

Policy 360 Episode 175 Tift Merritt and David Hoffman

Anna Gassman-Pines:

Welcome to Policy 360. I'm Anna Gassman-Pines. We're starting today's episode with a story. One day, the musician Tift Merritt got some unsettling news. A reporter specializing in intellectual property law had contacted her. They were writing a story about music labels and AI lawsuits. As a part of the story, to test the power of AI, the reporter asked an AI music website to make an Americana song in the style of Tift Merritt. AI instantly generated a song. The singer sounded an awful lot like Tift and the song included themes similar to Tift's most popular song on Spotify. The reporter was curious how Tift would react to the experiment, so he emailed her. Tift replied, and we'll talk about that in a moment. But the story doesn't end there. She is now working on a team here at the Sanford School of Public Policy at Duke University to explore policy considerations related to AI and music and she's here with me today.

Tift Merritt:

Thanks for having me.

Anna Gassman-Pines:

Welcome. I am a big fan of your work.

Tift Merritt:

Oh, thank you.

Anna Gassman-Pines:

So, I wanted to start by asking you, do you remember getting that email?

Tift Merritt:

I do remember getting that email and I remember trying to reply very carefully. So, what I said publicly to the reporter and what I said in the room next door were two very different things.

Anna Gassman-Pines:

Sure, I bet. Okay. I'm going to ask you more about that, but before we get there, let's start by hearing a little bit of your most popular song at the time, *Traveling Alone*.

MUSIC:

This morning, if it all would go.

Funny thing, it wouldn't phase me none.

Might feel like I just got home.

You know I always had a taste for traveling alone.

I nly get this one time round.

Better speak up straight, better speak up proud.

Good Lord, if he's not at home.

Well, I always had a taste for traveling alone.

Anna Gassman-Pines:

So, the reporter noted the song was a ballad with lyrics, evoking solitude and the open road. (Tift laughter.) Okay. So now let's listen to the AI song that's done in the style of Tift Merritt.

MUSIC:

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*We could drive old back roads if we waned.
Watch the fields and skies, shift and sway, darling.
We'd let the wind guide us, no directions.
And I'm not my reflection or the story I say sometime (fade down)*

Anna Gassman-Pines:

Well, did this other song feel like your work?

Tift Merritt:

No, but I can... Not at all. What's mainly lacking in that and my work is a very clear "why." I mean, I don't think if you were to ask me to critique that song creatively, I would say the words don't really mean anything. They're just alluding to backroads and stories. Sonically, it's similar to ... we just listened to the beginning of Traveling Alone, and then the band comes in and there are pedal steel guitars and large sort of reverb-y guitars, which ...and some amazing studio musicians, Eric Heywood and Marc Ribot played.

MUSIC:

*I know that the world is mean.
I know it don't care.
I been around, I seen it.
It's like a pretty girl who don't even know....
(fades out)*

Tift Merritt:

And so you can hear what the AI generator is imitating in those tones.

Anna Gassman-Pines:

Like what the AI is listening to, right?

Tift Merritt:

And the quality of that singing. Don't even get me started on the quality of the singing. So, I have a value system in the little worlds that I create that are really intentional. And you as the audience member, you don't have to know the difference, right? Hopefully, you will feel the difference. Hopefully, you will not feel the work that I have put in to make this a very specific place with a very specific set of values. To me, whatever made that doesn't know the difference.

Anna Gassman-Pines:

Yeah. So, do you remember how you reacted?

Tift Merritt:

I mean, I was angry. I immediately could envision how this would impact me economically. I was angry that my work had been stolen. I was angry that my work had been imitated, and I was angry that this is going to flood the already difficult and devalued marketplace where all I'm really trying to do is make my life work. I think we have these very dramatic stories about what it is to be an artist. On one hand, it's always been hard to be an artist, and if you do that, you deserve this hard thing that you get, versus you're a rock star with an airplane singing, stop complaining.

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And for me, one of the reasons that the policy advocacy is very close to my heart is that I have always, always wanted to be a working musician, a career musician. And I am in a community of really wonderful career musicians that -- we get better the more we practice, that we get better the more we do it, and to just pull the rug from under that is a very profound disrespect, I think, for a lot of people that I care about and also just the regular workings of my single mom life.

