

March 23, 2026

The Honorable Pete Hegseth
Secretary of Defense
Department of Defense
1000 Defense Pentagon
Washington, DC 20301

Dear Secretary Hegseth:

I write regarding my concerns around what appears to be retaliation by the Department of Defense (DoD or the Department) against artificial intelligence (AI) contractors that seek contractual guardrails to prevent the misuse of their AI tools. As DoD increasingly deploys AI tools in its military operations,¹ including as part of President Trump's illegal and unconstitutional war against Iran, DoD has a strategic, legal, and moral responsibility to ensure that the technology is deployed with meaningful constraints to comply with U.S. and international laws, including by preventing civilian harm.²

DoD's recent actions suggest that the Department is abandoning such guardrails. After Anthropic refused DoD's demands to eliminate two narrow contractual limitations on DoD's use of Anthropic's AI model Claude—one to prevent mass domestic surveillance, and one to prevent the use of AI to deploy lethal autonomous weapon systems—DoD designated Anthropic a “supply chain risk” to national security, a label historically reserved for foreign adversaries such as Huawei.³ This decision not only raises questions about whether the Department is responsibly deploying AI, but also appears to be an unprecedented abuse of longstanding national security authorities that undermines DoD's credibility in using these authorities for legitimate purposes in the future. I write to request that you immediately provide further details regarding whether DoD is weaponizing bipartisan national security statutes to retaliate against an American company.

¹ The Washington Post, “Anthropic's AI tool Claude central to U.S. campaign in Iran, amid a bitter feud,” Tara Copp, Elizabeth Dwoskin, and Ian Duncan, March 4, 2026, <https://www.washingtonpost.com/technology/2026/03/04/anthropic-ai-iran-campaign/>.

² U.S. Department of Defense, “DoD Directive 3000.17: Civilian Harm Mitigation and Response,” December 21, 2023, <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/300017p.pdf>.

³ The New York Times, “Pentagon Officially Notifies Anthropic It Is a ‘Supply Chain Risk,’” Cade Metz, Julian E. Barnes, and Sheera Frenkel, March 5, 2026, <https://www.nytimes.com/2026/03/05/technology/anthropic-supply-chain-risk-defense-department.html>.

DoD's Attempt to Eliminate Key Guardrails Preventing Misuse of AI Systems

On January 9, 2026, you published a memo stating that DoD will only contract with AI companies that agree to offer their models for “any lawful use” and without “usage policy constraints.”⁴ As a result, DoD forced AI companies to renegotiate their contracts with the Department.⁵ As part of these renegotiations, DoD pushed to remove explicit guardrails from its contract with Anthropic that precluded DoD from using the technology to facilitate domestic mass surveillance or fully autonomous weapons,⁶ restrictions that DoD had previously agreed to in its July 2025 contract renegotiation.⁷ On February 24, 2026, you reportedly gave Anthropic CEO Dario Amodei an ultimatum requiring that Anthropic adjust its existing \$200 million contract with DoD to remove these guardrails.⁸ You threatened to either designate Anthropic a supply chain risk or to invoke the Defense Production Act (DPA) to compel Anthropic to provide its services to DoD if Anthropic failed to accede to DoD's demands within three days.⁹

DoD Appeared to Retaliate Against Anthropic Based Upon the Company's Refusal to Eliminate Key AI Guardrails

After Anthropic declined your demands, again citing concerns over its technology being used for mass surveillance and autonomous weapons,¹⁰ you announced that you would designate Anthropic a supply chain risk,¹¹ classifying Anthropic as an “adversary” that “may sabotage, maliciously introduce unwanted function, or otherwise subvert ... a national security system.”¹² On March 4, the Department formally notified Anthropic of its supply chain risk designation,¹³ describing this designation as “necessary to protect national security.”¹⁴ DoD's letter describes this designation as

⁴ Department of Defense, “Accelerating America’s Military AI Dominance,” memorandum, January 9, 2026, <https://media.defense.gov/2026/Jan/12/2003855671/-1/-1/0/artificial-intelligence-strategy-for-the-department-of-war.pdf>.

