Welcome to my presentation regarding Digital Rights, Media and Practice. This is a review of issues pertaining to image making in the public sphere and as an overview of the complex intersections of image making, mobile technologies and the rights of individuals in an era of increased governmental surveillance.

Whereas most people will defend the rights of image makers on the grounds of freedom of speech, I will explore innovations in technology and currents of culture and information politics that place image makers and their image making devices, in a deepened context of defense and protection that also calls for a consideration of these rights under the 2nd Amendment of the U.S. Constitution.
The right to keep and bear arms has traditionally, been relegated to the use of firearms. Today, in our urban, digital world, other tools hold more relevance in daily survival than a personal firearm, however, the essence of bearing arms, its ability to afford protection and to subvert the misuse of power, has not disappeared.

As our culture shifts to that of the Information Age a new type of arms might be considered under the 2nd Amendment, one candidate for this type of protection would be the smart phone, a daily tool of life management and work as well as a tool of sousveillance and information defense.

In an age of Big Information and mobile web access, images can spread rapidly across the interwebs of the country and the world, creating great problems for systems of control. This power of the Internet combined with mobile tools, such as smart phones, allows citizens to participate in the defense of self and liberty from both external forces and internal abuses.

A 2nd Amendment reading of image making and its tools will begins with four images created from my own experiences in New York City, three from within the context of one of the most talked about social movements of recent years, and the first major American movement to be born of the digital age, Occupy Wall Street (OWS).
What is the role of the citizen in a 2nd Amendment reading of mobile media? How has the freedom to use the smart phone been used at Occupy Wall Street?

This image, from the one year anniversary of the New York Occupation, documents one instance of the ubiquitous citizen-journalist. The woman shown here on the left is herself documenting an interview between a citizen-activist and a traditional journalist.

Here we see that with her smart phone, the citizen-journalist is able to record and stream these events live. With very light and relatively inexpensive equipment, she is enabled to reach a global audience. This citizen-enabled is a challenge both to governmental control and to the dominant power of Mainstream Media (MSM). The right of access to photograph or record video and sound at events must protect citizen-journalists, so that noteworthy events can be broadcast in the moment and also rebroadcast or contextualized later via websites and Commons friendly archives. If the records of these events were to rest only in the hands of MSM, this could prove deeply problematic to a healthy Information Society.
Information can be produced, disseminated and transmitted faster than ever and younger citizens are more than ready to participate using mobile devices. Generations born within the digital age are far more versed in image making than earlier generations whose access to photography required the acquisition of technologies that were not standard to daily living.

In this photo, taken at the Puerto Rican Day Parade of 2007 there is a palpable sense of empowerment emanating from a child enabled with a camera phone, who is photographing me while I photograph him. Just a few years ago, when this photo was snapped, dissemination of the images would have required an additional technology, such as a laptop to get to the worldwide web. Now, in 2012, we are solidly within the mobile upload and mobile viewing era, so the potential power of these children and subsequent generations continues to be amplified through increased connectivity.
In this photo we are in the early part of 2012, at a morning gathering of members of the Occupy Wall Street movement. The morning’s yoga, and community-based theatre performances have generated a presence from NYPD officers. At this point a conflict regarding public access and obstruction of a staircase has evolved and arrests are underway. This relatively quiet morning, no one from the Mainstream Media is present at Zuccotti Park.

Of the three people at the center of this tension: there is a police officer creating distance between the arrest scene, which is not pictured here, and two other members of OWS, one of them is holding a smart phone.

As one citizen-protestor and the officer look at him, the anarchist Mark Adams, snaps a picture of the arrest with the smart phone. If an image snapped by Mark Adams makes it to the interwebs it can easily go viral. In fact, any image appropriately tagged or evocative can quickly disseminate across the Internet, especially via social media. Use of the smart phone to capture the acts of the police empowers and challenges the actions of the NYPD, by curtailing the potential manhandling and abuse of citizens being arrested.

*It might be important to note here that I attempt to emphasize the citizen aspect of all my subjects not directly employed by the state or by corporate media in order to counter the negative and outsider relationship often used to ostracize protestors from the general populace.*
The collection of video, is a powerful tool taking center stage on the part of modern Information Age law enforcement. September 2012: At the one year anniversary of OWS I came across many cameras wielded by the NYPD's Technical Assistance Response Unit (TARU). This unit, as I observed, was at the front of the teams of police officers greeting protestors as they marched in lower Manhattan. In formation the high ranking officers in white shirts led the NYPD, flanking them (and sometimes leading the way) were TARU officers, behind these two groups were rank and file police officers in blue.

