

January 24, 2024

The Honourable Antony Blinken
United States Secretary of State
The State Department
Washington, DC 20500

Dear Secretary Blinken,

We are writing to you regarding the Council of Europe Treaty on AI and the negotiation that will take place this week in Strasbourg. We believe it is vitally important for the United States to make clear its support for a broad convention that covers both the public and private sectors and to oppose any efforts to create exceptions for AI systems for national security that will likely have broad applications for other purposes.

The Council of Europe Treaty on AI will be the first global treaty on AI. The aim of the Treaty is to ensure the protection of fundamental rights, democratic values, and the rule of law. As an observer to the Council of Europe, the United States, like many of its democratic allies, including Canada, the UK, Australia, Japan, and Korea, will have the opportunity to ratify the AI Convention. In fact, the United States led the drafting and promotion of the earlier Council of Europe Convention on Cybercrime which was ratified by the Senate in 2006.

The United States should welcome the current effort underway at the Council of Europe to establish a comprehensive treaty for AI. President Biden has repeatedly underscored the need to ensure adequate protections for AI systems prior to deployment, and the recent Executive Order on AI coupled with the OMB Guidance will advance safe, secure, and trustworthy AI. President Biden has made clear in the Executive Order on AI that his administration *“will engage with international allies and partners in developing a framework to manage AI’s risks, unlock AI’s potential for good, and promote common approaches to shared challenges.”* Secretary Blinken have on several occasions stated, *“We want AI governance to be guided by democratic values and those who embrace them.”*

Unfortunately, reliable news sources indicate that the US delegation to Strasbourg is now urging European nations at the Council of Europe to remove provisions in the AI treaty that would establish safeguards for private-sector systems and also carry forward exceptions for national security. Our concern is that the US delegation is failing to accurately represent the position of the United States and is working at cross purposes to those nations and organizations that support democratic institutions, fundamental rights, and the rule of law.

We strongly oppose a US position that would undermine a global AI treaty to safeguard democratic values, fundamental rights, and the rule of law. We believe this is an extremely short-sighted strategy that fails to account for the growing influence of non-

democratic nations and could easily damage the transatlantic relationship. A hollowed-out treaty will provide little meaningful protections to individuals who will become increasingly subject to powerful AI systems prone to bias, human manipulation, and the destabilization of democratic institutions. Instead of attempting to narrow the scope of the COE AI Treaty, the US should be at the forefront of efforts to safeguard fundamental rights, democratic values, and the rule of law in this rapidly evolving field in line with the Biden-Harris Administrations' stated policy.

If the United States Department of State is specifically concerned about the alignment of the treaty with domestic law, then the solution is to take a derogation or exception to those provisions that you believe may be incompatible with US law. It is not to ask every other nation at the table to sacrifice safeguards they are prepared to establish. To be clear, we would hope that the United States would not seek such exceptions, but that would be far preferable to the strategy currently being pursued.

We urge you to instruct the US negotiators not to limit the scope of the AI treaty and not to push forward national security exceptions that will be prone to abuse.

The United States should be a global leader on AI policies that advance democratic values. We look forward to working with you toward that objective.

Thank you for your consideration.

Individuals:

- Merve Hickok – President, Center for AI and Digital Policy (CAIDP)
- Marc Rotenberg – Founder and Executive Director, Center for AI and Digital Policy
- Gary Marcus – Professor Emeritus, New York University
- Nicolas Moës – Executive Director, The Future Society
- Samuel Curtis – Senior Associate, AI Governance, The Future Society
- Amanda Leal – Associate, AI Governance, The Future Society
- Kathryn Kleiman – Senior Policy Fellow, Program for Information Justice and Intellectual Property, American Univ. Washington College of Law
- Susan Ariel Aaronson – GWU, Professor, Director, Digital Trade and Data Governance Hub and co-PI NIST-NSF Trustworthy AI Institute
- David Evan Harris – Chancellor's Public Scholar at UC Berkeley
- Ryan Carrier – Executive Director, ForHumanity

Organizations:

- Center for AI and Digital Policy (CAIDP)
- Public Citizen
- Main Street Alliance'
- ForHumanity
- The Future Society