⁵ The New York Times, “How Talks Between Anthropic and the Defense Dept. Fell Apart,” Sheera Frenkel, Cade Metz, and Julian E. Barnes, March 2, 2026, <https://www.nytimes.com/2026/03/01/technology/anthropic-defense-dept-openai-talks.html>.

⁶ *Id.*

⁷ Anthropic v. U.S. Department of War, et al., No. 3:26-cv-01996 (N.D. Cal. Mar. 9, 2026), <https://cases.justia.com/federal/district-courts/california/candce/3:2026cv01996/465515/6/0.pdf>; DefenseScoop, “Pentagon awards mega contracts to Musk-owned company, other firms for new ‘frontier AI’ projects,” Mikayla Easley, July 14, 2025, <https://defensescoop.com/2025/07/14/pentagon-ai-contracts-musk-xai-google-openai-anthropic-cdao/>.

⁸ Axios, “Exclusive: Hegseth gives Anthropic until Friday to back down on AI safeguards,” Dave Lawler and Maria Curi, February 24, 2026, <https://www.axios.com/2026/02/24/anthropic-pentagon-claude-hegseth-dario>; The New York Times, “Anthropic Sues Pentagon Over ‘Supply Chain Risk’ Label,” Sheera Frenkel, March 9, 2026, <https://www.nytimes.com/2026/03/09/technology/anthropic-defense-artificial-intelligence-lawsuit.html>.

⁹ Axios, “Exclusive: Hegseth gives Anthropic until Friday to back down on AI safeguards,” Dave Lawler and Maria Curi, February 24, 2026, <https://www.axios.com/2026/02/24/anthropic-pentagon-claude-hegseth-dario>.

¹⁰ Anthropic, “Statement from Dario Amodei on our discussions with the Department of War,” February 26, 2026, <https://www.anthropic.com/news/statement-department-of-war>.

¹¹ Post on X by Secretary of War Pete Hegseth, February 27, 2026, <https://x.com/secwar/status/2027507717469049070>.

¹² 10 U.S.C. 3252.

¹³ Anthropic, “Where things stand with the Department of War,” March 5, 2026, <https://www.anthropic.com/news/where-stand-department-war>.

¹⁴ Letter from Secretary of Defense Pete Hegseth to Anthropic CEO Dario Amodei, March 3, 2026, pp. 54-57, <https://www.washingtonpost.com/documents/8851ecc0-f908-4441-bc55-2b837f50444e.pdf>.

effective immediately and covering “[a]ll Do[D] procurements.”¹⁵ On March 6, the Department formally notified military leadership that Anthropic’s tools must be removed from DoD systems within 180 days, and that all DoD partners and contractors must similarly cease using Anthropic’s tools for any work related to “current and future [DoD] contracts” within the same timeframe.¹⁶

DoD did not have to take such extreme actions: it could have chosen to terminate its contract with Anthropic or continued using its technology in unclassified systems. Instead, it appears that you went beyond this approach and retaliated against the company by weaponizing longstanding statutes intended to protect against genuine national security threats. The supply chain risk designation “has never been used on an American company”¹⁷ and is “typically applied only to firms with ties to the government of China.”¹⁸

Similarly, Title I of the DPA—which you threatened to invoke—is intended to enable the government to mobilize our country’s resources during national emergencies,¹⁹ not to retaliate against American companies. The two threats were also inherently contradictory: to leverage the DPA would suggest that Anthropic’s services are essential to our country’s national security, while designating the company as a supply chain risk suggests that DoD views the technology as a threat to our country’s national security. Just as contradictory is DoD’s reported decision to use Claude to launch strikes on Iran, including for identifying and prioritizing targets,²⁰ after designating the company as a supply chain risk.²¹ President Trump appeared to make clear his true motivation for this designation: his view that Anthropic is a “RADICAL LEFT, WOKE COMPANY.”²² The incoherence of DoD’s actions, combined with President Trump’s ideological criticism of Anthropic, suggests that the Department’s actions are motivated more by politics rather than national security.