It is intimidating to have one’s likeness captured by the state. In this moment, I personally recall an uneasy feeling that while I was shooting the officer and he was shooting me that we were in effect, having a type of face off. Although a camera is not as intimidating to the body as a firearm, the threat lies in the possibility of retribution at a later date; at the inclusion on a governmental watch list or some other type of surveillance. Considering that officers in formation retain both firearms and cameras, the citizen holding a smart phone seems to be the least type of protection we should afford ourselves.

As the government increases its use of cameras across New York City and as this occurs across our country, it is important to ask how and why is this image data being compiled and referenced and who will determine what will be accessible by the general population? In exploring these questions the power of the smart phone or any digital image making device should be viewed in the current context of social media.

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*The TARU footage is a source of contention since it had been determined in 1971 via a class action suit (Handschu v. Special Services Division, 605 F.Supp. 1384) that the police must restrict the recording of protest activities unless there is an indication that unlawful activities are taking place, thereby preventing the routine recording of legal protests. The Handschu agreement, as it is known has been contested in the 2000s by law enforcement officials attempting to broaden its application.

Addl TARU and OWS Links:
NYCLU mentions TARU on Twitter: https://twitter.com/nyclu/status/183640548452366472/photo/1
Bloggers mentioning TARU activities: http://www.twylah.com/BenDoernberg/tweets/22323662477841698
Future Social

Images, Information and Adaptation: An Occupy Reading

Now that we’ve seen some images from the streets let’s take a look at the current communications and information landscape.
Looking at the trends that point to the vital role of images in our digital world, we see that social media networks are dominating our interactions and images are core to those interactions. What is staggering is that although statistics are often debated by those who track and report on social media, the consensus is that all numbers consistently point to growth in image transmission. The opportunity for a single image captured by a single author to go viral is real; also real is the potential for an icon or event, captured by many authors to spread and populate the social media web. There are variations in how things go viral, and how each community shares information, but the image is at the center of social media's power.

*A good example of this is seen in the Guy Fawkes masks worn by members of Anonymous and sometimes seen at OWS events and globally at protests. There is no definitive image of these masks that rules the interwebs but the image has been disseminated by many cameras and the posting of those images by many individuals contributes to a critical saturation in social and mainstream media. The masks themselves are copyright protected but their use in the public domain and the photographs that record these occurrences in the public domain can be key to the development of memes and to other forms of popular dialogue on these subjects.

2 http://adage.com/article/digitalnext/age-pinterest-instagram-marketers-image-strategy/233270/
4 http://royal.pingdom.com/2012/08/24/the-facebook-photo-machine/
5 http://adage.com/article/digitalnext/age-pinterest-instagram-marketers-image-strategy/233270/
A slightly more curious aspect of image in our digital society is where unexpected synergies exist between adaptations that serve a similar basic function but carry diverse cultural functions creating instances of “Cultural Singularity.”

I will further define these instances as the experience of our trends and our needs manifesting technologies to protect and advance our humanity in response to complex challenges. These adaptations might appear in different parts of the world and within vastly different contexts. Within this current stream of Cultural Singularity, let’s examine two very different yet concurrent examples of face covering instances, the face-kini and the balaclava.

The face-kinis in China have developed in response to environmental pollutants and to self-protection against those challenges to their health. Compare the face-kini to the balaclavas worn by the Russian punk anarchist performance group, Pussy Riot, who protect their identity against oppressive governmental forces and the resonant element in both of these instances is the use of the face covering to further the survival of the individual. In both these cases the face covering alters identity, whether or not that is directly intended.

Is it purely coincidence that as facial recognition technology and other forms of image based controls are being rolled out en masse in major urban areas in the US and around the world that those on the cultural/political avant-garde and the average global citizen are finding similar items useful to their survival? These synchronous trends may present themselves as clues to our evolving culture and to the human being’s most basic need for self-defense.

