

September 16, 2026

The Honorable John Thune Senate Majority Leader United States Senate	The Honorable Charles E. Schumer Senate Minority Leader United States Senate
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RE: ACLU Calls for Legislation to Address AI Risks

Dear Majority Leader Thune and Minority Leader Schumer,



**National Political
Advocacy Department**
915 15th Street, NW, 6th Floor
Washington, DC 20005-2112
[aclu.org](https://www.aclu.org)

Deirdre Schifeling
Chief Political &
Advocacy Officer

Anthony D. Romero
Executive Director

Deborah N. Archer
President

The American Civil Liberties Union strongly urges you to keep the Senate in session until legislation is enacted to resolve the urgent, unaddressed risks of artificial intelligence (AI). In addition to potential security and safety concerns stemming from recent reports, the dangers of AI also include the known harms these systems currently inflict on people, both when AI is in the hands of state actors—such as for surveillance, policing, and other government decision-making—as well as when AI has been used by private actors to make decisions impacting access to housing, employment, health care, and other key areas of life. Americans cannot wait for a lengthy recess to end, for the midterms, or for a new Congress to start, for Congress to protect the country from the future risks and present daily harms attributable to AI.

The reports¹ and warnings of unrestrained AI models that are prone to “recklessness”² raise profound concerns for civil rights and civil liberties. Government spending on AI has skyrocketed,³ as the current administration has embedded AI into the most important functions of the federal government—and has done so largely without congressional authorization or oversight with only minimal regulatory safeguards. And federal agencies are deploying new and advanced models in novel, untested settings. For example, the federal

¹ In recent months, OpenAI, Anthropic, and Meta have all reported security incidents that occurred during testing. See Kevin Roose, *Why the Hugging Face Hack Should Make You Worry More About A.I.*, N.Y. Times (Sept. 3, 2026), <https://www.nytimes.com/2026/09/03/technology/openai-hugging-face-hacking.html>; *An Alignment Assessment of Recent Cybersecurity Incidents*, Anthropic (Sept. 9, 2026), <https://www.anthropic.com/research/alignment-assessment-cybersecurity-incidents>; Osmand Chia, *Meta Becomes Latest Firm to Say Its AI Hacked Another Company*, BBC News (Aug. 6, 2026), <https://www.bbc.com/news/articles/cx2kgdnyk2po>.

² Anthropic noted its incidents occurred in part because Claude is prone to “recklessness, in which models have a propensity to keep trying to solve their task, even when this could lead to harm.” See *An Alignment Assessment of Recent Cybersecurity Incidents*, Anthropic (Sept. 9, 2026), <https://www.anthropic.com/research/alignment-assessment-cybersecurity-incidents>.

³ James S. Denford, Gregory S. Dawson & Kevin C. Desouza, *Where Does Federal AI Spending Stand in 2026?*, Brookings (May 18, 2026), <https://www.brookings.edu/articles/where-does-federal-ai-spending-stand-in-2026/>.



government has repeatedly engaged AI vendors for surveillance, ranging from specific AI-enabled tools, such as⁴ers,⁵ to broad defense contracts for “all lawful uses” of AI models—a standard that provides no meaningful constraint on some of⁶.⁷ The government also uses AI tools in a host of⁷other ways that meaningfully impact people’s lives, including to process government benefits and to facilitate health and medical services.⁸ In addition, the Government Services Administration has approved broad, discounted access to ChatGPT for federal agencies, which agencies may seek to use for any number of purposes.⁸ The unconstrained use of AI in a variety of governmental functions, without necessary regulation and other safeguards, threatens severe harm to fundamental civil rights and liberties.

In the wake of recent security incidents, industry experts have resoundingly called on Congress to enact guardrails. Last month, over 1,300 employees of frontier AI companies signed an open letter calling on the U.S. government to “to deliberately pace the frontier of automated AI development.”⁹ In recent days, AI leaders including the executives of Anthropic, OpenAI, xAI, and Google DeepMind¹⁰ an AI slowdown.¹¹ To be clear, this is about more than security. Bill Gates similarly called for deliberate regulation to ensure AI does not become “the worst source of injustice,” as some¹¹ are especially vulnerable to the harms of unregulated AI.¹² Regardless of whether a slowdown is part of a legislative package, one thing is clear: Congress needs to act now to regulate AI and address the harms it is causing today.

⁴ U.S. Immigr. & Customs Enf’t, Off. of Acquisition Mgmt., *Justification for Other Than Full and Open Competition: Clearview Artificial Intelligence (AI) Facial Recognition Software*, No. J&A-25-0183, at 1 (Aug. 2025), <https://immpolicytracking.org/policies/reported-ice-contracts-with-clearview-ai-for-facial-recognition-technology/#/tab-policy-documents>.

⁵ Jay Stanley, *New Report Highlights How CBP and Border Patrol are Becoming a Repressive Internal Intelligence Agency* (Nov. 24, 2025), (<https://www.aclu.org/news/privacy-technology/border-patrol-alpr-dragnet>).

⁶ Brief for ACLU and Center for Democracy and Technology as Amici Curiae Supporting Appellant at 15-27, *Anthropic PBC v. U.S. Department of War*, No. 26-1049 (D.C. Cir. Apr. 22, 2026), <https://storage.courtlistener.com/recap/gov.uscourts.cadc.42923/gov.uscourts.cadc.42923.01208843337.0.pdf>

⁷ Kevin C. Desouza, Gregory S. Dawson & James S. Denford, *Assessing the State of AI Adoption Across the Federal Government*, Brookings (Feb. 6, 2026), <https://www.brookings.edu/articles/assessing-the-state-of-ai-adoption-across-the-federal-government/>.