Anna Gassman-Pines:

Right. That seems like this AI technology could be having just a huge amount of ripple effects on music.

Tift Merritt:

Oh, gosh. I mean, I think it makes me an endangered species.

Anna Gassman-Pines:

Oh, so say more about that. What do you worry about?

Tift Merritt:

Oh, gosh. Well, I mean, I can tell you that I haven't been able to sleep all of this month because I'm about to go into the studio for the first time in a while because I had already once walked away from the music business because it was too difficult, but I've been convinced to come out.

Anna Gassman-Pines:

Reeled back in.

Tift Merritt:

The math equation is that just to simply foot the bill for my recording expenses, I need to get 10 million streams.

Anna Gassman-Pines:

Wow.

Tift Merritt:

Let me tell you that again-

Anna Gassman-Pines:

That's a lot.

Tift Merritt:

... 10 million streams. You know, I put a reissue out in September and I got the Spotify-for-artist thing like, "Congratulations. Your song streamed - your new single streamed 150,000 times." The math on that is about \$35. So, unless you are the top 1% of Spotify, this really isn't ... the system is not designed to support you. So, I think we've already seen our economy devalued in the streaming terms, and I can remember the impacts of that when I put a record out in 2010 -- immediately on my life. So, to think about the fact that already 25% of the music on Spotify is 100% AI generated and not labeled as such.*

** *Note: This is an estimate, based on data from the streaming site Deezer which is public with an estimated amount of AI-generated music on their platform. (A [new Deezer report](#) says the site is now up to 34% AI music.) A Duke team is exploring potential research to quantify AI-generated music on other music streaming platforms like Spotify.*

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Anna Gassman-Pines:

No way.

Tift Merritt:

Yeah. That's totally devaluing the very murky black box of pro rata payment that already exists. Within three years, that whole economy will be devalued by another 25% with the flood of AI music. I would think that's at the very least. So, it's just simply an untenable equation because having a manager hasn't gotten less expensive. Traveling to a gig hasn't gotten less expensive. Going into the studio hasn't gotten less expensive. Paying a lawyer to look at your contract hasn't gotten less expensive. I mean, a burrito is \$25. So just for me, I feel very fortunate that I'm at a place in my life where I can say like, "Wow, I have a lot of things that I could do and one of the things I can't do is not get paid."

Anna Gassman-Pines:

I was surprised to learn that one way big platforms seem to be kind of gaming the system is that they're playing more of the music that's created by AI. The more they do that, the less they have to pay the real human artists. Is that right?

Tift Merritt:

Well, let's not mince words. They're not "kind of" gaming the system. It's a monopoly, and they are collecting data from you as the audience member, from me as the artist. Then they are actually creating ghost music themselves and using our data to position that perfectly within the algorithm that we don't know what's in that algorithm, but they do. So yes, it is absolutely in their interest to center AI music or to center music by their most favored nations partners, the majors. The fact that Universal has now signed a licensing deal with Udio, that their catalog can legally be used to create AI-generated music and they're touting that as a new revenue stream for artists in the way that they trotted out streaming. Streaming was not a huge devaluation of my product that I now have to give away for free.

So - the system is totally gamed, and I'll get off my soapbox here in a second, but I don't want you to think that I'm here fighting on my own behalf for \$20,000 that I have lost or something like that. I think that music is a really compelling entry point to talk about how we are all being belittled and had by this data surveillance economy.

Anna Gassman-Pines:

Say more about -- talk to me about what you mean by that.

Tift Merritt:

Well, I think what's happened to musicians in the way that we've been told, "You're a horse and a buggy." I mean, I'm a fossil. It's over. I think the same thing has happened with journalism. I think we've watched the impacts on democracy from misinformation and not knowing the truth and not having things labeled and I think the fact that humans... I mean, this is a really clear story of where I am, my creativity, my human spirit, my life's work, the love that I put into the world as the act of singing, which I really think that's what singing is. It's belittled to data to imitate, to replace me, and that is a really scary scenario without any sort of care for nuance or what is lost in terms of human spirit there.

