

Hyperallergic Interview

Ricardo Dominguez talks about the Transborder Immigrant Tool with Leila Nadir

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by

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Leila Nadir: The Transborder Immigrant Tool and the artists involved in creating it have been investigated by the Republican Party and the FBI Office of Cybercrimes. You have been accused of misusing public funds and promoting illegal activities; your tenured position at UC San Diego was threatened. Given your history of pioneering new forms of activism and civil disobedience with electronic media, you are no stranger to the state's interest in your work. How has the US government's response to TBT been similar to or different from your previous encounters?

Ricardo Dominguez: The major difference between the 2010 investigations of projects by Electronic Disturbance Theater 2.0/b.a.n.g. lab and those that took place in the late 1990s was the nature of the stage: in the 1990s we were an autonomous group of artists creating art projects online that activated responses from the Mexican government to the Department of Defense. From the FBI to NSA [National Security Agency], these entities failed to establish any investigations on an international or national level, even though they really wanted to. In 2010, the stage was

ABSTRACT

Almost five years ago, Electronic Disturbance Theater (EDT) 2.0/b.a.n.g. lab released the first iteration of the Transborder Immigrant Tool (TBT), a mobile-phone technology that provides poetry to immigrants crossing the U.S.-Mexico border while leading them to water caches in the Southern California desert. In 2010, the project caused a firestorm of controversy on the American political scene, and the artists of EDT/b.a.n.g. lab were investigated by three Republican Congressmen, the FBI Office of Cybercrimes and the University of California, San Diego (UCSD), where Ricardo Dominguez, co-founder of EDT (with Brett Stalbaum) and principal investigator of b.a.n.g. lab, is an associate professor in the visual arts department.

I recently sat down with Dominguez – virtually, of course – in order to learn more about the project. We began our conversation discussing the FBI/Republican/UCSD investigations and then explored more deeply some aspects of EDT/b.a.n.g. lab's philosophies of art and activism and the complex conceptual terrain that the work of TBT traverses. In the course of our conversation, Dominguez talked about the ecological grounding of civil disobedience, the invention of new spaces of imagination and the difference between art and activism. One of my favorite moments was in Dominguez's elaboration on the latter: activists break the law, while artists change the conversation theatrically, by disturbing the law.

Dominguez and I crossed paths frequently in New York's late 1990s net art scene, and what I have always enjoyed about talking with him is the way he uses language to disrupt the concepts and terms that have settled into our collective imagination, stagnating into clichés. In this interview, locative media becomes dislocative, Homeland Security drones appear as feral animals, global positioning systems transform into global poetic systems, a Fox News host becomes an unwitting advocate of the power of poetry and typographical empty brackets [] become a way to represent the infinities, the overflow, that cannot be contained by state control and repression.



Figure 1. *Transborder Immigrant Tool performance intervention*, Ricardo Dominguez, 2008. Photograph by Brett Stalbaum. © Brett Stalbaum, 2008. Used with permission.

completely different: the Transborder Immigrant Tool and our Electronic Civil Disobedience performances were now being created and performed with the support of a large institution, the University of California and CALIT2 (a new-edge technology research center) at UC San Diego. I was also a tenured professor based the history of this type of art practices and the research matrix I established in 2004 when I started working at UCSD. And of course the outcome/output of my collaborative research.

TBT was already under investigation starting on January 11, 2010, by UCSD (this included the entire group of artists working on it). Then I came under investigation for the Virtual Sit-In performance against the UC Office of the President (UCOP) on March 4 (against students' fees in the UC system and the dismantling of educational support for K-12 across California). That was then followed by an investigation by the FBI Office of Cyber-crimes. The FBI was seeking to frame the performance as a federal violation, a cybercrime, based on UCOP stating that they lost \$5,600 because of the disturbance. It is important to know that the cost had to be over \$5,000 for it to be a crime, so UCOP tacked on \$600 to push the performance into cybercrime territory. I think that all the actions on the streets of California, the occupations and protests across all the UCs by students and faculty and the online actions, created a space where they could not fail to notice its impact on multiple scales.

There were three investigations in total. They were all seeking to find a way to stop TBT and to de-tenure me for doing the very work I was hired to do and tenured for, so the irony was lost to no one, not even the FBI. In the end, all the investigations were dropped. UCSD did not find any misuse of funds for the TBT project (three Republican Congressmen had called for the investigation). I did have to agree not to do another VR Sit-In performance on the UCOP for close to four years, but the day I signed the agreement, a number of supporters across the nation did a VR Sit-In on UCOP again – so I am not sure what that means. UCSD dropped its actions to de-tenure me and instead gave me merit for my research. One strange element about the agreement that they wanted me to sign, without even giving me or my legal team time to look over, was that it included clauses like: I would never speak or write about what had happened, I was never to create any art work that might disturb anyone and of course, refrain from any activist performances – none of which I agreed to. How could we do our research if we did?

