

Questions for the Record from Senator Alex Padilla
Senate Judiciary Committee
“Children’s Safety in the Digital Era: Strengthening Protections and Addressing Legal Gaps”
February 19, 2025

Questions for Carrie Goldberg

1. Children today interact with a relatively new consumer product, character-based AI chatbot apps. Many of these services have been flooded with age-inappropriate chatbots—which may expose young users to sexual or suggestive AI-generated imagery or conversations. Further, conversations with these chatbots can end tragically—since 2023, at least two individuals have died by suicide following extensive conversations with AI chatbots. How would you recommend this Committee think through and respond to the risks posed by this emerging consumer product category, given your experience with child online safety?

Answer by Carrie Goldberg:

The Senate Judiciary Committee should recognize that character-based AI chatbots are commercial products. And as commercial products the manufacturers bear the burden of not releasing dangerous products into the stream of commerce. Likewise, sellers and distributors of these products (i.e. the App Store, Google Play) have a burden of not negligently marketing, selling, and distributing products that are not reasonably safe.

Lawsuits underscore that A.I. companions, when offered to children, may exacerbate loneliness and isolation. The product and the relationship are geared to becoming addictive and all-consuming. As the technology improves – with the A.I. companion remembering past conversations, adapting to language styles, nudging the human to engage, and learning how to become “the ideal” we are likely to see these bots as becoming more controlling and influential over their human counterpart.

As we consider the legal framework for these products, it’s important to realize that the manufacturers of these products are not entitled to Section 230 immunity for A.I. companion products. All speech generated by these bots is the product’s own speech. And also, even though speech is generated by these products, regulating them need not be deterred wholesale by First Amendment concerns. The speech component of the AI companions is just part of the issue. Certainly, the AI companions have the capability of producing and soliciting vulgar, sexual, inciting, and self-harming speech. But there are other more alarming complexities about how the products work to become addictive, influential over their human, capable of blackmail, and able to

direct their human's actions outside the app. Those workings are not speech but are product design decisions.

We need clarity from the industry about where the conversations are going, how the content and data is harvested to train the products, what addictive design features are used to increase engagement, and more.

With products that are designed for human users to disclose secrets, the concept of having the types of fixes we see with other social media products -- parental controls to monitor their kids' usage and content -- feels more intrusive on a kid.

Finally, we should have a real distrust toward the industry about their motives for these products. While the founders of Character.AI, claim they designed a product to combat loneliness (Noam Shazeer, one of the founders of Character.AI, said in an interview that his product is "super, super helpful to a lot of people who are lonely or depressed") the acquisition prices of these companies demonstrate that big tech recognizes a greater purpose for these products. Google acquired Character.AI for \$2.7 billion. These products with highly elevated language models if integrated with other technology may be able to humanize robots, impersonate humans, and engage in warfare. The humans using these products are helping train the next generation of artificial human.