DoD Must Not Use AI To Trample on the Rights of American Citizens or Increase the Risks of Civilian Harm During Warfare

I am particularly concerned that DoD is trying to strong-arm American companies into providing the Department with the tools to spy on American citizens and deploy fully autonomous weapons

¹⁵ *Id.*

¹⁶ CBS News, “Internal Pentagon memo orders military commanders to remove Anthropic AI technology from key systems,” Michael Kaplan, Jo Ling Kent, Emily Pandise, et al., March 10, 2026, <https://www.cbsnews.com/news/pentagon-ai-anthropic-memo-remove-from-key-systems/>.

¹⁷ The New York Times, “Anthropic Sues Pentagon Over ‘Supply Chain Risk’ Label,” Sheera Frenkel, March 9, 2026, <https://www.nytimes.com/2026/03/09/technology/anthropic-defense-artificial-intelligence-lawsuit.html>.

¹⁸ The New York Times, “Pentagon Officially Notifies Anthropic It Is a ‘Supply Chain Risk,’” Cade Metz, Julian E. Barnes, and Sheera Frenkel, March 5, 2026, <https://www.nytimes.com/2026/03/05/technology/anthropic-supply-chain-risk-defense-department.html>.

¹⁹ 50 U.S.C. 4511(a).

²⁰ The Washington Post, “Anthropic’s AI tool Claude central to U.S campaign in Iran, amid a bitter feud,” Tara Copp, Elizabeth Dwoskin, and Ian Duncan, March 4, 2026, <https://www.washingtonpost.com/technology/2026/03/04/anthropic-ai-iran-campaign/>.

²¹ The New York Times, “Pentagon Officially Notifies Anthropic It Is a ‘Supply Chain Risk,’” Cade Metz, Julian E. Barnes, and Sheera Frenkel, March 5, 2026, <https://www.nytimes.com/2026/03/05/technology/anthropic-supply-chain-risk-defense-department.html>.

²² Post on Truth Social by Donald Trump, February 27, 2026, <https://truthsocial.com/@realDonaldTrump/posts/116144552969293195>.

without adequate safeguards. Indeed, on the same day you announced your intention to designate Anthropic a supply chain risk, DoD signed a deal with OpenAI that does not appear to include the same safeguards that Anthropic sought.²³ According to Legal Advocates for Safe Science and Technology, OpenAI’s contractual language related to autonomous weapons does not do “anything at all to constrain [the Department’s] use of” its AI technology for the purposes of developing autonomous weapons.²⁴ Your decimation of DoD civilian harm prevention and mitigation offices that Congress established in law, including the Civilian Protection Center of Excellence and the Central Command team’s oversight of civilian casualties,²⁵ raise the stakes even higher on the DoD’s attempt to seek fully autonomous AI-controlled weapons.

Similarly, the Department’s contractual agreement with OpenAI appears to allow DoD to use OpenAI’s models in a manner that harms civilian populations and endangers civil liberties as long as the Department can justify its conduct as “lawful.”²⁶ The language DoD has agreed to restricting mass domestic surveillance relies on generalities and undefined qualifications that one expert described as so broad that “the [government] can drive a truck through [them].”²⁷ For instance, while the Department has agreed to terms with OpenAI that “prohibit deliberate tracking, surveillance, or monitoring of U.S. persons or nationals” and specify that OpenAI’s technology “shall not be intentionally used for domestic surveillance of U.S. persons and nationals,”²⁸ “terms such as *intentionally* and *deliberate* provide substantial leeway for data collection that is deemed ‘incidental,’” such as commercially acquired data.²⁹

Conclusion and Questions

Meaningful constraints to prevent civilian harm are both a moral imperative and strategic necessity to preserve and strengthen our national security,³⁰ as are guardrails to prevent DoD from violating the privacy rights of American citizens. To better understand the impact of DoD’s actions on our national security and civil rights, I ask that you provide answers to the following

²³ The Atlantic, “OpenAI Is Opening the Door to Government Spying,” Matteo Wong, March 6, 2026, <https://www.theatlantic.com/technology/2026/03/openai-pentagon-contract-spying/686282/>.

²⁴ Legal Advocates for Safe Science and Technology, “OpenAI’s DoD Contract Does Not Protect the Red Lines It Says It Does,” <https://lasst.org/2026/03/02/openai-contract-does-not-protect-the-red-lines-it-says-it-does/>.