Images/Notes:
Pussy Riot Sentenced: http://www.guardian.co.uk/music/2012/aug/17/pussy-riot-sentenced-prison-putin
We are increasingly integrated with our advanced technologies. Our media is mobile and increasingly integrated into our lives and even moving into our bodies. The media-body merge is no longer in the realm of science fiction, as we can see here in a cultural prototype developed by the artist Stelarc whose Ear on Arm surgery was the first step in creating what he has called an “Internet organ.” It is also present in the body of community, especially youth generated communities that consistently employ social media and mobile communications to fashion flash events often for art or protest. The expression of flash groups should be viewed as instances of the new media body, which is no longer dependent on imposed top down hierarchy.

As we look at image creation and social media, and even mobile technology infrastructure rights within this context, we must continually ask ourselves complex questions and look to complex systems to better understand how society is being reshaped. What must authorities endure in a mobile media world, even if it is inconvenient, so that the basic defense of human dignity is preserved?

2 Cyber Body: http://www.theverge.com/2012/9/14/3261078/meat-metal-and-code-stelarcs-alternate-anatomical-architectures
3 Flash Protests on BART http://www.pcmag.com/article2/0,2817,2391046,00.asp
5 Nielsen Data http://www.engadget.com/2012/05/07/nielson-smartphone-share-march-2012/

Further exploration topics:
Singularity Wiki: http://en.wikipedia.org/wiki/Technological_singularity
The power of the image is at the heart of a complex web of public space and free speech issues. The right to record at protests or in any scenario where the government is recording images of its citizens is key to maintaining a just and healthy society.

August 2012, A credentialed photojournalist contracted to work for the New York Times is assaulted by NYPD officers and is charged with two criminal counts for covering the arrest of a 16-year-old girl in the Bronx. Accounts on the incident differ, but this is a quote from that photographer, Robert Stolarik: “They were violent toward me, and they were violent toward the media.”

This experience of Stolarik’s is one that vividly exposes these tensions of control as they’re being experienced by image makers of all kinds across the United States. The media is being attacked and the media maker is also coming under attack.

As we have recently extended the arena of America’s wars to include domestic territory, with the National Defense Authorization Act of 2012 (NDAA), the implications of domestic information warfare has very real repercussions for American citizens. NDAA implicitly extends “Information Warfare,” a proactive defense strategy, to American soil and therefore to domestic communications. With images at the center of social web communications, the prohibition of free image capture in public space by American citizens on domestic soil could easily be part of the logical application of this law. The state, like the body, is expanding through technology and this expansion must somehow be checked by maintaining the rights of citizens to bear these new types arms in an Information Age.

A positive, evolutionary approach to this Information Age could avoid revolutionary waves currently moving around the globe and reinforce much gentler reforms instead. The desire amongst politicians to create kill switches for “Information Emergencies” are potentially disastrous to a free society. The synchronous taking down of the Egyptian Internet by Hosni Mubarak and the introduction of a bill to create American kill switches in the instance of such information Emergencies is troubling.

Note: The US state could also consider the incredible potential of its citizenry to assist in warding off information assaults or propaganda campaigns from other sovereign states via these mobile technologies, if and only if it is willing to participate and embrace concepts of Transparency and maintain civil liberties. Data collection and data militias are troubling concepts in the context of covert files and data banks, but are robust and living if transparent; in this sense, the United States could find itself visionary once again if it were to proactively ensure basic liberties of the Information Age.

Information Emergencies

“They were violent toward me, and they were violent toward the media.”

—Robert Stolarik, Photographer for the New York Times

- Information Warfare "...The term "information" in I&W suggests that the objective of such a campaign involves generation of effects on the adversary's information that will prevent or prompt certain actions, thereby creating an advantage for the attacker." - CIA website

- On the day the Mubarak government turned the internet off in Egypt, January 27, 2011 a bill was introduced by the Chairman of the US Senate Committee on Homeland Security seeking to grant presidential authority to declare "cyber emergencies"

The ACLU on NDAA: "The statute contains a sweeping worldwide indefinite detention provision... [without] temporal or geographic limitations, and can be used by this and future presidents to militarily detain people captured for from any battlefield." The ACLU also maintains that "the breadth of the NDAA's detention authority violates international law because it is not limited to people captured in the context of an actual armed conflict as required by the laws of war." Full reaction from ACLU: http://www.aclu.org/national-security/president-obama-signs-indefinite-detention-bill-law

A PDF of the Full Bills can be found here: http://www.gpo.gov/fdsys/pkg/BILLS-112s1867es/pdf/BILLS-112s1867es.pdf


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One of the more defining aspects of today's social movements is their use of new technologies, especially social media and mobile technology. As movements arise, archives in the Commons for distribution and for remix also arise. The freedom to capture images and videos and to disseminate those images into the Commons is tied directly to citizens' rights to create and disseminate culture. Briefly, let's turn exploration to the contrast between sequel vs. Remix Culture. Sequel Culture is sanctioned, dynastic, hierarchical and copyrighted. The Remix is free, open source, crowdsourced and operates in the Commons. We are reaching a cultural tipping point of sequel vs. remix, one that pits inertia versus cultural movement.

