

Dear members of the US Copyright Office,

As a 100% disabled career veteran, I don't shy away from speaking about my disabilities. The Department of Veterans Affairs has diagnosed me with C-PTSD, bipolar disorder, borderline personality disorder, a Chiari 1 brain stem malformation, and gender dysphoria. Each of these diagnoses severely impacts my cognitive and creative abilities uniquely.

To put it nicely, I had a tough and economically disadvantaged childhood. With nothing other than minimum wage-type job prospects during the recession of 1982, not long after graduating from high school, I entered the US Army. There, I stayed for a career until retiring due to injuries. I would likely have become a journalist or author in a different life and with better economic opportunities.

Although I entered the Army as a tank mechanic, the military soon realized I was a gifted writer. And they often tapped into that creative gift. I became known for turning out top-notch evaluation reports, awards, memos, etc. However, as the mental illnesses that plagued me began to manifest, my writing abilities began to decline. I had no idea why until after receiving the diagnoses I listed above.

The C-PTSD and borderline personality disorder diagnoses result from childhood physical, sexual, and mental abuse. The traumas of military service further aggravated these conditions. My bipolar disorder was genetically inherited from my father. And the Chiari 1 brain stem malformation is a birth defect. Regarding gender dysphoria, the origins of it are still getting debated in the scientific community. Still, it likewise affects my cognitive and creative abilities because my body gets kept in a state of androgen deprivation similar to a cancer patient to treat the disorder. The consensus is that I also have Asperger's syndrome, so I don't see the world the same as many other people do. An Alpha-Stim device sits on my desk. I connect alligator clips to my earlobes each night and send an electrical current to my brain to stimulate it.

All of these serious conditions have a severe impact on my ability to write and create. An AI tool helped me make this teary-eyed letter. And the longer the writing project is, the more difficult it becomes due to the constant depression I battle. Everyday things and activities a person without these disabilities faces and takes for granted are like mountains for me to climb.

It's always been my dream to become a published author. And I had made peace with the likelihood that it wouldn't happen in my lifetime because of my severe disabilities. But the advent of AI technology has changed that.

The toxic narrative perpetuating daily in the media is that AI technology is nothing more than copyright theft despite no trials having yet taken place. Equally disparaging rhetoric comes from entities and organizations in the status quo that fear this technology because they fear that it threatens their livelihoods. I frequently reach out to media outlets to share my story about how AI as an assistive technology has helped to restore my writing abilities, but none of them want to talk to me. Why is that? What do they fear?

On October 10, 2023, my dream came true. After hundreds of hours of collaborating back and forth with ChatGPT, I published my first novel titled "AI Machinations: Tangled Webs and Typed Words," an achievement that had been elusive for decades. I cannot begin to tell you how many times I previously failed—each time, expensively fooling myself that some new writing tool, piece of hardware, or some new location to create within would restore my ability to write.

Even though my book was painstakingly built sentence by sentence and paragraph by paragraph, the narrative in the media is that it's AI trash preventing the works of legitimate authors from being discovered on Amazon. I challenge anyone who takes the time to read my book to allege it's true. My plight and my journey through life resonate in the pages. The plot and characters are not something an AI tool dreamed up. They're pieces of me.

Against all odds, because of my disabilities, publishing my first book should have been a victory. It's been anything but that. As I attempted to upload my book to Amazon, I was forced to accept that my creation had to get branded with an AI Scarlett Letter. The closest category that fit was "AI-generated with extensive editing." In my case, there was no category to capture that AI was used as an assistive technology to overcome my disabilities.

Soon after, I faced the same stigma with the US Copyright Office when attempting to copyright my book. My psychiatrist at the VA has written a letter stating that it's beneficial for me to access tools like ChatGPT as an assistive technology and an ADA accommodation. Still, the USCO doesn't allow me to request or do that in the application process. Why is that? Have special interest groups captured the agency? My \$865 expedited application, paid for from my disability pension for copyright, was swiftly denied, leaving my book vulnerable to theft. What recourse do I now have, should that occur? A debate about the theft of creative works now leaves my work susceptible.

Without considering the ADA element of my claim, the USCO refused to copyright my book because I refused to exclude all AI-generated text. To do so would have meant that I no longer had a book because of how I use AI to create, which I suspect was intended by design with these ridiculous rules.

The USCO uses doublespeak like this to attack authors and people with disabilities who use AI to assist them in creating:

"When an AI technology determines the expressive elements of its output, the generated material is not the product of human authorship. As a result, that material is not protected by copyright and must be disclaimed in a registration application."

