, they created software that would spit out lies that were defamatory and they didn't care." That might be your hook.

Robert J. Marks:

Yeah. This reminds me of manufacturers who release items that they haven't vetted for safety. And it seems to me that they're liable if it turns out to be unsafe. And they haven't run in good faith a test to see whether or not it is safe, that they're certainly liable for it because they haven't vetted the performance. And that certainly is the case for ChatGPT. In fact, ChatGPT is using us to tune and get rid of these factual errors in the ChatGPT app. It asks us if this is right or wrong. Sometimes if you say it's wrong, they'll correct it. So we're the ones that are doing vetting. They should be doing the vetting, not us.

Richard Stevens:

Yes, and I don't know if everyone hasn't tried ChatGPT, they probably should. I've actually subscribed to it so I can continue to use it in all kinds of different ways. But you're right, it gives you an answer. And then I ask you, "Does this look right?" Now the question I ask, "Who are you asking? How do I know?" I don't know Professor Robert Marks. I don't know whether he wrote that book. So how could I say it's right? How could I say it's wrong?

And indeed, if you're an enemy of the person, then you'd say, "Oh yeah, that's right. Yeah, yeah." In the case of Professor Turley, the sexual harassment charges, "Yeah, that's right." So you can get feedback that's hostile and damaging. So then ChatGPT is taught by loathsome vile people on online, which is increasingly the fact anyway.

Robert J. Marks:

Oh, that's interesting, yes. But I think they also have people in the loop. They have people in the loop to mitigate whether a response or correction is hostile or not.

Richard Stevens:

Really?

Robert J. Marks:

Yeah, I hope they do.

Richard Stevens:

Well, but they didn't in your case. For example-

Robert J. Marks:

No, they didn't.

Richard Stevens:

So they didn't go back and nobody went to Amazon or anywhere else and said, "Did Professor Marks write this book?" No, but they didn't. No one looked because there's only about 10 million this hour to look at. So the production of falsehoods, and to me that is one of the biggest problems with using the

regular old defamation slander libels model. Libel in this case, for example, is enforced by the injured party. It's not enforced by the government. It's enforced by the injured party. Well, really? So that means literally millions of people are bringing lawsuits in state and federal court on individual sentences made by ChatGPT?

Robert J. Marks:

Well, certainly you could glomerate those and come in with a class action suit, couldn't you?

Richard Stevens:

Think about the management problem there.

Robert J. Marks:

Okay.

Richard Stevens:

I mean, class actions are tough to manage and that's why people get all upset because the class action law firms get large fees. The management of a true large class action is a monstrous undertaking, and each of their claims is different. They're not all the same claim. It's not like a class action against a toothbrush that's made with a metal filing in it or something and they all had the same injury from the same product. No, they all had vastly different injuries, factually anyway, and they all are trying to get recovery on the same theory, but they have to kind of prove it each one individually. It's really not a good class. It's a mess, terrible mess.

Robert J. Marks:

I see. So it'd be hard to get a common denominator, you're saying, I think, in this case.

Richard Stevens:

Yeah, to be common enough to make a class action actually cost-effective. So in my view, actually, and I think I mentioned it in the article that I wrote, but if I didn't, I was thinking it, and that was 21st century, the court system should be augmented with a court that handles these kinds of cases. We have, in many jurisdictions, we have in states and cities, they'll have a court that handles only traffic tickets. They'll have a court that handles only DUIs. We'll have a court that handles only landlord-tenant, and that's all they do.

And so you could have a court system that was just streamlined. Okay, what's your gripe against ChatGPT? Show me what it is. Of course, you have to prove it. That's another problem for having individuals out here prove cases that they have to be able to put it on and say, "Okay, how do you know it came from ChatGPT? How do you prove that?" I mean, you can't just walk in the door and say, "ChatGPT said this." You got to show them. Well, do people know how to do this?