Anna Gassman-Pines:

What do you think musicians can do about this?

Tift Merritt:

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Clearly, I feel like I need to talk about it. I don't know what the answer is to that, because we don't have a union. We lost the ability to strike and boycott in the 1980s. Historically, the culture of the music business is, "You're a star. Don't worry about the money, just go write the songs. Don't worry about the granular." I have the exact opposite attitude towards my business and my career and I think making good things mean that you have to look at all the details, but I think there's a similar sense of confusion, hopelessness, disillusionment, as we are all feeling in terms of our lives where AI is inevitable and we're sort of being sold this innovation as a community, good, that's going to change everything, but actually those questions remain to be seen. So, there's this sense of inevitability and hopelessness, and also -- how do we just go back to person to person? But I don't --- I think as an industry, we aren't having these conversations and we're allowing the major labels to talk for the industry as a whole, and we've really got to prevent that from happening.

Anna Gassman-Pines:

So, I'd like to bring David Hoffman into the conversation now. David is a faculty member here at Duke Sanford School of Public Policy, and he leads our tech policy initiatives. Welcome, David.

David Hoffman:

Anna, thanks for having me.

Anna Gassman-Pines:

David, can you talk about how you and Tift met?

David Hoffman:

Yeah, it was really a lucky day for me when this happened because one of our colleagues here at the Sanford School approached me actually in the parking lot and said, "Hey, there's somebody here doing academic work at Duke that you may not know that I would like to introduce you to. I think you guys would have a lot of interesting things to talk about." I said, "Okay. Who is this?" He said, "It's Tift Merritt. She's doing research here at Duke on transitions in technology in the past and how it's impacted different people, particularly in the music industry, particularly taking away women's voices over time." And I had been a fan of Tift's work for over 20 years, so I said, "Absolutely."

So, we got together and we had coffee and started talking about how artificial intelligence is operating now to change the music industry. And I was giving a description then to Tift of academic work that we've been doing on artificial intelligence as part of our Deep Tech Initiative here at Duke as this interdisciplinary work, really looking at what are the tremendous benefits that we can get from artificial intelligence, but then what are some of the impacts that artificial intelligence is having on individuals and on society? So, we started talking about that saying, "Look, I think there's some overlap here and that we should think about collaborating."

Anna Gassman-Pines:

Yeah. So - actually, you know what, before I ask you, David, what you thought of Tift's concerns, I want to go back to you Tift, and maybe you can tell us a little bit more about what you'd been thinking about, because music distribution has changed throughout history. First, there were wax recordings and then there was vinyl, and then there was CDs, and then there was digital distribution. So, when you had been doing this work, how did you think about that and how did you think about AI in a different way?

Tift Merritt:

Well, I didn't know that that was what I was researching when I began. Before, I just want to say that when I met David for that initial coffee, he said, "What's it like to be a musician in the music industry?" I told him, "Oh, it's untenable." Then he goes, "That sounds like democracy in Latin America." I was like, "Oh, I want to stay here at this table." But I was researching a record label from the 1980s that was dedicated to the four mothers of jazz and blues who had been left out basically of technological redistribution as technology has changed. And I can actually

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tell you that in the archive, I was trying to figure out what this woman Rosetta Reitz was, what was her process, what was she doing. What she was doing was she was going and buying all the old '78s that had women singing. I actually found a piece of paper where on an album, she listed what the original record label was and what the original side number was.

Then next to this in the archive was a letter from a leading jazz critic and producer who was her contemporary and he soundly dismissed all of these women as vaudeville. They were doing too many things. They looked great. They were telling jokes. They could sing. They could dance. Not integrity blues. So, all of these women were being forgotten in the 1980s because they weren't making this leap to LP because a certain group of gatekeepers were deciding who was going to step across to the new technology. So, when technology changes, what music is, what its value is, who is paid for it, who is important, it's redefined every time. And I can tell you that I've had -- met that critic and had these moments in my own life, say for instance, when I put a record out in 2010 and I got my first royalty check, and I thought I will no longer be able to live in New York City because the gatekeepers had come in and said, "Now you will give this away for free and we'll pay you 0.003 cents for a stream of longer than 30 seconds."