²⁵ Politico, “Hegseth gutted offices that would have probed Iran school strike,” Paul McLeary and Jack Detsch, March 10, 2026, <https://www.politico.com/news/2026/03/10/pentagon-iran-school-strike-civilian-casualties-00820780>; ProPublica, “The U.S. Built a Blueprint to Avoid Civilian War Casualties. Trump Officials Scrapped It,” Hannah Allam, March 10, 2026, <https://www.propublica.org/article/trump-defense-department-iran-hegseth-civilian-casualties>.

²⁶ OpenAI, “Our agreement with the Department of War,” February 28, 2026, <https://openai.com/index/our-agreement-with-the-department-of-war/>.

²⁷ Post on X by Jessica Tillipman, March 2, 2026, <https://x.com/JTillipman/status/2028674649714806868>.

²⁸ OpenAI, “Our agreement with the Department of War,” February 28, 2026, <https://openai.com/index/our-agreement-with-the-department-of-war/>.

²⁹ The Atlantic, “OpenAI Is Opening the Door to Government Spying,” Matteo Wong, March 6, 2026, <https://www.theatlantic.com/technology/2026/03/openai-pentagon-contract-spying/686282/>.

³⁰ U.S. Senator Elizabeth Warren, “As Secretary Hegseth Considers Gutting Workforce for Reducing Civilian Deaths, Pentagon Policy Nominee Agrees with Warren: Civilian Harm Prevention is Crucial to National Security,” press release, March 4, 2025, <https://www.warren.senate.gov/newsroom/press-releases/as-secretary-hegseth-considers-gutting-workforce-for-reducing-civilian-deaths-pentagon-policy-nominee-agrees-with-warren-civilian-harm-prevention-is-crucial-to-national-security>.

questions no later than April 6, 2026. To the maximum extent practicable, please provide your responses in unclassified form to inform Congress’s legislative duties:

1. Regarding Anthropic’s designation as a supply chain risk:
 - a. Your March 4 letter formally notifying Anthropic of its supply chain risk designation stated that DoD’s use of authority granted under 10 U.S.C. § 3252 is “necessary to protect national security by reducing supply chain risk,” and that “less intrusive measures are not reasonably available to reduce such supply chain risk.”³¹ What less intrusive measures were considered, and why are these measures unavailable?
 - b. What specific evidence or security threats exist supporting Anthropic’s designation as a supply chain risk?
 - c. Did DoD use Anthropic’s AI technology as part of its operations in Iran beginning February 28, after announcing it would designate Anthropic a supply chain risk on February 27?³²
 - d. Will the DoD continue to use Claude for national security operations even after designating Anthropic a supply chain risk?
2. Regarding the use of the Defense Production Act:
 - a. Has DoD formally invoked or made plans to use any authorities under Title I, Title III, or Title VII of the DPA with respect to any company developing frontier AI technology?
 - i. If so, please describe the company, the specific action, the date of such action, and the legal basis for such action.
 - b. Has DoD prepared any draft or final determination, legal memoranda, or other document regarding the use of any authorities under Title I, Title III, or Title VII of the DPA with respect to any company developing frontier AI technology?
 - i. If so, please provide each document that is responsive.
3. Regarding DoD’s use of fully autonomous weapons:
 - a. Does DoD plan to modify DoD Directive 3000.09,³³ the requirement that “[a]utonomous and semi-autonomous weapon systems will be designed to allow commanders and operators to exercise appropriate levels of human judgment over the use of force”?
 - i. How does DoD currently determine what constitutes an “appropriate level[] of human judgment”?³⁴
 - b. Does DoD currently deploy or plan to deploy AI in any military context without human oversight or control?
 - i. If so, what steps will DoD take to ensure that such weapons do not cause civilian harm?

³¹ Letter from Secretary of Defense Pete Hegseth to Anthropic, March 3, 2026, pp. 54-57, <https://www.washingtonpost.com/documents/8851ecc0-f908-4441-bc55-2b837f50444e.pdf>.

³² NPR, “Panic, fury, and some hope, in Iran as U.S. launches strikes,” Jane Arraf, February 28, 2026, <https://www.npr.org/2026/02/28/nx-s1-5730186/iran-strikes-israel>; Post on X by Secretary of War Pete Hegseth, February 27, 2026, <https://x.com/secwar/status/2027507717469049070>.