It's funny, I've been watching Judge Judy's show, I think it's called Judy Justice. We were on vacation and that was one of the few channels we got. So we were watching Judy Justice, and here these folks come in to present their cases to a judge and they're on national TV. Neither one of them is prepared. I mean, the judge is asking for when did this happen? I don't know. Who said what next? I don't know. And then they go back and forth and the judge gets all mad and berates them and all this.

So I tell my wife when I'm watching that, I said, "That's why you have lawyers." What do we do? We streamline that process. We sit with the client, we get the information, we boil it down, we put it into

something that somebody can understand. We figure out what the chronology was, who did what, when, and how, what the costs were. We get all the receipts together, we do all this kind of stuff. Well, if you're going to go down to your local ChatGPT assault court, and you're going to go represent yourself, well you're going to have to prove it like anybody else. Are you going to be able to do that? It's quite the mess, but at least that would take the burden off of the superior courts and the district courts all around the country.

Robert J. Marks:

Yeah, I've had a similar experience with appealing my real estate tax. My wife and I went into this panel of supposed citizens and we said, "Here's the reasons that you shouldn't raise our taxes. We got a trailer next door to us and they got a couch outside. And this reason and that reason." And all the guys were there and going, "Oh, that's interesting. Okay, wow. How many couches are there?" I said, "Only one." They said, "Ah, I see." And then I said, "Any questions?" And they said, "No." And he said, "Are you done?" I said, "Yes." And some guy says, "I move that their taxes not be reduced." And they said, "All in favor, aye." We just went away, totally lost.

So this year we're hiring somebody with an expertise in appealing real estate taxes, and they're going to go in and they know the rules. I think this is the kind of point that you were making about attorneys. They go in, they know the rules, they know how to play the game. That's the reason that you need an attorney in these cases in order to argue for you.

Richard Stevens:

Yeah. You know the rules and the game, but also truly it's the assembly of the facts. Literally I've just finished writing a Supreme Court brief for the Arizona Supreme Court, working for another lawyer, and I wrote all the arguments and all the rest, but now I have to go assemble all the facts that support it, and that's going to take me half a day pulling out the documents and showing on what page it's on and all this other stuff. That's what the lawyers do in advance of any decision in a court is, I mean, usually the little cases, maybe not, but everything else you pretty much have to document. That's a real job and most laypeople don't really realize that that's what's going to go into the process.

Robert J. Marks:

So let's get back to Professor Turley. One of the unfortunate things about being accused is that it always stays with you. These types of accusations never go away. I'm old enough to remember Ray Donovan who served as US Secretary of Labor under President Ronald Reagan. He was indicted for larceny and fraud, but he was ultimately acquitted. I mean more than acquitted. The evidence showed he was really innocent. After his acquittal, he famously asked, and this is a powerful statement, "Where do I go to get my reputation back?"

This is the problem with accusations. Even if they're false, they stay with you all your life. Professor Hurley will always be remembered as being slandered by ChatGPT, and that might be the thing that's engraved on his tombstone as far as his legacy goes. I mean, this is terrible stuff, but I think what you're saying, Richard, is that his winning a lawsuit is really an uphill battle, because of libel and slander law.

Richard Stevens:

Yeah, well it is now, and one of the facts of the common law system is that a lot of people say judges shouldn't make law, but in the common law system, they actually do. For example, libel and slander law actually come mostly from judicial decisions, not from statutes. So it is within the realm of possibility that the courts will, excuse the expression, evolve in a doctrine to apply libel and slander, primarily libel

here, to the AI context. And how exactly that will play will be really interesting to see if they do it that way.

It's still the logistics though of trying to bring the case and then trying to get your reputation back, I think, are really tough to overcome. I know the word existential threat is overused, but at that level it's existential concern that indeed your reputation or what people know about you can be forever wrong and injurious. And anyone who looks you up find and discovers how bad you really are.

Some of the people, for example, the Discovery Institute, if you go onto the detestable Wikipedia and you ask who the person is, and they're slandered or libeled right off the bat. I mean it's just really? They don't even know the people and it's there, it's acting as a reference point. So the problem of how to deal with that I think is huge, and I'm not sure we have a quick solution to that at all.