"In other cases, however, a work containing AI-generated material will also contain sufficient human authorship to support a copyright claim. For example, a human may select or arrange AI-generated material in a sufficiently creative way that "the resulting work as a whole constitutes an original work of authorship." Or an artist may modify material originally generated by AI technology to such a degree that the modifications meet the standard for copyright protection. In these cases, copyright will only protect the human-authored aspects of the work, which are "independent of" and do "not affect" the copyright status of the AI-generated material itself."

For starters, ChatGPT did not determine the expressive elements of its output. I did as a human. The approximately 275,000 words of chat logs I provided to the USCO regarding creating my roughly 54,000-word novel prove that, but no one cared. When an assistive technology like ChatGPT outputs a sentence like, "The sky is blue on Mondays," after I inputted a prompt for help to write a sentence that says, "The sky is typically orange in the morning on Thursdays, the USCO's stance would only be true if the human behind the tool, me, could not correct the output. That's not the case. With ChatGPT, I can converse back and forth, explaining how the assistive technology got it wrong and instructing the tool on what it needs to do to fix the problem. Evidence of that happening exists throughout the chat logs capturing the creation of my book.

The USCO is using flawed arguments to attack AI tools, which are just that, tools. Take, for example, the camera. A human isn't capable of manually creating what a camera outputs. Humans can draw sketches or paint portraits, but they can't create images with millions or billions of unique pixels. The "machine," the camera, captures what a human sees through the lens, the scene the human has set. A similar thing plays out in how I use an AI tool like ChatGPT to help me create fictional works. Like the camera, it brings to life the ideas I have in my head

for stories. To the best of my abilities, due to the limitations imposed on me by my disabilities, I describe what I see in my head for a writing scene, and then the AI tool turns that mental image into words. It paints the screen with words from a picture of the idea that was stored in my head. How is that a bad thing?

My creation process looks like this. I tell ChatGPT something to the effect of, "I see a detective walking into an apartment. The dirty carpet is blue. A beer bottle is lying on the coffee table; the liquid is spilled all over the surface. On the coffee table is a black ashtray overflowing ashtray with a cigarette burned down to the filter. A man is lying on the sofa on the gray couch behind the coffee table. He's passed out. His left arm is dangling off the sofa, and a loaded handgun is not far from his hand on the floor." My question to the USCO is: When I input descriptive things like this into a tool like ChatGPT, and the assistive technology helps me to clean up and rearrange my language and ideas into something more presentable for my readers as an accommodation for my disabilities, how can you expect me to exclude the outputted words that have become the only visible text? All that text I just inputted under the USCO's stance is now considered AI-generated even though the AI software was primarily used as a grammar tool.

Describing a writing scene like I just did is still within my capability. Trying to form it into respectable writing that would meet the quality guidelines of the world's largest book publisher, Amazon, is not. I melt down and go into a deep depressive state when trying. But with an AI tool like ChatGPT, I can get over the hill or mountain. To be clear, in my case, writing a book isn't about making money. It's about creating. It's about having constructive things to do with my time during what remains of my life so I don't succumb to destructive behaviors. There's no need to elaborate on those. Any psychologist or psychiatrist can advise the USCO about the types of self-destructive behaviors that people suffering from PTSD or bipolar disorder are prone to engaging in. That's the basis of why my VA psychiatrist is supportive of my creative writing.

The stance of the USCO gets more nonsensical in their guidance if we correctly consider my inputted text into ChatGPT as the equivalent of a raw image in a photo editing software tool: "This policy does not mean that technological tools cannot be part of the creative process. Authors have long used such tools to create their works or to recast, transform, or adapt their expressive authorship. For example, a visual artist who uses Adobe Photoshop to edit an image remains the author of the modified image, and a musical artist may use effects such as guitar pedals when creating a sound recording. In each case, what matters is the extent to which the human had creative control over the work's expression and "actually formed" the traditional elements of authorship."

As I authored this public comment, the headlines show that 19 US soldiers, my fellow veterans, received traumatic brain injuries during attacks in Syria and Iraq. And daily, people who dream of becoming writers or authors like I once did become crippled by debilitating injuries, disorders,

and illnesses like fibromyalgia, bipolar disorder, brain injuries from car crashes or falls, etc. The ability of AI tools like ChatGPT can help folks like them and me, but this is getting unjustly ignored because of partisan politics and lobbying by special interest groups with a Luddite worldview. The things that have gone wrong in my body, partly because of service to this nation, have robbed me of my ability to create independently. However, please don't steal from me my power to copyright what I can still author with the help of assistive AI technologies.