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MICHAEL J. MONGAN (SBN 250374)  
michael.mongan@wilmerhale.com  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
50 California Street, Suite 3600  
San Francisco, CA 94111  
Telephone: (628) 235-1000

EMILY BARNET (*pro hac vice*)  
emily.barnet@wilmerhale.com  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
7 World Trade Center  
250 Greenwich St  
New York, NY 10007  
Telephone: (212) 230-8800

*Attorneys for Plaintiff Anthropic PBC*

KELLY P. DUNBAR (*pro hac vice*)  
kelly.dunbar@wilmerhale.com  
JOSHUA A. GELTZER (*pro hac vice*)  
joshua.geltzer@wilmerhale.com  
KEVIN M. LAMB (*pro hac vice*)  
kevin.lamb@wilmerhale.com  
SUSAN HENNESSEY (*pro hac vice*)  
susan.hennessey@wilmerhale.com  
LAUREN MOXLEY BEATTY (SBN 308333)  
lauren.beatty@wilmerhale.com  
LAURA E. POWELL (*pro hac vice*)  
laura.powell@wilmerhale.com  
SONIKA R. DATA (*pro hac vice*)  
sonika.data@wilmerhale.com  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
2100 Pennsylvania Avenue NW  
Washington, DC 20037  
Telephone: (202) 663-6000

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

ANTHROPIC PBC,  
  
Plaintiff,  
  
v.  
  
U.S. DEPARTMENT OF WAR, et al.,  
  
Defendants.

Case No. 3:26-cv-1996

**SECOND DECLARATION OF SARAH  
HECK IN SUPPORT OF PLAINTIFF  
ANTHROPIC PBC'S REPLY BRIEF  
IN SUPPORT OF PLAINTIFF'S  
MOTION FOR PRELIMINARY  
INJUNCTION**

Judge: Hon. Rita F. Lin

1 I, Sarah Heck, pursuant to 28 U.S.C. § 1746, declare as follows:

2 1. I previously submitted a declaration in this case on March 9, 2026, describing  
3 Anthropic PBC's ("Anthropic") relationship and communications with the U.S. Government,  
4 including the Department of War ("Department"). I submit this supplemental declaration in  
5 support of Anthropic's Reply Brief in Support of Plaintiff's Motion for a Preliminary Injunction.

6 2. As stated in my March 9 declaration, my understanding of Anthropic's relationship  
7 and communications with the Department is based on my experience in my role as Head of Policy.  
8 In that role, I lead Anthropic's public policy engagement, government relationships, strategic  
9 partnerships, and government communications, including engagements and initiatives that address  
10 the intersection of Artificial Intelligence ("AI"), national security, and economic policy. This  
11 includes being involved in communications between Anthropic and the government.

12 3. I have personal knowledge of the contents of this declaration, or have knowledge of  
13 the matters based on my review of information and records gathered by Anthropic personnel, and  
14 could testify thereto.

15 4. As I described in my original declaration, Anthropic and the Department had been  
16 negotiating a partnership for several months. I participated personally in these negotiations. This  
17 includes attending the in-person meeting on February 24, 2026, where the Department Chief  
18 Technology Officer and Under Secretary of War Emil Michael and Secretary of War Pete Hegseth  
19 met with Anthropic CEO Dr. Dario Amodei.

20 5. I explained in my prior declaration that Anthropic's negotiations with the  
21 Department did not end after the February 27, 2026, directives issued by President Donald Trump  
22 and Secretary Hegseth attacking Anthropic. In the days following those directives, the parties  
23 continued to work towards an agreement, even as the Department—unbeknownst to Anthropic—  
24 was drafting materials claiming that Anthropic posed risks of sabotage, data exfiltration, and other  
25 serious harms. At no point in these conversations did Under Secretary Michael or anyone at  
26 Department share with Anthropic its apparently grave concerns or suggest that they were an  
27 impediment to a deal. To the contrary, the Department and Anthropic were still engaged in  
28

1 negotiations on March 4, 2026—the day *after* the Department completed its formalization of the  
2 supply-chain risk designation (but before Anthropic received that formal notice).<sup>1</sup>

3 6. In reviewing the materials the government has filed in this case, I was struck by its  
4 repeated claim that Anthropic insisted during negotiations that the company have some sort of  
5 approval role in the Department’s operational decision chain. That is false. At no time during  
6 Anthropic’s negotiations with the Department did I or any other Anthropic employee state that the  
7 company wanted that kind of role. We do not want it now, either.