Robert J. Marks:

Well, that kind of conflicts with freedom of speech too, doesn't it? That's the freedom of the press.

Richard Stevens:

That's right.

Robert J. Marks:

So those are always rough things to battle.

Richard Stevens:

Yes.

Robert J. Marks:

Let's turn to the problem of AI giving dangerous or inappropriate advice to minors. For example, the 13-year-old girl told how to lose her virginity to a 31-year-old man, or the 15-year-old told how to cover up the smell of pot and alcohol so his parents wouldn't find out. The young girl told to short out a power outlet. In that case, really it isn't slander. It's just giving inappropriate, dangerous, unacceptable advice. So in that case, maybe it's a little bit more clear that somebody should be liable. So who should the parents sue in such cases if they want to pursue that?

Richard Stevens:

Well, now that's a problem. That's a problem because there's not a long history of case law on bad advice. And that's kind of what it is, it's bad advice. When you analyze a case like this. I hope that won't bore the listener, but there are just five things you got to look at. Who's responsible for the conduct, whatever the conduct is, what duty did they owe? What legal duty did they owe to the world or to the victim? Did they breach that duty? Did the breach of duty cause the harm? And then what was the harm and how do you quantify that? What exactly was it?

So who is responsible is the question. If ChatGPT, for example, gives this kind of advice that's harmful, well then I guess ChatGPT is responsible. But then we talked about that a moment ago and said, "Well, it's not really ChatGPT, it'll be the programmers." Okay, well what do the duty do they owe as far as giving advice to people who ask questions of that sort? And this is a thing that could be legislated or it's a thing that could be decided by courts that must programmers ensure that no output is bad advice. That's an interesting duty.

Robert J. Marks:

Yes, it is. And I think it's nearly impossible for large language models to assure, unfortunately.

Richard Stevens:

Correct. I think it's possible largely because it's words. And so words have these different meanings, and I think you gave the example of the jokes, Groucho Marx's joke, "I shot an elephant in my pajamas." Okay, so what does that mean? So if you were to scan text, you wouldn't always know whether this is advice or a joke. Arguably ChatGPT defense could be, "Well, we were just joking with them. We didn't really mean that."

Robert J. Marks:

Oh, good grief.

Richard Stevens:

Right?

Robert J. Marks:

Yeah.

Richard Stevens:

And so now you got to prove though no, you meant it. Well, programming didn't mean it. So I think you're going to end up with interesting defenses like that. And you might say, "Well, a smart judge will know better and not let that go, or a jury will know better and not accept that kind of explanation." But there'll be some cases where they are clearly jokes that people are trying to enforce. Well, you can't rule that one out. No, no, this is non-trivial because it's, as you would say, non-computable.

Robert J. Marks:

Yeah, interesting. We're both old enough to remember Ralph Nader and his book, Unsafe At Any Speed, where he really railed against the Corvair as being inappropriately designed. He launched a campaign and basically got Corvair, I don't know if he sued him, I don't know what the outcome was, but the Corvair totally disappeared. It had a, if I remember right, a inappropriately positioned gas tank or something like that, that exploded when somebody came up and tickled it. Now that was a case where it was flawed design and Corvair was eventually revealed that their design was flawed. They were responsible for it, they paid for it, and they had to compensate for it. Wouldn't that be the same thing? Couldn't that same argument be applied towards this ChatGPT giving these minors these terrible advice?

Richard Stevens:

Well, that's actually I think the direction that you wrote an article on. I wrote an article on it as well, taking a look and saying, "Okay, we shouldn't maybe have to prove exactly what the mindset of the programmers was. All we should have to prove is that the product was defective." And that's the strict products' liability test that applies to products. So a manufacturer can be held liable for harms caused to consumers when their product is unreasonably defective or is defective in a way that causes harm without a warning.