LN: The TBT was recently curated last fall in *Ecologías Correlatives* at the Brooklyn gallery 319 Scholes and last spring in *LA Re.Play* at the University of California, Los Angeles, two exhibitions about environment and place. While the dialogue and controversy around the TBT tend to focus on

its role in immigration politics, its inclusion in these shows highlights the project's capacity to act as an ecological artwork. b.a.n.g. lab's own descriptions represent TBT as a trail-hiking tool and are replete with spatial and geographical terms, such borders, nature, desert and global positioning. How do EDT 2.0/b.a.n.g. lab understand TBT as an environmental or ecological work, and how do you think this particular feature has been engaged or experienced by critical and public audiences?

RD: TBT connects un/expectedly to borders, nature, desert and global positioning via a geo-poetic disturbance and dis-locating prophecy as to a double moment in the history of critical ecologies. In our play *Sustenance: A Play for All Trans [] Borders*, Amy Sara Carroll, a member of EDT, writes:

Transcendental-isms and ¡Tierra y Libertad! (*Land and Freedom*): Mid-nineteenth century, in an essay alternately titled "Civil Disobedience" and "Resistance to Civil Government," Henry David Thoreau wrote, "Let your life be a counter friction to stop the machine." He was, of course, referring to the well-oiled machinery of the state, and its bedfellow capitalism, as each related at that time to the U.S. reterritorialization of Texas and the globally inflected (ideological) state apparatus, otherwise known as slavery. Thoreau's call for informed dissent, squarely tied to transcendental -isms, infuses the landscape, "la tierra," with the very concept of an inter-Americanist "libertad," taken up in parallel fashion in the proliferation of Zapatista struggles (1910-1917 and 1994-present). In each instance, the specificity of place – a Walden Pond, a rural Massachusetts, a United States built upon inclusion versus exclusion for Thoreau; a Morelia, a Chiapas, a Mexico that guarantees equal access to land and education for the Zapatistas – literally grounds the possibility of "civil disobedience," materially and virtually.

TBT's connection, according to Amy Sara Carroll, is to critical ecologie(s)/environmentalism(s) that are grounded to a geo-projection of these transcendentalisms as an ethico-aesthetic disturbance which marks the Mexican/US border, and all borders perhaps, as what Rob Nixon has termed the "slow violence" of the neo-liberal dismantling of bio-citizenship. This bio-citizenship is one of trans [] citizenship that crosses between multiple forms of life: from black bears to plants to water to global labor as borderized-entities that are blocked from geographic movement, which is the blocking of life itself. What is not blocked from movement is multiple types of techno-toxicity (Latin America as dumpster zone of last generation Silicon Valley economies) and free-trade markets from the US, China, EU and others. TBT is a small gesture that echoes back, at least for us, some of these occluded conditions, and marks them via the gesture as aesthetically visible.

LN: This is a powerful overview of the ways in which an imagination of place and landscape is essential to understanding injustice, capitalism, globalization and resistance. Yet it seems that the ecological "grounding" of so many political issues, even those so clearly involving movement across space (such as restrictions on human mobility while opening borders for commodities and toxic trash, which you cite), are obscured by a public conversation focused on culture, laws, economics, labor and trade. How has TBT, as a work of landscape or la tierra and as a work that highlights the biological-ecological need for water, affected the terms of this dialogue among critics, the art world and public audiences, including immigrants and spectators? What kinds of responses has EDT 2.0/b.a.n.g. lab received, besides the Republican Party, FBI, and UCSD investigations?

RD: TBT was targeted by right-wing media, specifically Fox News, and that caused an increased level



Figure 2. Transborder Immigrant Tool, Electronic Disturbance Theater 2.0/b.a.n.g. lab, 2007. Photo courtesy 319 Scholes. Used with permission.

of extremely violent emails toward the members of EDT/b.a.n.g. lab. We could tell whenever a story about TBT appeared on Fox News because of the number of emails that occurred right afterwards. We even had to have meetings with the Department of Justice to help us alert the very police and FBI who were investigating us about the level of aggressive harassment we were under and having them offer protection to some degree. Here is one email that we received:

Author : Leonard (IP: 173.128.108.219 , 173-128-108-219.pools.spcsdns.net)

E-mail : yourworstnightmare444@yahoo.com

URL :

Whois : [http://ws.arin.net/cgi-bin/whois.](http://ws.arin.net/cgi-bin/whois.pl?queryinput=173.128.108.219)

pl?queryinput=173.128.108.219

Comment:

Hopefully, you traitors will be shot in the back of your heads when you least expect it.