Anna Gassman-Pines:

Then how does that lead to your current concerns about AI?

Tift Merritt:

Well, I mean, I think as the technology becomes more powerful and ubiquitous and consolidated, the power of erasure and exploitation, it becomes greater and greater and greater.

Anna Gassman-Pines:

It goes up. David, what did you think of Tift's concerns when you had this coffee and you started talking about these issues?

David Hoffman:

Yeah. As Tift and I have been collaborating and evolving that conversation, there's really three stories I want to tell you that really brought this all home to me and brought into focus what we needed to do together. The first was that we had the great opportunity to go to a show together at the Carolina Theatre here in Durham to go hear Ani DiFranco play.

Anna Gassman-Pines:

Oh, nice.

David Hoffman:

As Tift and I were outside, getting to know Tift, after a while, you lose the focus on the fact that Tift is a celebrity, but it comes back and you recognize this every once in a while that suddenly a young woman very nervously approached and said, "Are you Tift Merritt?" and then proceeded to tell Tift how important one of her albums had been to her while she was in middle school and high school getting through difficult periods of time. And that was an incredible thing to be able to experience that, to be there for that conversation.

Then fast-forward a bit, and I'm leading a -- executive education program down in Rio de Janeiro, Brazil, talking about the project that Tift and I have created together on AI in the creative economy. One of the lead regulators for technology in Brazil said, "This is a bigger issue here than it is in the United States because music here is part of our cultural identity, and if it's controlled by platforms that are outside of Brazil, then it's other countries having control of our cultural identity or other organizations having control of our cultural identity." So those were two of the stories then that were starting to bring into focus what we wanted to do.

The third story then was we were leading a program this past summer. Tift and I were together with students doing research, which we could talk more about, and we were in Brussels. I was at a cocktail party in Brussels to

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celebrate the opening of an office of a friend of mine. And, somebody I've known for a long time who was a journalist came up to me. We started talking about this program. He said, "I just don't get it. I just don't understand if AI can make the music, why do we care? As long as it's good enough that we want to listen to it, what are we missing?" It caused me to reflect and say people aren't framing and understanding what we're giving up, what we're giving up individually in that conversation that I heard Tift have with this young woman at the Carolina Theater or what we're giving up as a society and culturally like the conversation I had down in Brazil. So, that's what we're focused on.

Anna Gassman-Pines:

What are the concerns that bubble up the most to you when it comes to AI and music? So, I think -- you said a little bit about, I don't want to put words in your mouth, but it sounds like really this loss of human connection, the way that music can really speak from one person to another person and make a difference.

David Hoffman:

Sure. My concerns split out into two different categories. There are individual concerns about the way this impacts musicians and the people who love music. I think when we lose that human connection, we are losing something very powerful. But then I think there's something at the level of society that we are missing in the role that music plays and has played historically for us. For example, Tift did a concert for Duke in London this past summer where we brought faculty and senior leadership of the university around London Climate Week, and Tift gave a talk before her show about the history of music's role in bringing together groups to form consensus around environmental policy over the course of the past 50 years. We are talking about doing some shows where we're going to explore also the role that music has had in the history of the women's empowerment movement over the course of the past 50 years.

I think it's very troubling if we start thinking number one, that musicians may not be able to do this work and create this art because they won't be able to make a living doing it, but also then number two, that those social movements actually might be influenced by technology, and it might not be humans causing us to feel a certain way and want to come together, but actually technology that's doing that. There's something that I think is deeply troubling to me about that, of who's pulling the strings, who's pushing individual buttons to try to manipulate human emotion that causes people to come together.

Anna Gassman-Pines:

What do you think people who are concerned about this? I mean, that makes me feel really worried, deeply worried about democracy and our society and our collective efforts together. What do people who hear you talking and feel this sense of dread, what can we do either together or as advocates? What can people who feel worried about this do to help address this concern?

David Hoffman:

Yeah, absolutely. First, I should say I'm a huge fan of technology. I spent my entire career before I came here to Duke and to Sanford working in the technology industry and now here at Duke talking about the positive benefits that can come from technology. I think there are tremendous transformative positive impacts that are coming from the implementation of artificial intelligence across all of our sectors, but we know based on past history and the work that I've done over three decades that when we reap those benefits, we also have to be concerned about these risks, and the risks are felt disproportionately by different groups and society, depending upon how much those groups have power.