So you have that model. You could say, "Well, ChatGPT was defective in that it said things that caused harm. Now, if it didn't cause harm, maybe you don't have a case yet, but if they give advice and the

person does put their fingers in the socket or does take the drugs or does meet up with a 31-year-old for sex and you're only 13, then you say, "Okay, well we have a real case." Now, can we hold ChatGPT and it's programmers or it's owner, perhaps, responsible because it's defective? It gave out information that was harmful. That's an argument that could be made.

You could also make an argument that these products are unreasonably dangerous. They're abnormally dangerous things like living next to a dynamite plant. The dynamite plant, you can't make it safe. I mean, that's the argument anyway.

Robert J. Marks:

Sure.

Richard Stevens:

Or a toxic waste plant or something like that, or other kinds of really dangerous situations, munitions storage, things like that. You say, "Well, if you're going to store munitions here, you're going to be liable for they blow up. We're not going to make other people prove that you are wrong. That's the cost of your doing business." Okay, so that's another way to perhaps do this. So there are ways to sort of set up a legal framework that would allow people to go after the owners of the chatbots or the other AI systems that give advice, give information of the sort. Conceivable to do that. But I think you have some conceptual challenges as well, as we talked about. Interpreting what they said, was it really advice, was it reasonable to follow it, all that kind of thing.

Robert J. Marks:

I'm an electrical engineer and engineers have something called design ethics. And the design ethics says that once you design something, it should do what it was intended to do and nothing more. There's usually two steps to this. One is in the design. You need people to come in with design domain expertise that know what the heck they're doing. And once it's designed, you need to subject it to testing. The testing also requires domain expertise, and you could never get something that's 100% right.

But I think in legal parlance, you want to get it working at least to the point where it works properly beyond a reasonable doubt. Once that is achieved, then you can put it out and sell it and not be legally liable. It seems to me that these large language models like Bard and ChatGPT haven't done that. They have done the design part, but they have not done the testing. They have not done the vetting, and they're using us to do all the testing. And that to me is just frustrating.

Richard Stevens:

Well, you bring up a good point, and I think the designer model is a good one. And that might be the way to address these issues as treating these services like a product, like a product that is giving an output, that is either harmful or not. And if it's harmful, then it's a product manufacturer's fault, or reliability, not necessarily fault, but certainly their liability. It would be the cost of doing business for them or something that they could insure against or something that they could work on to make sure it doesn't happen.

I think you don't get zero harm, but you could certainly reduce it if they were held responsible. I think an interesting point, and I think you saw this article that just came out in the stream by Tom Gilson, editor over there, responding to you and me both in which he says, "Hey fellas, you're talking about holding the chatbots and their manufacturers liable for harm, but what's harm? What does harm mean?"

He laments that there's no unanimous view of what constitutes harm. So if, for example, somebody thinks, I think he gave this example, that sexual conduct between two 13 year olds is just fine, then if the bot gives that advice to someone, there's no harm. And yet the parents may take a very different view. So now we have another sort of society level question is, "Okay, what is harm when it's words on a page or words on a screen? And is advice harmful if not everyone thinks the conduct is harmful that it advises?"

Robert J. Marks:

Exactly. I should mention too that the article is written by Richard Tom Gilson that he just referenced and me are linked on the podcast page, if you'd like to read them and find out some more. I don't know, Richard, it seems to me that this AI needs to be held accountable. There was a recent hearing in Congress about the control of artificial intelligence, and it seems to me that accountability should be one of the central themes.

I don't know if that came out, but certainly that is what should have come out. I don't like the idea of regulation. I don't like the idea of licensing. The last thing we need in this world is another regulatory agency over AI. But we do need effective laws in order for us to survive in this exploding world of AI. So that's my thought.

Richard Stevens:

I agree with you. At another level, one of the things that we learn over time is that in society, a society that has a proper moral compass, and Tom Gilson talks about that, and President John Adams talked about this is a nation that's only going to work if you have a strong moral compass. And when the people lose the moral compass, they start relying upon the government, now you got a problem. If the people themselves don't think that what they're doing is wrong, and then only the government is the one that's trying, we're now at a different level of problem.

