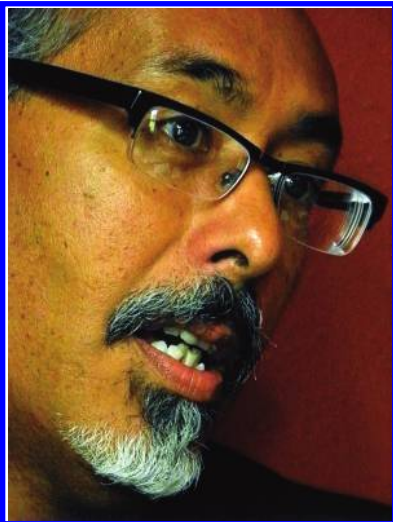


LOUIS WARREN

Photography by Spring Warren

The Art of Crossing Borders: Migrant Rights and Academic Freedom

An interview with Ricardo Dominguez



Ricardo Dominguez, Professor of New Media, Performance Art, and a Principal Investigator at CALIT2 at the University of California, San Diego, specializes in electronic civil disobedience as an art form. In January, 2010, he was placed under university investigation for misuse of research funds, a charge that could have resulted in his termination. At issue was the work of his research organizations, b.a.n.g. lab (for “bits, atoms, neurons, genes”) and his Electronic Disturbance Theater. Dominguez directed these organizations in creating the Transborder Immigrant Tool, an application that could allow immigrants to use GPS technology in cheap cell phones to find water caches in the desert between Mexico and Southern California and to access poems, which Dominguez calls “survival poetry.” Before the investigation was completed, several congressmen demanded punitive action and anti-immigrant pundits on cable news networks demanded Dominguez be fired. Louis Warren sat down with Ricardo Dominguez to find out what happened.

Louis Warren: When was it that you realized that the university might actually fire you for your research?

Ricardo Dominguez: Well, that was on January 11, 2010. I received an email from Accounting and Auditing at UC San Diego saying that they were going to initiate an investigation of the Transborder Immigrant Tool Project.

Warren: Was this a surprise?

Dominguez: I had had no indication up to that point that there was institutional concern about the project. Up to that point, I had received funding from UCSD. I had received letters of commendation for my teaching in these areas of electronic civil disobedience and border disturbance technology.

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Warren: You had been involved in this kind of work for years, in New York and in Florida, before you got hired at UC San Diego. So, it's not like the people at UCSD who hired you didn't know what they were getting, right?

Dominguez: Indeed, it was the track record that initiated the conversation for me getting hired.

Warren: How did you develop the idea of electronic civil disobedience prior to coming to UC San Diego?

Dominguez: The original theory that we had in the 1990s was that electronic civil disobedience could only be really developed by those who had a coherent understanding of digital bodies, and those would be hackers. And that it would have to be a secret cell of hackers who had an intimate knowledge of code to initiate electronic civil disobedience. We felt that activists who were bound to the question of the streets would never initiate electronic civil disobedience because they had a history of Luddite quality, for good reason. But we felt, and we made a very harsh rhetorical statement, the streets are dead capital.

Warren: The streets are. . . .?

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Dominguez: Dead capital. We felt that cybercapitalism was lifting off from the streets—that electronic civil disobedience would be, really, the only way to disturb the conditions of cybercapitalism, because the streets were now no longer bound to the flows of capital. But we also felt that hackers didn't have a politics. They were only really bound to a question of politics of code *qua* code. The politics of the street, of the meat space, were something they wouldn't really care about. So, we found then that activists would not create electronic civil disobedience and really, hackers wouldn't do it 'cause it wasn't in their particular frame, right? So it had to be artists.

Warren: So where is the “performance” in this performance art?

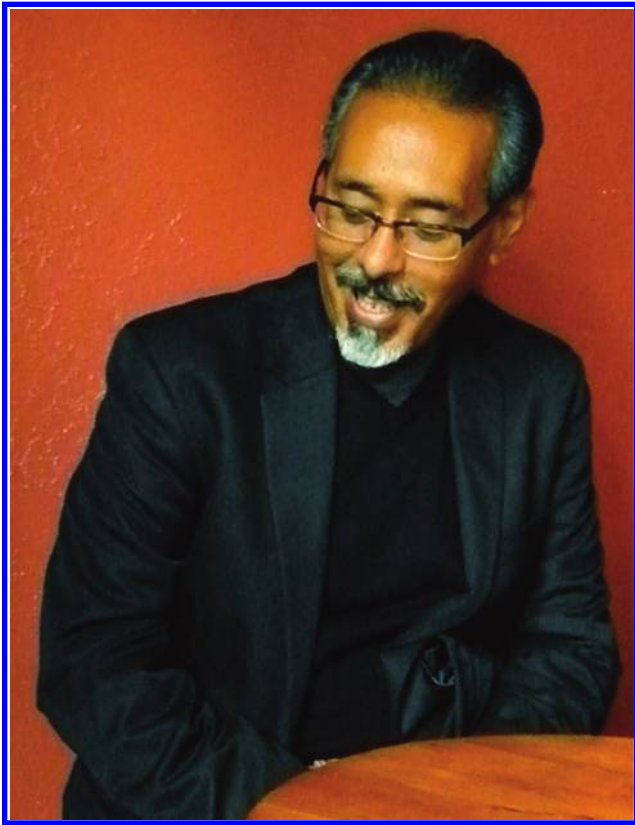
Dominguez: I think it is interesting to try to imagine the conditions of data bodies and real bodies interacting within each other as a performance.