³³ U.S. Department of Defense, “DoD Directive 3000.09: Autonomy in Weapon Systems,” January 25, 2023, <https://www.esd.whs.mil/portals/54/documents/dd/issuances/dodd/300009p.pdf>.

³⁴ *Id.*

- c. Does DoD currently use AI tools as part of target selection at any stage? If so, please provide specifics regarding which AI tools are used, and how they are being used.
 - i. What is DoD's process to validate the accuracy of targeting information generated by AI?
4. Regarding DoD's use of AI to conduct mass domestic surveillance:
 - a. Does DoD currently use or have plans to use AI technology to conduct any form of analysis on mass or bulk datasets containing the data of U.S. nationals?
 - b. Does DoD purchase commercially acquired bulk data, such as commercial location data? Does DoD currently use or have plans to use AI technology to analyze commercially acquired data?
 - c. Does DoD currently use or have plans to use AI technology to select targets for surveillance of U.S. nationals?
5. Regarding DoD's negotiations with Anthropic and OpenAI:
 - a. Please provide the full contractual language and terms offered to OpenAI and Anthropic, respectively.
 - b. How do the terms DoD offered to Anthropic and OpenAI differ?
 - i. Did DoD offer both OpenAI and Anthropic the same contractual language?
 - ii. Did DoD offer OpenAI terms or narrower language that it did not offer Anthropic?
 - c. While the contractual language provided by OpenAI appears to restrict its AI technology from being "intentionally used for domestic surveillance,"³⁵ does DoD's current contract with OpenAI allow incidental, non-targeted surveillance?
 - d. Which other contractors is DoD currently in the process of negotiating with to supply AI services for use in classified systems? Would DoD provide these contractors with the same terms as OpenAI?
 - i. Would future terms offered by DoD to contractors providing AI technology allow for commercial bulk surveillance?

Sincerely,


Elizabeth Warren
United States Senator

³⁵ OpenAI, "Our agreement with the Department of War," February 28, 2026, <https://openai.com/index/our-agreement-with-the-department-of-war/>.

March 23, 2026

Sam Altman
Chief Executive Officer
OpenAI
3180 18th Street, Suite 100
San Francisco, CA 94110

Dear Mr. Altman,

I write regarding your February 27, 2026 announcement that OpenAI had reached an agreement with the Department of Defense (DoD or the Department) to deploy its AI models on classified military networks. It is important that we give our troops every advantage possible to succeed on the battlefield. However, I am concerned that the terms of this agreement may permit the Trump Administration to use OpenAI's technology to conduct mass surveillance of Americans and build lethal autonomous weapons that could harm civilians with little to no human oversight. To address my concerns on this matter, I ask that you provide additional information regarding the terms of the latest OpenAI-DoD agreement and the safeguards it has in place to protect the public from government surveillance and prevent civilian harm.

On February 27, in a diatribe on X, Defense Secretary Pete Hegseth announced that he was designating Anthropic, an OpenAI competitor, a "Supply-Chain Risk"¹ after Anthropic refused to accede to DoD demands that it remove safeguards that prevented its technology from being used to develop fully autonomous weapons and engage in mass domestic surveillance.² Hegseth indicated that as a result of this designation, "no contractor, supplier, or partner that does business with the United States military may conduct any commercial activity" with Anthropic.³ According to reporting, negotiations between Anthropic and the Department faltered when the Department doubled down on its request to use Anthropic's AI tools to analyze bulk commercial

¹ Post on X by Pete Hegseth, February 27, 2026, <https://x.com/SecWar/status/2027507717469049070>.

² Anthropic, "Statement from Dario Amodei on our discussions with the Department of War," February 26, 2026, <https://www.anthropic.com/news/statement-department-of-war>.