Isn't it great that you're relying upon the tax money of Americans to destroy America.

Nearly all illegals from Mexico and Central America are NOT Spanish Europeans, but indigenous morons who never invented the wheel.

FUCK YOU!

Another strange and critical response to TBT came from Glenn Beck, who on his website and old Fox News show insisted that TBT's poetry would "dissolve" the nation! Which I believe is indeed the power of poetry – which is often disregarded by supportive critics of the project. That is the power of poetry and/or the aesthetic in general.

On an institutional level, University of California, San Diego (UCSD) investigated TBT in terms of accounting: What was the small amount of funding by EDT/b.a.n.g. lab used for? Was it used as indicated in our proposal of 2007/2008 or something else? UCSD accounts investigated the value of the TBT poetry and our intellectual effort based on some unknown cost and revenue model. The final outcome of that year-long investigation was:

Project Assessed to be an Appropriate Use of Fund on July 21st, 2010

"Based on our review procedures, we concluded

that neither University funds nor effort were used inappropriately during the development of the TBT or the Project."

– San Diego: Audit & Management Advisory Services 0910 University of California. Subject: Use of Resources Investigation – Transborder Immigrant Tool AMAS Audit Project 2010-75 (July 21, 2010)

But the strange and funny part of this investigation was that UCSD never informed any member of EDT/b.a.n.g. lab about the investigation being over or what the outcome was. It was only about a month later that I discovered it by accident and requested the materials from this Audit & Management Advisory Services group. They said they had forgotten to send it.

TBT also received extremely supportive responses from Water Station Inc. and Border Angels. Both of these NGOs have been working for more than a decade, leaving water caches along the Anza-Borrego area of Southern California, and EDT/b.a.n.g. lab was very lucky to be able to work with them. Without them we could not create the locative wave points for the water caches that TBT navigates its users to as part of its safety tool component. Communities all over Latin America have also been funding and intellectually establishing different levels of dialogue that range from immigrant activist networks to new media art communities. Also, a very important social force field for TBT has been the curators, critics, scholars and artists/artivists who have chosen to speak out about the project and to exhibit TBT.

LN: It is fascinating that a right-wing talk show host can regard TBT's poetic content as a more powerful force than do some of the project's supporters, though this is not entirely surprising. In environmental thought and activism, a field I'm familiar with, art and literature are often treated as a fun addendum to the "real" work of science; eco-artists sometimes seem to have absorbed this understanding themselves when they concentrate on making work that primarily visualizes data or documents and solves problems, devoid of poetic content. How do the members of EDT 2.0/b.a.n.g. lab understand their roles as both artists and activists? You mentioned earlier that TBT, as an aesthetic "gesture," can make visible circumstances that are otherwise

obsured. What sorts of effects can aesthetic “disturbances” achieve that analysis and activism perhaps cannot?

RD: All the members of EDT 2.0/b.a.n.g. anchor their being and becoming as artists and every gesture that we make as an aesthetic gesture. And for us the frame of our work can be traced as an aesthetics of code switching between the Greek etymology of the word “aesthetic” (*aisthitikos*, that which is “perceptive by feeling”) and the effective poetry of code that functions, that “works.” Thus we are constantly and concurrently affective and effective. Activists have traditionally, for good reasons, focused solely on the side of effective use of social technologies or actions. These projects must have or at least be imagined as having strong, concrete outcomes to the conditions that have failed or are failing to create the spaces necessary for a community to be sustainable in any number of ways. And often power, as command and control, will respond to activists by targeting them as law breakers or potential law breakers and shut them down under the empirical weight of the “Law.”

The question of aesthetics, at least for us, creates a disturbance in the “Law” to the degree that it cannot easily contain the “break” and it is forced to enter into another conversation – a conversation that power-as-enforcement may not want to have. For instance, back in 1998, EDT had a series of encounters with the US Defense Department (DOD), and in a front-page article on October 31 in the *New York Times* on EDT and hacktivism, the DOD stated that: “If it [the Electronic Disturbance Theater] wasn’t illegal it was certainly immoral ...” If we had been activists, the question of “illegal” would have been a stable term for framing our work, but our practice of creating affective and visceral responses as theater between the codes of the utilitarian-effective created another space – that of the “immoral” or, more specifically, questions of

poetry, ethics and justice. It is this performative matrix that is often set aside in reading our art; often the terms targeted are “electronic” and “disturbance,” not “theater.” So when you ask what can art do that activism cannot do, it is a different distribution of response that the aesthetic affords via our investigations of code switching as an art practice. A practice that operates as Amy Sara Carroll and Micha Cardenas have theorized, as the paraliterary or transreal in our work, which echoes, to some degree, Jacques Rancière’s statement that “The real must be fictionalized in order to be thought.”

