NAACP

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Good afternoon, I am Derrick Johnson, President and CEO of the NAACP. Thank you to Senator Schumer and the committee for the opportunity to meet with you today.

The NAACP was founded 114 years ago to respond to the racial animus and disadvantage targeted at Black people and other people of color. From our founding until the present, we have centered our work in racial equity. This focus is equally critical today, as rapidly evolving technologies like generative artificial intelligence (AI) have disrupted systems, reshaped the economy, and affected the future of democracy.

The last 40 years have demonstrated that technology companies have little incentive to regulate their market behavior. Innovation has created opportunity and convenience but has also been a driver behind wealth concentration, racial division, a rise in hate speech, the erosion of privacy, and the fight for democracy. Federal oversight is needed to ensure that technology broadens opportunity for all, particularly at the intersection of technology with racial equity.

Technology has expanded opportunities for advancement and progress but it presents inherent dangers and risks to Black people and our communities, particularly within the areas of economic progress, voting rights, and criminal justice.

Economic Progress

Implicit and explicit bias in AI systems can perpetuate and exacerbate societal inequity. The data used to train AI systems should be representative of the full spectrum of human experiences because biased training data can perpetuate discrimination and inequality.

It is essential that policymakers require companies and developers to prioritize transparency in AI development. Oversight must include understanding the data used, the algorithms employed, and

potential sources of bias. Moreover, accountability mechanisms must be established to address harmful AI outcomes.

The teams that create AI systems should also reflect the diversity of the communities these technologies impact. A more inclusive workforce can help mitigate biased design and foster a broader range of perspectives in design. Linked with diversity is a commitment to rigorous testing and bias mitigation strategies throughout the AI development lifecycle. Regular audits of AI systems with third party verification are needed to detect and rectify bias where it exists to establish the best practices incorporating racial equity.

Voting Rights

In recent years, the proliferation of mis- and disinformation targeted toward Black Americans has posed a significant threat to the integrity of democracy within the United States. The 2022 election was no exception, as Black Americans, and Black women in particular, were targeted with false or misleading information designed to manipulate opinions and influence their voting behavior. The implications of mis- and disinformation during 2022 and beyond have broader implications for democracy and the fight for racial equity advanced by the NAACP.

Mis- and disinformation are not new in politics, but technology has amplified their reach and impact. In the context of elections, generative AI has potential to undermine the credibility of the electoral process, erode trust in institutions, and, most importantly, disenfranchise voters. For Black Americans, who have historically faced systemic barriers to political participation, these tactics are particularly insidious.

Hate speech, mis- and disinformation campaigns targeting Black communities during the 2022 election cycle took various forms, including false narratives disseminated through social media, fake news websites, digital intimidation, and other tactics. These campaigns often leveraged existing racial tensions and inequalities, seeking to exploit vulnerabilities within Black communities. Common themes included:

- **Voter Suppression Tactics**: Disinformation campaigns falsely claimed that voting locations had changed, election dates were different, or that certain forms of identification were required, which aimed to confuse and discourage Black voters.
- **Character Assassination**: Prominent Black political figures and activists were subjected to character attacks and false accusations, with the intent to damage their reputations and influence public opinion.
- **Misleading Narratives**: Misinformation was spread about policies and candidates, often framing them in ways designed to create division and sow discord within the Black community.
- **Appeals to Racial Animus**: Some disinformation campaigns exploited the politics of racial identity, urging violence directed toward Black electoral participation.

During and following the 2022 election cycle, the NAACP engaged with other advocates in the #Stop Hate for Profit campaign that focused on countering false information and the proliferation of hate speech on social media platforms. Government and regulatory agencies have a crucial role to play in setting and enforcing standards for AI. These standards should include safeguards against racial bias and discrimination. Federal legislation is a critical element of a holistic technology agenda for Black Americans that contemplates the growth of AI:

- **Technology Literacy Education**: Empowering individuals with critical thinking skills and technology literacy is essential to help trusted messengers relay reliable information and differentiate it from falsehoods.
- **Advocacy on Accountability**: Social media platforms must be held accountable for spreading false information.
- **Activation**: Community leaders play a vital role in countering disinformation by providing accurate information and encouraging civic engagement.
- **Policy, Legislation, and Regulation**: Policymakers must be engaged to enact laws and regulations that address the spread of disinformation while safeguarding freedom of speech and expression. Communities affected by AI technologies should be included in decision-making processes to have their voices heard in shaping AI policies and use.

Criminal Justice

The use of AI in criminal justice demonstrates potential for great harm to Black Americans. AI may assist in the efficiency and accuracy of data analysis, but the presence of bias in data sets can lead to racial harm.

In one such example, the FBI fingerprint database includes people arrested for crimes but the database fails to correct for dismissals, exonerations, and persons actually convicted. Given the proven over-policing of Black communities and Black men, the FBI dataset is overrepresented by Black men when compared with the population of Black men in the United States. Given that the FBI fingerprint database is widely used in background checks and in other uses, its data can cause racial harm in criminal and civil use.

In another example, the U.S. Department of Housing and Urban Development is now working to address the erosion of privacy rights by public housing authorities where agencies have funded the installation of cameras enabled with facial recognition technology. Housing authorities use facial recognition to identify and monitor visitors to resident's homes. Living in public housing should not remove the right to privacy enjoyed by people with higher levels of income.

AI can analyze large volumes of data quickly, helping law enforcement agencies in tasks like data mining and evidence analysis, which can lead to more accurate investigations. As the FBI example illustrates, these systems can also inherit biases from the practices that generate data they are trained on, leading to biased decisions and exacerbating existing disparities in the criminal justice system.

Algorithms are complex and not easily understood. This absence of transparency can make it difficult to challenge or understand decisions made by these systems. The use of AI in criminal justice offers potential for improvements in efficiency and fairness but also presents challenges related to bias, transparency, privacy, and the potential loss of human judgment. Striking a balance between the benefits of AI and its limitations is crucial to ensure fairness in the criminal justice system, and racial equity in the application of justice.

Conclusion

As the use of generative AI spreads, the NAACP urges policymakers to ensure that its benefits flow to all members of our society. The path to fairness in AI will benefit everyone if it is centered in racial equity. Thank you again for inviting me to participate in today's discussion.