Warren: You were uniting activists and hackers to create “hacktivists,” hackers with a political goal? Is that it?

Dominguez: Yes.

Warren: How is electronic civil disobedience related to the Transborder Immigrant Tool?

Dominguez: Well, as I was saying, one of the problems that we had conceptually with the original idea of electronic civil disobedience was that it was dependent on a cadre of hackers [and] on a certain knowledge of technology. Which is a similar assumption to what the RAND Corporation had done in their definitions of cyberwar, cyberterrorism, cybercrime. You needed infrastructure. You needed instant tactical knowledge of code. You needed a semantic awareness of how to transfer that information between code builders and machines.



Warren: So you've got the Transborder Immigrant Tool, the purpose of which is to get real bodies, real bodies to cross the border, cross these desert spaces without dying of thirst, for example. How is this performance art?

Dominguez: Performance art is about the body and transgression. It's about the relationship of the body to space, right? For instance, with the Transborder Immigrant Tool, we are taking a technology, the GPS system and a cell phone system, which, again, are very attuned, at this moment in time, to attachment to the body. And so the Transborder Immigrant Tool does continue the history of electronic civil disobedience in creating a code that basically performs the belief that there is a higher law that needs to be brought to the foreground: a universal common law of the rights of safe passage. And so the tool calls forth this sense that there is a community of artists who are willing to foreground the higher law. We connect to the histories of higher law within the US, from civil disobedience to the underground railroad. So, the performative matrix that b.a.n.g. lab and Electronic Disturbance Theater has always tried to establish is indeed a deep connection between code and the body—a

deep connection between code and those bodies that are outside of the regime of concern in terms of rights, in terms of consideration, in terms of being a community worthy of some sense of universal rights.

Warren: Do you want to abolish the border?

Dominguez: I do feel that whatever rights commodities have, individuals should have those same rights. A Coca-Cola can has more rights of protection in the flow across borders than the people who make the can, who fill the can, and pack the cans. And often they are devastated enough in that process that they feel they have to go elsewhere. And NAFTA seems to indicate that these commodities have [rights] and a right of flow. So, to me, transborders, trans-California, would be about an equation wherein the equality of the commodities would have a direct impact on the equality of the individuals who are the very flows of production there.

Warren: Have immigrants actually used the Transborder Immigrant Tool?

Dominguez: No. The investigation that started really slowed us down because our lawyers felt that to move forward would've put us in some jeopardy in terms of the investigation. But what we did do is, we continued to work with the NGOs and communities that leave water caches because they are a very important part of the project. And so we've been very lucky in that they've been very supportive and see the tool function. So what was supposed to be like a month long investigation turned out to be about ten months. And we accidentally discovered that we had been cleared. They never sent us the final "you're cleared" statement. It was only by sheer accident that I discovered that we had been cleared of misuse of funds.

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Warren: What triggered the investigation?

Dominguez: I did an interview with a magazine called *Vice*. This was picked up by *Boing Boing* [the online magazine], which is a major hub for exchange, and then it was picked up by NPR. This was in September/October of 2009; the project started in 2007. Before that, we had been funded, awards, all that sort of stuff, but it was internal. So this *Vice* interview went viral, and the nativists started getting involved. Every time there was a story on Fox News, we'd get slammed by hate mail. [In] most of it, they wanted to kill us in one way or another. We were accused of creating a cadre rebel army within the UC system. And that's what started the university investigation.

Warren: How did Congress get involved?

Dominguez: It was midway through that investigation that three Republican Congressmen sent this letter requesting that the university investigate us about misuse of funds. Now, the irony is that Congressman Hunter [one of the three who sent the letter] is the nephew of John Hunter, and he is the person who started Water Station, Inc. about ten years ago. And he's a hardcore Republican guy.

Warren: Water Station, Inc.—they cache water in the desert for immigrants?

Dominguez: Yes.

Warren: But they come from the political right?

Dominguez: Yes.