LN: Your description of how disturbances of law (as opposed to breaking the law) create new spaces and moral possibilities reminds me of Foucault’s theorization of gay “style” in the 1980s. Calling for a queer ethics in which new ways of living are imagined in the spaces of freedom within hetero-normative culture, he said, “We must think that what exists is far from filling all possible spaces.” EDT/b.a.n.g. lab seems to exhibit a similar ethic of exploiting or inventing space. You state that TBT is “creating affective and visceral responses as theater between the codes of the utilitarian-effective.” This skirting of the instrumentalist use of technology, in favor of the theatrical, seems to have a connection to queer theory like Foucault’s, and EDT/b.a.n.g. lab does indeed describe TBT as a “queer technology.” How do you understand the relation between TBT’s queerness, its status as a repurposed technology and the theatricality of aesthetic disturbances?

RD: By aligning TBT with a global poetic system instead of a “global positioning system,” we queer the technological condition towards the “trans” of the gesture, of the trans-body in relation to gender, class, race and desire. The TBT project calls into question the northern cone’s imaginary about who has priority and control of who can become a cyborg or “trans”

human. Immigrants are always presented as less than human (bare life) and certainly not as part of a community which is establishing and inventing new forms of life, when in fact those flowing in between immigrant communities are a deep part of the current condition that Haraway’s research has been pointing towards as the core of the cyborg-condition. For us TBT is another marker for the queer turn in these unexpected – or better said, unconsidered – trans-emergences, both as new forms of desires and as new forms of life. The investigation of queer technology and what this queering effect has been, or is, is an important part of our conversations, especially via Micha Cardenas’s research into the trans-real. This gesture dislocates the techno-political effect with aesthetic affects that become something other than code: a performative matrix that fractalizes and reverses the disorder of things with excessive trans-bodies acting from the inside-out of those enforced borderless borders. As the Zapatistas said, “We do not move at the speed of technology, but at the speed of dreams.” This is the material heart of the trans-border-borg queer ecologies.

TBT’s code is also open-sourced and is available at Brett Stalbaum’s site, which allows the code to switch the question of the border to its possible use in other borders around the world and the possibilities of other global poetic systems to emerge. We also imagine that the safety tool aspect of the code is a queering of poetry, that the effective code is poetry as well. TBT is not a locative media project but a dislocative media performance.

LN: My work explores the unexpected ways that nature and animality inhabit human infrastructures and imagination, so I’m curious if TBT has experienced any animal encounters in the wilderness of the Southern California desert? Any climate or weather interruptions?

RD: No, we do not have any stories to tell at that end of the spectrum as of yet, but I can imagine that at the end of the project (if it can end), we may have some tales to tell. We have heard stories that immigrants in the US/Mexico border have been telling stories about odd encounters with strange “pajaros” (birds) in the skies above them while crossing the border. We speculate that these “birds” are Homeland Security drones, or perhaps feral drones, lost and drifting in the desert of the real, looking for a home that never existed. ■

The Electronic Disturbance Theater (EDT), a group who developed Virtual-Sit-In technologies in 1998 in solidarity with the Zapatista communities in Chiapas, Mexico. His recent Electronic Disturbance Theater project with Brett Stabaum, Micha Cardenas, Dr. Amy Sara Carroll (University of Michigan), and Elle Mehrmand, the *Transborder Immigrant Tool* (a GPS cellphone safety net tool for crossing the Mexico/U.S. border was the winner of “Transnational Communities Award” (2008), this award was funded by *Cultural Contact*, Endowment for Culture Mexico – U.S. and handed out by the U.S. Embassy in Mexico), also funded by CALIT2 and two Transborder Awards from the UCSD Center for the Humanities. *Transborder Immigrant Tool* was exhibited at 2010 California Biennial (OCMA), Toronto Free Gallery, Canada (2011), as well as a number of other venues, the project was also under investigation by the U.S. Congress in 2009/10, and was also reviewed by Glenn Beck in 2010 as a gesture that potentially “dissolved” the U.S. border with its poetry.