Why Actors Are Afraid of Artificial Intelligence
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Imagine you're sitting at home watching television and you see a familiar face in the background. Upon further inspection, you realize it's your own face. You've done a few background acting gigs but not in this show and you feel like you're in an episode of *The Twilight Zone*. Although it seems like a bad sci-fi flick, many actual background actors are legitimately afraid of this very scenario.

Artificial intelligence (AI) is causing disruptions and controversy in many career fields. The emerging technology has people in fear that their jobs could be taken over by the more economical AI. One of the most publicized disruptions, at the moment, is in the entertainment industry. Unionized writers and actors have been striking throughout the summer as they attempt to negotiate better contracts with film and television studios.[1] Among their chief concerns is the looming threat of AI. AI has especially threatened a writer's job security because of AI's ability to write scripts.

Writers and actors aren't just concerned with AI writing materials for them, but are also worried about actors' faces being replicated through AI and inserted into films and television shows without compensation to the respective actor.[2] The chief negotiator for the actor's union stated that the studios "propose that our background performers should be able to be scanned, get paid for one day's pay and their company should own that scan, their image, their likeness, and to be able to use it for the rest of eternity in any project they want with no consent and no compensation."[3] Studios have been investing heavily into AI technologies which is worrisome to actors since these technologies are not yet regulated and do not give actors any protections in their employment contracts.[4]

While striking and struggling for money, many background actors have been recruited into research programs to improve AI's facial replication technology. Experts think this research will soon be commercialized to "build digital actors that replace humans."[5] Many actors are being taken advantage of to aid in the tech research that they are fighting against. Background actors are usually paid $200 for a day's work, but these research companies are offering $300 for only two hours of work.[6] Studios also hope to take advantage of new actors by requiring them to consent to the use of their digital replicas at their "initial employment."[7] These uses include voice intonations, likeness, and bodily movements. The accuracy of these "digital avatars" made from AI and based on actors has grown exponentially within the past five years according to one visual effects company.[8]

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[1] Kevin Collier, *Actors vs. AI: Strike brings focus to emerging use of advanced tech*, NBC News (July 14, 2023, 5:14 PM), https://www.nbcnews.com/tech/tech-news/hollywood-actor-sag-aftra-ai-artificial-intelligence-strike-rcna94191.

[2] Ken Klippenstein, *As Actors Strike For AI Protections, Netflix Lists $900,000 AI Job*, The Intercept (July 25, 2023, 12:32 PM), https://theintercept.com/2023/07/25/strike-hollywood-ai-disney-netflix/.

[3] *Id.*

[4] *Id.*

[5] *Id.*

[6] *Id.*

[7] Marc Tracy, *Digital Replicas, a Fear of Striking Actors, Already Fill Screens*, The New York Times (Aug. 4, 2023), https://www.nytimes.com/2023/08/04/arts/television/actors-strike-digital-replicas.html.

[8] *Id.*

Writers and actors are demanding that studios begin regulating AI, but it doesn't look like these regulations are coming anytime soon. Disney's CEO, Bob Iger, admitted that AI has the potential to be unmanageable and disruptive when it comes to intellectual property, but he has refused to acknowledge actors' and writers' concerns regarding their own intellectual property and AI.[9] Iger has been an outspoken proponent for the regulation of AI when it comes to protecting Disney's intellectual property but deems demands from writers' and actors' unions as unrealistic.[10]

At a standstill with the studios, actors and writers can currently only hope for action from the government. Congress members will meet with lead AI innovators next month for a series of listening sessions about AI and its implications.[11] Some of these innovators include Elon Musk and Sam Altman.[12] The listening sessions will be closed-door, and two of the main topics are directly related to the writers' and actors' concerns: intellectually property theft and the threat of AI to jobs.[13]

The listening sessions are just the first steps into the challenging world of AI regulation. Many of the members of Congress have a lot to learn about the confusing and evolving technology. There are fears that Congress will take their time regulating this technology because of how new and unpredictable it is.[14] Congress and federal agencies are notoriously slow when regulating revolutionary technologies considering it took decades to impose regulations on electricity and cars.[15] Another issue that will slow down the regulation of AI technology and industries is that "some aspects of A.I. may not fall under any existing federal agency's jurisdiction — so some advocates want Congress to create a new one."[16] Creating an entirely new agency would undoubtedly take a very long time.

Quick advancements from Europe regarding AI regulation could inspire U.S. representatives to further jump into action. The European Union has passed a draft law regulating the use of AI.[17] If the law passes, it will be one of the first laws to regulate AI and could be used as a model for other governments. If passed, the AI Act will 'severely curtail uses of facial recognition software while requiring makers of AI systems like the ChatGPT chatbot to disclose more about the data used to create their programs."[18] This seems like a great foundation for regulations regarding the AI industry.

Unfortunately for the striking actors and writers, it does not seem like negotiations will end anytime in the near future. You also probably won't see yourself randomly appear in the background of an episode of TV anytime soon. But next time you are watching television, which

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[9] Ken Klippenstein, *As Actors Strike For AI Protections, Netflix Lists $900,000 AI Job*, THE INTERCEPT (July 25, 2023, 12:32 PM), https://theintercept.com/2023/07/25/strike-hollywood-ai-disney-netflix/.

[10]*Id.*

[11]Cecilia Kang, *Tech Chiefs to Gather in Washington Next Month on A.I. Regulations*, THE NEW YORK TIMES (Aug. 28, 2023), https://www.nytimes.com/2023/08/28/technology/tech-ai-regulations-listening-session-lawmakers.html?searchResultPosition=2.

[12] *Id.*

[13] *Id.*

[14]Ian Prasad Philbrick, *The U.S. Regulates Cars, Radio and TV. When Will It Regulate A.I.?*, THE NEW YORK TIMES (Aug. 24, 2023), https://www.nytimes.com/2023/08/24/upshot/artificial-intelligence-regulation.html?searchResultPosition=1.

[15] *Id.*

[16] *Id.*

[17] Adam Satariano, *Europeans Take a Major Step Toward Regulating A.I.*, THE NEW YORK TIMES (June 14, 2023), https://www.nytimes.com/2023/06/14/technology/europe-ai-regulation.html

[18] *Id.*

will probably be a re-run of your favorite show since nothing new will be coming out for months, think about how AI would impact it. Maybe pay closer attention to the background actors and think about how research companies and studios are taking advantage of them when they're desperate for money and in an industry that is already hard to make a living off of. Think about how fast AI technologies and its uses are evolving. Right now, only television and film are being threatened in the mainstream by AI, but music, books, or anything else that could become more economical and less human through the use of AI may be next.