



To: Interested Parties
From: Jason Green-Lowe, Executive Director - Center for AI Policy
Date: March 5, 2024
RE: Musk vs. Altman + State of the Union

Musk vs. Altman

On March 1, 2024, Elon Musk announced a lawsuit against OpenAI, claiming that Sam Altman has betrayed the company's principles. The Center for AI Policy (CAIP) takes no position on the case's merits, because regardless of who wins the lawsuit, CAIP is concerned about the advances in AI technology and thinks Congress needs to act to protect the American public.

As CAIP sees it, the real question is not whether Altman or Musk is better suited to carry the banner of AI progress. Instead, we join the [Wall Street Journal](#) in asking: "How scared should we all be about advances in AI—and how soon?" Or, as the [New York Times](#) asked in its reporting: "Will artificial intelligence improve the world or destroy it, and should it be tightly controlled or set free?"

Despite their feud, Musk and Altman have both long warned of a grave threat to humanity from machines that are smart enough to reason like humans. Elon Musk signed a [March 2023 letter](#) calling for an immediate pause on training AI systems that are more potent than GPT-4. Sam Altman also signed a [letter in May 2023](#) supporting efforts that mitigate the risk of extinction from AI and saying that such efforts should be a global priority alongside other societal-scale risks such as pandemics and nuclear war.

So what changed? It's possible that Musk is simply techwashing and creating chaos in the marketplace. In 2017, Musk attempted to wrest control of OpenAI from Altman and its other founders and transform it into a commercial operation. And recently, Musk founded his own AI company called xAI. It seems plausible that Musk is jealous of OpenAI's commercial success. Or, perhaps Musk's motives are purely idealistic – as Parmy Olson writes in her [Bloomberg Opinion](#)

column, this lawsuit could be an attempt to push back against the fact that "too many AI startups have seen their noble goals imperiled by Big Tech's gravitational pull."

However, even if Musk is right to call out OpenAI for drifting away from its initial idealism, that still doesn't explain why the issue is showing up in private litigation. Musk's lawsuit asks the judicial branch to decide whether GPT-4 is an artificial general intelligence capable of human-level tasks, which is a foolish way for America to resolve a major public policy dispute. This issue cries out for legislative action. Instead of asking the courts whether this or that AI system has become unacceptably powerful, we need Congress to step in and require *all* advanced AI labs to meet minimum safety standards.

We need legislation that provides the means to identify and respond to national security risks, such as the disruption of critical infrastructure and disinformation campaigns hampering America's elections.

Additionally, Congress should pass legislation that provides:

1. More visibility into frontier AI development.
2. Increased technical expertise within the US government.
3. Precise mechanisms to halt the growth of unsafe AI.
4. Strong incentives for AI developers to prioritize safety from the start.

State of the Union

On Thursday, March 7, President Joe Biden delivers the State of the Union (SOTU) address to a joint session of Congress in Washington, DC.

While CAIP does not expect Biden to use his full address to the joint session of Congress to speak about the perils of AI, we are expecting that he will address the [October 2023 Executive Order](#) (EO) on the Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence.

In this EO, Biden stated that his "administration places the highest urgency on governing the development and use of AI safely and responsibly, and is therefore advancing a coordinated, Federal Government-wide approach to doing so. The rapid speed at which AI capabilities are advancing compels the United States to lead in this moment for the sake of our security, economy, and society."

We expect his SOTU address will reinforce this sentiment and forcefully encourage Congress to require safe AI.

There are still many tasks that humans can do better than AI, but every year, AI sets a new record, and there is no scientific reason to think this trend will slow down or stop.

Compared to humans, computers can store more information, communicate faster, and perform much more processing. There is no absolute limit on how powerful AIs can get.

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CAIP will watch and listen with keen interest during the SOTU to see if Biden reminds Congress of the critical need for a Federal Government-wide approach to require safe AI.