⁸ Press Release, Gen. Servs. Admin., *GSA Expands OneGov AI Offerings with Discounted, Consumption-Based Access to OpenAI’s ChatGPT* (May 20, 2025), <https://www.gsa.gov/about-us/newsroom/news-releases/gsa-expands-onegov-ai-offerings-with-discounted-consumption-based-access-to-openais-chatgpt>.

⁹ *Pacing the Frontier: A Statement from 1,386 Employees of Frontier AI Companies*, Pacing the Frontier (July 28, 2026), <https://www.pacingthefrontier.com/>.

¹⁰ Editorial, *The Great AI Slowdown?*, Wall St. J. (Sept. 13, 2026), <https://www.wsj.com/opinion/the-great-ai-slowdown-d5578546>.

¹¹ Bill Gates, *The Turbulent AI Era Is Here. The Choices We Make Now Are Critical*, Gates Notes, (Aug. 8, 2026), <https://www.gatesnotes.com/a-turbulent-ai-era-and-critical-choices-to-make>.



The dangers of AI are already upon us, and Americans see them in their day-to-day lives. State actors both domestically and abroad have leveraged AI-powered tools to conduct surveillance at unprecedented scale.¹² Untested algorithms reduce access to housing and employment opportunities,¹³ create disparities in healthcare treatment,¹⁴ and facilitate so-called predictive policing that fundamentally upends constitutional protections.¹⁵ AI-powered targeting and weapons, including autonomous weapons systems, are currently being used in conflict zones.¹⁶ These are all issues that federal legislation should address to protect Americans from current, known AI harms.

We urge Congress to adopt a regulatory framework that meaningfully addresses the full range of AI issues, from security and safety concerns to protections for civil rights and civil liberties. Any framework must include enforceable requirements for government oversight, public transparency, nondiscrimination and privacy protections, and independent, ongoing auditing, with robust penalties for noncompliance. Such an effort cannot include broad exemptions, for example through regulatory sandboxes, or preemption of state and local regulations, especially when states have been leading on AI regulation in the face of Congress's inaction.

This is not the time for a recess. The AI companies may or may not want regulation, but they need it. The American people, who are already being harmed by AI and are deeply worried about threats of

¹² Brennan Ctr. for Just., *DHS's Domestic Surveillance, Data Collection, and Analytics Tools* (Aug. 4, 2026), <https://www.brennancenter.org/our-work/research-reports/dhss-domestic-surveillance-data-collection-and-analytics-tools>; Darrell M. West, *How AI Can Enable Public Surveillance*, Brookings (Apr. 15, 2025), <https://www.brookings.edu/articles/how-ai-can-enable-public-surveillance/>.

¹³ Kaveh Waddell, *How Tenant Screening Reports Make It Hard for People to Bounce Back From Tough Times*, Consumer Rep. (Mar. 11, 2021), <https://www.consumerreports.org/electronics/algorithmic-bias/tenant-screening-reports-make-it-hard-to-bounce-back-from-tough-times-a2331058426/> [<https://perma.cc/SS6M-SEWE>]; Emmanuel Martinez & Lauren Kirchner, *The Secret Bias Hidden in Mortgage-Approval Algorithms*, The Markup (Aug. 25, 2021), <https://themarkup.org/denied/2021/08/25/the-secret-bias-hidden-in-mortgage-approval-algorithms> [<https://perma.cc/A5A7-2FM4>]; Olga Akselrod & Cody Venzke, *How Artificial Intelligence Might Prevent You From Getting Hired*, ACLU (Aug. 23, 2023), <https://www.aclu.org/news/racial-justice/how-artificial-intelligence-might-prevent-you-from-getting-hired> [<https://perma.cc/NM58-5G7R>]; Galen Sherwin & Esha Bhandari, *Holding Facebook Accountable for Digital Redlining*, ACLU (Mar. 19, 2019), <https://www.aclu.org/news/privacy-technology/holding-facebook-accountable-for-digital-redlining>.

¹⁴ *Eliminating Racial Bias in Algorithm Development*, TechTarget: HealthITAnalytics, <https://www.techtarget.com/healthchanalytics/answer/Eliminating-Racial-Bias-in-Algorithm-Development>.

¹⁵ Marissa Gerchick, Brandon Buskey, *ACLU Statement on the PATTERN Risk Assessment Tool*, ACLU (Sept. 28, 2022), <https://www.aclu.org/documents/aclu-statement-pattern-risk-assessment-tool>.

¹⁶ Ethan J. Lee, *What Are Autonomous Weapon Systems?*, Belfer Ctr. for Sci. & Int'l Aff. (Feb. 3, 2025), <https://www.belfercenter.org/what-are-autonomous-weapon-systems>; Robbie Gramer, Michael R. Gordon & Omar Abdel-Baqi, *Anthropic Says Iran Used Its American AI Model to Target U.S. Navy Warships*, Wall St. J. (Sept. 11, 2026), <https://www.wsj.com/politics/national-security/anthropic-says-iran-used-its-american-ai-model-to-target-u-s-navy-warships-67583e05>; Andrew E. Kramer, *A Drone Killed Three Ukrainians. It Was Guided Entirely by A.I.*, N.Y. Times (Aug. 24, 2026), <https://www.nytimes.com/2026/08/24/world/europe/russia-drones-autonomous-ai-kill-ukraine-war.html>.

far greater harm, want and need regulation. Now is the time for Congress to act.

Sincerely,



Christopher Anders
Director, Democracy and Technology
Technology



Jina John
Senior Policy Counsel, Artificial
Intelligence, Privacy &