³ Post on X by Pete Hegseth, February 27, 2026, <https://x.com/SecWar/status/2027507717469049070>.

data collected on Americans.⁴ Just hours later, you announced that OpenAI had entered into an agreement for the Defense Department to use OpenAI's AI models on classified networks.⁵

In announcing OpenAI's agreement, you said that "prohibitions on domestic mass surveillance and human responsibility for the use of force" are among the "most important safety principles," and that the agreement would not allow the Department to violate either principle.⁶ Yet a close reading of the terms that OpenAI has made public suggests that the Department may have sufficient leeway to do exactly that. In fact, according to Legal Advocates for Safe Science and Technology, nothing in the agreement language related to autonomous weapons "does anything at all to constrain its use of" OpenAI's products.⁷ The terms related to mass domestic surveillance, meanwhile, rely on generalities and undefined qualifications that one expert described as so broad that "the govt can drive a truck through [them]."⁸ That same expert raised concerns that the agreement provided OpenAI little protection if the Trump Administration breached its terms.⁹

You admitted that the haste with which OpenAI announced its agreement with DoD "looked opportunistic and sloppy," but chalked up the issue to miscommunication on "super complex" issues.¹⁰ I am concerned that the issue is more fundamental: that you appear to have rushed into an agreement with Secretary Hegseth that gives him and other Trump Administration officials free rein to engage in domestic surveillance - including spying on U.S. citizens exercising their legal rights - or build autonomous weapon systems that have enormous power to make decisions about targeting without human intervention. Ultimately, it is impossible to assess any safeguards and prohibitions that may exist in OpenAI's agreement with DoD without seeing the full contract, which neither DoD nor OpenAI have made available. But what has been made public raises significant concerns about DoD's ability to use OpenAI's technology to impinge on American's rights or engage in unlawful warfare.

OpenAI's recent attempt to clarify these issues do not allay my concerns. Your team announced that the Department agreed to new terms that prohibit OpenAI's products from being "*intentionally* used for domestic surveillance" and that "prohibit *deliberate* tracking, surveillance,

⁴ The Atlantic, "Inside Anthropic's Killer-Robot Dispute With the Pentagon," Ross Andersen, March 1, 2026, <https://www.theatlantic.com/technology/2026/03/inside-anthropics-killer-robot-dispute-with-the-pentagon/686200/>.

⁵ Post on X by Sam Altman, February 27, 2026, <https://x.com/sama/status/2027578652477821175>.

⁶ The Hill, "Pentagon reaches deal with OpenAI amid Anthropic beef," Julia Shapero, February 28, 2026, <https://thehill.com/policy/technology/5760495-pentagon-deal-openai-trump-hegseth-anthropic>.

⁷ Legal Advocates for Safe Science and Technology, "OpenAI's DoD Contract Does Not Protect the Red Lines It Says It Does," March 2, 2026, <https://lasst.org/2026/03/02/openais-contract-does-not-protect-the-red-lines-it-says-it-does/>; Legal Advocates for Safe Science and Technology, "OpenAI says it's amending its DoD contract. We remain concerned," March 3, 2026, <https://lasst.org/2026/03/03/openai-says-its-amending-its-dod-contract-we-remain-concerned/>.

⁸ Post on X by Jessica Tillipman, March 2, 2026, x.com/JTillipman/status/2028674649714806868.

⁹ *Id.*

¹⁰ Post on X by Sam Altman, March 2, 2026, <https://x.com/sama/status/2028640354912923739>.

or monitoring of U.S. persons or nationals.”¹¹ The use of the terms “intentionally” and “deliberate” could “dramatically undercut any value this clause was meant to provide,” as a meaningful amount of data collected on Americans is collected incidentally.¹²

As long as the Department can make a plausible case that its conduct is not “unlawful,” it appears to be free to use your models in a manner that harms civilian populations and endangers civil liberties. That should concern you and all OpenAI employees - and every American. Under Secretary Hegseth’s tenure, DoD has all but done away with safeguards on civilian harm, including by decimating DoD’s civilian harm prevention and mitigation offices, and is using weapons of war in an increasingly indiscriminate manner.¹³ Meaningful constraints to prevent civilian harm in warfare are a moral, legal, and strategic necessity,¹⁴ but nothing in this agreement stops DoD from using OpenAI’s tools to employ AI-enabled weapons of war in a manner that threatens civilians. Similarly, after months of unprecedented purges of military leadership, President Trump told an assembly of senior military leaders that fighting the “enemy from within” will be “a big thing for the people in this room.”¹⁵ He has deployed the military and National Guard to American cities, which he said “should [be] use[d] . . . [as a] training ground for our military.”¹⁶ And he has publicly mused about using the National Guard to seize ballot boxes in swing states.¹⁷ Based on the terms of this agreement, your company’s AI tools may be implicated in efforts to expand these tactics, undermining Americans’ democracy, freedom, and privacy.