8 7. Likewise, at no point during the negotiations did any party raise any concerns about  
9 Anthropic taking technical steps to disrupt the U.S. military. This is a new purported concern that  
10 was raised, for the first time, in the government’s filings in this case. Had this concern been raised  
11 in a manner allowing Anthropic to respond, we would have explained, among other things, the  
12 technical impossibility of such disruption. Second Declaration of Thiyagu Ramasamy (“Second  
13 Ramasamy Decl.”) ¶¶ 13-20. As I understand from Thiyagu Ramasamy’s supplemental  
14 declaration, Anthropic is unable to alter an AI model after deployment without the Department’s  
15 knowledge or consent. Second Ramasamy Decl. ¶ 17.

16 8. Additionally, it is my understanding that the Department had previously expressed  
17 concerns that Anthropic had objected—after the fact—about how Anthropic’s models were being  
18 used in the Department operations and those concerns are now reprised in the government’s  
19 materials. But this concern was and is misplaced, as Anthropic has made very clear. Indeed, when  
20 Secretary Hegseth raised this topic at the February 24th in-person meeting, Dr. Amodei clarified  
21 that the company had not objected to the use of its tools as reported. Dr. Amodei further explained  
22 that Anthropic has no interest in interfering with the Department operations more generally. Dr.  
23 Amodei publicly reiterated that stance in a February 26, 2026, blog post, explaining that  
24 Anthropic “understands that the Department of War, not private companies, makes military  
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<sup>1</sup> Attached hereto as **Exhibit 1** is a true and correct copy of a March 4, 2026 email from Emil Michael to Dario Amodei.

1 decisions” and underscoring that Anthropic has “never raised objections to particular military  
2 operations nor attempted to limit use of our technology in an ad hoc manner.”<sup>2</sup>

3 9. In an effort to be responsive to the Department’s apparent concerns that Anthropic  
4 desired an approval role in operations, Anthropic was willing to make contractual commitments as  
5 further reassurance. In a draft agreement transmitted to the Department on March 4, 2026,  
6 Anthropic included language stating: “For the avoidance of doubt, [Anthropic] understands that  
7 this license does not grant or confer any right to control or veto lawful Department of War  
8 operational decision-making.” Anthropic included this language to clarify that it did not seek to  
9 be, and would not be, part of any operational decision chain.<sup>3</sup>

10 10. I was also surprised to read in the government’s materials that Anthropic’s beliefs  
11 that Claude should not be used for autonomous lethal warfare or mass surveillance of Americans  
12 are part of what makes the company a danger to national security. I find this rationale puzzling for  
13 two reasons: (1) when negotiations broke down, the parties were very near agreement on language  
14 that would address Anthropic’s concerns regarding autonomous lethal warfare and (2) Secretary  
15 Hegseth himself referred to Anthropic’s concerns regarding autonomous lethal warfare and mass  
16 surveillance of Americans as “understandable.” That was echoed mere days later by the  
17 Commander of U.S. Central Command, who told a media outlet, “Humans will always make final  
18 decisions on what to shoot and what not to shoot.” And a recent threat assessment from the Office  
19 of the Director of National Intelligence, reflecting the collective views of the U.S. Intelligence  
20 Community, further confirms that at least some portions of the Administration believe “it is  
21 essential to make sure that humans maintain control of the [AI models] and how AI is used.”  
22 Indeed, on March 4, 2026 — after the Secretarial Letters were drafted, Under Secretary Michael  
23 emailed Dr. Amodei to say “I think we are very close here” regarding these two issues.<sup>4</sup>

24 I declare under penalty of perjury that the foregoing is true and correct.  
25

26 <sup>2</sup> See *Statement from Dario Amodei on Our Discussions with the Department of War*, Anthropic  
27 (Feb. 26, 2026), <https://www.anthropic.com/news/statement-department-of-war>.

28 <sup>3</sup> Attached hereto as **Exhibit 2** is a true and correct copy of a March 4, 2026 email and two  
attachments from Anthony Fuscellaro to Dario Amodei Re: Official Correspondence from the  
Department of War to Anthropic.

<sup>4</sup> See Ex. 1.

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Executed on March 20, 2026.

/s/ Sarah Heck

Sarah Heck