So, what can we do? We can actually look to figure out what are those groups that don't have power and put protections in place actually to give them more power. Tift spoke a little bit about this, about how musicians lost their right to do collective bargaining because they were deemed to be independent contractors. This is in stark contrast to screenwriters and screen actors who actually have the ability to collectively bargain. It's really a fascinating thing. If you think about a movie that you watch, the people who act have the ability to collective

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bargaining, the people who write the script can collectively bargain, but the people who write the music in the movie don't.

Some of this actually makes very little sense. Luckily, there's a lot of people in the public policy environment who agree it doesn't make sense. Congresswoman Deborah Ross here in the Triangle area and Raleigh has introduced the Protect Working Musicians Act or reintroduced it. It's been introduced before. This would give independent musicians the ability to collectively bargain. These are things we actually can do. This is the kind of work, applied work that we can do here at the Sanford School to have our students take our research and then play a role in seeing can we help make that change out in society.

Anna Gassman-Pines:

Yeah. Tift, maybe you can talk a little bit about what difference you think it would make if you were able to collectively bargain with your fellow musicians.

Tift Merritt:

Well, we could have said, "Dear Spotify and major labels, our royalty rate cannot be 0.003 Cents." I mean, that's what we could have done. I mean, I remember in the early days of the streaming economy going to visit Pandora's offices. I remember this was extremely expensive real estate on the San Francisco Bay and tons of employees. They took me back to the inner sanctum and they showed me how they broke down my song. It was so analytical and scary and I think I said something about, "Do you not have a category for soul?" And -- at the same time, they are using a lot of venture capital money to lobby government to lower the rates of people like me. And because we can't speak back to that, I mean, we're never going to have venture capital money, but as a group, if we could herd our cats together and say no, that would be extremely powerful.

Anna Gassman-Pines:

Yeah. I'm excited also to hear about the student teams that you all are working with. Talk a little bit about what those students are doing.

David Hoffman:

Yeah. I think one of the best things that we do here at Duke is interdisciplinary research and education. So, we've been incredibly fortunate to be able to form what we call Bass Connections teams here at Duke that's drawn from both undergraduates and graduate students from across the university to be on a team that we held for all of last year, and then another team that we're running right now. So, what we've been doing is a number of different pieces of research, comparative studies of the privacy issues, the copyright issues, and the labor law issues that all underline this particular topic and what the opportunities for change would be.

We actually did convening events last year in Washington D.C. and in Oxford with students. We were able to take advantage of gifts that have been given to us to allow students to have international experience through our Laidlaw Scholars Program here as part of the Hart Leadership Program, to have folks go over to Europe with us and to lead that convening at Oxford to understand what are the implications of this in the EU and in the UK. So this year, we're very much focused right now on the Protect Working Musicians Act and really trying to understand what would it take to get people together to see if we could pass that law.

Anna Gassman-Pines:

Yeah. Tift, what do you hope is going to come out of this project?

Tift Merritt:

So many things. I agree that interdisciplinary work is where all of the best things live. I've watched what I've learned in the School of Public Policy or from archival work, I've watched that make my storytelling better and make how I approach the music industry better. My goal for the students is... They're so energized to learn about how they are consuming, what they're consuming, and how it's having an impact and making a change. I think for

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me, thinking about the global comparative policies around the world and how different kinds of government are legislating the arts and how that influences or indicates trends in other ways, that's really exciting to me. But I think the core tenet for me is thinking about how storytelling is a public policy instrument to make positive change and to get essential information into the world. That's super exciting, and I love working with the students on that idea.

Anna Gassman-Pines:

Are they becoming storytellers?

Tift Merritt:

I don't know that they've labeled it as that, but yes, they are.