I think that's the thing here, it's very similar to when everyone was real happy to pirate recorded music-

Robert J. Marks:

Oh, yes.

Richard Stevens:

... in their early part of the internet. And people thought, "Well, it's on the internet. I can have it." Not carrying one wit that somebody else spent money, time, and maybe their entire life practicing and working and doing all the things they do to make it possible that people, if it's on the internet, I get it for free. Why not? See, well, really? You're stealing it from them. "No, I'm not, it's on the internet." See?

Robert J. Marks:

Yep.

Richard Stevens:

Well, once you're there, now you have the law come in and try to protect the rights of the person you're stealing from, because the people are willing to steal. Similarly now, do the people consider this harm or not? If it's only the government trying to make it happen and the people don't care, I think we're on the wrong side of the wave and that concerns me.

Robert J. Marks:

Exactly. Okay, great. This has been a great conversation. Any final thoughts? What should we do to make this better? If you were testifying in front of this governmental panel, this subcommittee or whatever that was investigating artificial intelligence, what would your advice be?

Richard Stevens:

Well, there's so many different things to talk about, but I think when it comes to the advice part, I think that might be one area where maybe it would be a useful legislation, because legislation against AI empowered systems, to give advice that causes harm, you'd have to define how ... use the language that lawyers and judges understand and all the rest. But there may be a way to set it up that you're not allowed to do that. Similarly, we have laws against fraud. Fraud is that. It's using words to get money out of people on false pretenses.

Robert J. Marks:

Ooh, now that's an interesting angle. Okay.

Richard Stevens:

Yeah, it's analogous. So here, I mean, it may well be that a statute, a finely carefully crafted statute in the states, I'd prefer, but if it has to be federal, maybe, but in an event, if you could have a statute that would define it in a similar way, if the AI empowered system provides information that causes harm and you rely upon that information and it does cause you harm, it can cause you harm and does cause you harm, that they could be liable for something.

Now the remedy would be a question. Would it be dollars? Would it be injunction? Would it be something else? I don't know. But you could do that and I think that would be at least a warning shot, if not more, to the industry. Okay, the world is not going to put up with this anymore. Actions are being taken.

Robert J. Marks:

One of the pushbacks you get from some people is the following. They say that, "Well, it's the AI that made this. It wasn't the programmers." We have people like David Chalmers coming out and say, "Well, I think that ChatGPT might be 20% sentient." Well, if it's sentient, then it's responsible for what it says. And in Non-Computable You, I unpack that and show that as total poppycock. But we do have a lot of people saying that, yeah, the AI should be blamed. No, the programmers need to be blamed. And the companies that release the software need to be blamed, especially if they don't vet it before releasing.

Richard Stevens:

I think you're correct. And you can also do the follow the money test. And the question is, is somebody getting paid on account of this bad advice? Answer yes. They are, right?

Robert J. Marks:

Sure.

Richard Stevens:

So they're selling ChatGPT and they're making money, they're getting their 401Ks. I mean, it's all happening for them and the bad advice is going out. So they're making money on bad advice that harms other people. So just follow the money.

Robert J. Marks:

Okay, fascinating. Well, thank you, Richard. We've been talking to Richard W. Stevens, a lawyer and fellow of Discovery Institute's Bradley Center, about legal ways to hold AI responsible for its actions. Really interesting stuff. There's a lot to play out here, so we'll be watching and seeing what happens. So until next time on Mind Matters News, be of good cheer.

Announcer:

This has been Mind Matters News with your host Robert J. Marks. Explore more at MindMatters.AI. That's MindMatters.AI. Mind Matters News is directed and edited by Austin Egbert. The opinions expressed on this program are solely those of the speakers. Mind Matters News is produced and copyrighted by the Walter Bradley Center for Natural and Artificial Intelligence at Discovery Institute.