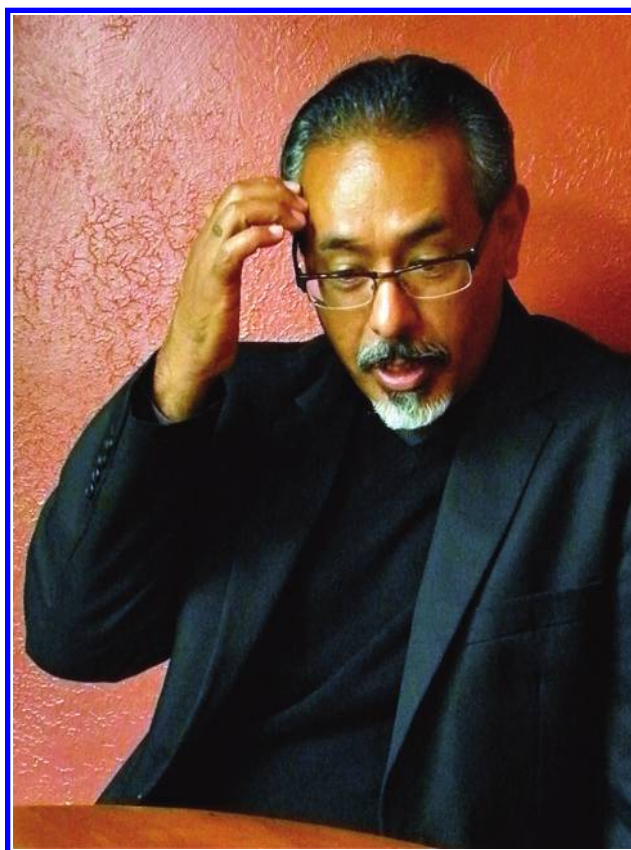
Warren: Why do they do this?

Dominguez: Well, I guess some of them might actually believe the New Testament. And they don't want people to die unnecessarily. They want to help their brothers and sisters.

Warren: What's the disposition of the university investigation of your lab?

Dominguez: Nothing was discovered in the investigation. No misuse of funds.

Warren: When some people think of art, they're looking for a painting that will match their sofa. You seem to operate from the premise that art should make us uncomfortable with our assumptions—that there is something profoundly discomfiting and political about true art. Is that right?



Dominguez: An artwork should create a sense that there is something that is occurring, something is happening. It should disturb the normal ontology of things. It seems to be unframing rather than framing. And it initiates a deeper currency of conversation beyond the museum or gallery. It forces art onto the front pages as opposed to the leisure page or the technology page or the art page, or somewhere in the back of the newspaper. It initiates a dialogue about art with congressmen. The truth of painting I would say is around the question of the frame. And for us, artwork is about unbinding that frame and letting it spill out into the conditions of the social space.

Warren: How do you see yourself in relation to artists in times past, say the Impressionists or anyone else? Were they disturbing the political world in parallel or analogous ways to what you're doing?

Dominguez: Our work is more in the minor key. We are outside of the landscape of the major important work. But for us, the minor condition is much more important.

In the not too distant future we may all be stateless undocumented bodies.

Warren: You mean minor as in dissonant, not minor as in less important?

Dominguez: No, no. I mean, for people who support the most conservative definition of art, Kafka is minor literature. Because that's what Kafka called it. And certainly we saw during the cultural wars that performance art by women—Karen Finley, Holly Hughes, art that deals with questions of women's bodies or lesbianism—were not part of what is considered the frame of art. The National Endowment for the Arts was attacked for funding it. Tim Miller's performances of being a gay man were not considered something that should be funded, either. Mapplethorpe's imagery—not to be funded, right? And so we fall much more along the minor literature, the minor art of the Holly Hughes, Karen Finley, Tim Miller, perhaps to some kinship with Mapplethorpe and others along that particular line. We are concerned more about the qualities not of the exterior presentation, but with the internal mechanism of what is being produced and its intent.

Warren: In a sense, museums are ways of containing art. The art that you do is radically uncontained. It bursts not just the boundaries of the building but of the nation—thus, the *Transborder Immigrant Tool*. . . .

Dominguez: Right, but at the same time, we insist we are artists. We do want to have a conversation with art. So,

we have no anxiety about [speaking] in a loud way. Everybody in this research team are all out-of-the-closet artists: Brett Stalbaum, Micha Cardenas, Amy Sara Carroll, and Elle Mehrmand. We're not activists, we are artists. Our interest is not GPS global positioning systems but global poetic systems.

Warren: Is the *Transborder Immigrant Tool* being used or are similar things being devised for other borders around the world?

Dominguez: Well, we hope. The code can be used by other communities of artists to deal with their own poetics and aesthetics around their borders, to create transborders.

Warren: Are transborders places of crossing? Are they spaces between nations? What are they?

Dominguez: If you count all the folks who are crossing borders across the arcs of the world, it's a pretty large population—larger than some countries. So the concept of the “transborder” as undocumented bodies moving between states is a way of imagining them as a flowing nation state that perhaps should have their own transborder rights, transborder rights to health, education, labor rights—in the not too distant future we may all be stateless undocumented bodies whose only rights will be transborder rights. **B**