David Hoffman:

They are. I talked a little bit about what we did in the past and what we're doing right now, but I'd like to talk a little bit also about what we're doing in the future. We've created a larger project here with funding from the provost's office and support from the Science and Society Initiative, which I'm the interim director for right now, to create this AI and the Creative Economy Project, which this is a portion of Tift and I, with the help of one of our staff members here at the Sanford School, Liz Sparacino, are creating a class that we're going to be teaching next fall on AI in the creative economy and are going to be expanding the project, not just to talk about music, but how is AI impacting lots of the different ways that we tell stories and come together in the creative economy to impact social change.

Anna Gassman-Pines:

I'd love to take that class.

Tift Merritt:

Come on.

Anna Gassman-Pines:

I think we talked a little bit about this, but I'd really like to go back to this idea about how new technology can sometimes leave certain artists behind. I guess one worry that I have as I listen to the two of you talk about this moment and where we are with AI is, is it far-fetched to have a concern that AI has the potential to leave all artists behind?

Tift Merritt:

No, I think that's very true. I mean, when you think about... Maybe this is the way that I should tell you this story is from the lens of my recording career. Recently, my record label said, "Okay. Before you put a new record out, we've got to get you back in the algorithm." So if you aren't putting new material out, you're falling out of the algorithm. Let's remember too, that we don't know how the algorithm works, but there are relations things that sound the same. So already things that don't sound the same are getting pushed.

Anna Gassman-Pines:

Pushed to the side.

Tift Merritt:

And time, human creation time, you're falling out of the algorithm. So if AI can create a career's worth of albums in hours, how are you going to find the humans? How are you going to find the humans? Just from a production standpoint, that scares me a lot that I won't be able to just humanly keep up.

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Anna Gassman-Pines:

Right. David, do you have concerns about this? Is AI and music a case study that it could be like a canary in the coal mine for how AI might affect work in a lot of different areas?

David Hoffman:

Yeah, I think that we need to start having this conversation in a broader way right now. It's not just the creative economy. It's going to be all of the economy. I think at the most charitable way to think about this, we're going to have major transitions in different sectors of the economy with people needing to move from one sector of employment to another sector of employment. I think there are real questions whether we're prepared to really be able to do that. If we do think it's just about transitions, well, what are we giving up a society if we're saying, "We need to transition everybody out of making music," or "We need to transition everybody out of storytelling or the authoring of books because we're just going to let technology be able to do that." So I think we've got real questions to answer, and we're hoping to do the research that helps do that.

Anna Gassman-Pines:

Yeah. I mean, I feel hopeful that you're engaging our amazing Duke students in this.

Tift Merritt:

They are amazing.

Anna Gassman-Pines:

They are. I'm so glad that they're getting a chance to work with you and learn about this issue. I'm guessing they're feeling energized to go out and make change. If I know Duke students, that would be my guess.

David Hoffman:

It's one of the greatest pleasures of being here on the faculty. Tift was very kind, actually came into my Sanford class this semester, played a song, and then helped lead a talk on this topic. I could stand there and watch the light bulbs turn on of students, and had several students who are in the class who have not been involved in our technology policy work at all who said, "I really want to get involved in this. This really speaks to me."

Anna Gassman-Pines:

Yeah. That's really inspiring. Well, thank you both so much for joining me and for your work on such an important topic. I have never asked this before because I don't think we've ever interviewed a musician, so this is my one chance. Tift, what song should we use of yours to play us out?

Tift Merritt:

Well, I hope you'll have me back so it's not your one chance, but I think how about we listen to Time and Patience?

Anna Gassman-Pines:

That sounds great.

MUSIC:

I have seen the sleepless morning untangle and begin.

And the day stretched out before me, pulled by the tenderest hands.

Time... patience, patience and time.

All my dreams gonna come to me, in patience and time.

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Anna Gassman-Pines:

Tift Merit is a Grammy-nominated musician. She joined us with David Hoffman, a professor of the practice of cybersecurity policy at the Sanford School of Public Policy at Duke University, where he leads our tech policy efforts. Thanks to producer Carol Jackson and student Robert Ganzert, who is helping with Policy 360 this semester. We'll be back soon with another conversation. I'm Anna Gassman-Pines.

MUSIC:

It's a dim light that keeps me from crying.

Keeps me willing, willing, willing.

Time and patience, patience and time.