Given the potential for grave abuse associated with DoD’s use of OpenAI, I ask that you provide answers to the requests and questions below no later than April 6, 2026:

1. Please provide a copy of the signed agreement between OpenAI and DoD and a copy of any addendum or modification.

¹¹ OpenAI, “Our agreement with the Department of War,” February 28, 2026, <https://openai.com/index/our-agreement-with-the-department-of-war/>.

¹² Tech Policy Press, “Five Unresolved Issues in OpenAI’s Deal With the Department of Defense,” Jake Laperruque, March 9, 2026, <https://www.techpolicy.press/five-unresolved-issues-in-openai-deal-with-the-department-of-defense/>.

¹³ ProPublica, “The U.S. Built a Blueprint to Avoid Civilian War Casualties. Trump Officials Scrapped It,” Hannah Allam, March 10, 2026, www.propublica.org/article/trump-defense-department-iran-hegseth-civilian-casualties.

¹⁴ U.S. Senator Elizabeth Warren, “As Secretary Hegseth Considers Gutting Workforce for Reducing Civilian Deaths, Pentagon Policy Nominee Agrees with Warren: Civilian Harm Prevention is Crucial to National Security,” press release, March 4, 2025, <https://www.warren.senate.gov/newsroom/press-releases/as-secretary-hegseth-considers-gutting-workforce-for-reducing-civilian-deaths-pentagon-policy-nominee-agrees-with-warren-civilian-harm-prevention-is-crucial-to-national-security>.

¹⁵ NPR, “Trump defends use of the U.S. military against the ‘enemy within,’” September 30, 2025, www.npr.org/2025/09/30/nx-s1-5557232/hegseth-generals-trump.

¹⁶ *Id.*

¹⁷ The New York Times, “Trump Regrets Not Seizing Voting Machines After 2020 Election,” Alan Feuer and Ashley Ahn, January 11, 2026, <https://www.nytimes.com/2026/01/11/us/trump-voting-machines-2020-election.html>.

2. What “applicable laws,” in your understanding, would allow DoD to use OpenAI’s models for domestic surveillance?
3. How does OpenAI understand the term “deliberate” as it relates to tracking, surveillance, or monitoring of U.S. persons? Does "incidental" collection of data on U.S. persons that is stored and later queried qualify as “deliberate”?
4. Does the agreement define an “AI system”? Does the agreement prohibit the use of OpenAI models integrated in DoD systems for surveillance purposes?
5. OpenAI has stated that its agreement with DoD does not include the agencies within DoD that are responsible for intelligence collection and analysis like the National Security Agency and Defense Intelligence Agency. Does OpenAI have plans to expand the agreement to include these agencies?
6. Does the agreement prohibit the use of OpenAI’s models in support of domestic immigration enforcement operations, including intelligence sharing with the Department of Homeland Security, Immigration and Customs Enforcement, or Customs and Border Patrol?
7. What visibility do OpenAI’s cleared personnel actually have into the queries being run, the data being processed, and the outputs being generated within a classified environment governed by strict compartmentalization?
8. Given your claim that OpenAI’s “cloud-only deployment,” will allow OpenAI to “independently verify that these red lines are not crossed,”¹⁸ how will OpenAI determine whether a red line has been crossed? If a red line is crossed, will OpenAI revoke DoD’s access to its services?
9. Does the agreement require that OpenAI safety and alignment researchers remain “in the loop” before any DoD use of OpenAI’s services, or does the agreement allow OpenAI to be informed after the fact? Does the agreement allow OpenAI to prevent DoD use of its service for a particular use case if OpenAI’s safety and alignment team believes it crosses a red line?

¹⁸ *Supra* note 10.

Sincerely,


Elizabeth Warren
United States Senator