As we move towards true digital natives, those for whom there is no touchstone of adaptation to information technologies such as mobile phones, laptops, tablets, etc., the Remix is as natural as the use of these technologies. Forcing remixes to come from MSM databanks or other closed archives systems limits the potential for discourse of future generations. In brief, let's touch on examples of this tension inherent in our move toward digital age liquefication, where power and resistance are in flux, since this is the truth of our situation:

Hollywood vs. YouTube
We have in our lifetime seen the rise of YouTube and user-created videos challenging Hollywood and other MSM producers. In hierarchical media we expect sequels. We accept dynasties in celebrity and in politics as in the family of Martin Sheen, or the elections of Presidents Bush. This sequel culture is large and pervasive, and it is increasingly self-reinforcing through tabloids that insist on the importance of these legacies, perhaps even sanctifying them. This can be very reassuring in a time when borders are fluid and will increasingly become fluid, as these rapid-fire changes are confusing to most all of us.

Extension of copyright laws vs. the commons
We have seen copyright extended, most notably by a case involving the Disney corporation, and then expanded internationally in cases against file sharing groups (Napster, Pirate Bay). This is in contrast to Commons licensing and the great webs of innovations they can create such as the development of the Content Management System, WordPress or the musical genius of the popular mashup artist, GirlTalk.

iPhone apps policy vs. HTML/Linux
The iPhone, is extraordinarily popular and yet it is highly restrictive in its apps licensing and development. HTML and Linux are examples of the opposite and are in fact earlier innovations that fueled much of the web as we know it today. The tools we love were born firstly from a freedom to innovate, comment and develop. The newer tools we need as a society may be arguably more robust with this mix of flow between closed and open systems in mind.

MSM vs. Media Practitioner
Mainstream Media retains legitimacy if only for its ability to fund full-time staff and to gain access to events that require vetting, or payment for access. Increasingly the Citizen journalist, the homespun Media Practitioner and all the many variants (self-taught filmmaker, camera phone photographer, laptop recording artist, etc.) are generating success and cultural production that parallels the Mainstream channels and although one can not compare a large corporation's ability to create vast streams of content, it is the sheer number of our citizen population and our habituation to media that creates an increasingly automatic level of media creation for pleasure as well as protest. The compulsion to create is heightened through this habituation to mobile technologies.

Anti-Technology sentiment vs. Technological Singularity
All technologies can be used either to reinforce sequel culture or to expand remix culture and many technologies and platforms are built on hybrids of these. The push will be towards resolving these tensions in the interest of digital human rights and will be informed in discussions in areas of robotics, genome patents, biological piracy and other types of advanced intellectual property vs. Commons issues.

Recently, in August 2012, the NYPD, working with Microsoft announced a new system of “Domain Awareness” which involves a sophisticated network of 3,000 cameras. The NYPD’s move to implement such a comprehensive system is in itself staggering considering the existing NYPD cameras is already counted at over two thousand.

Rebecca MacKinnon makes an important assertion in her book, Consent of the Networked that our desire for security, entertainment and material comfort might lead us into a state of submission. Perhaps it’s needless to point out that many of the post 9/11 laws that were meant to protect US citizens from terrorists are the same laws that have been used to justify heavy handed tactics and surveillance sweeps of legitimate citizen protests activities. Safety has also been cited as a reason for keeping journalists away from police actions such as the middle of the night eviction of OWS camp in New York City.

As we have become increasingly corporatized in our culture we become inured to the role of corporations in our life. This applies to our digital habits as well as any other. Google, Facebook and other companies can create policies that censor or inhibit freedom and as users we accept these intrusions or find ourselves generally unaware of the true power we are granting to these companies. These companies can also make agreements with our government to reveal our private data as individuals but could also agree to take down our pages, delete our profiles and essentially take us offline at any time. These issues have prompted MacKinnon to call for us to view ourselves as global nezen* and to demand a new suite of human rights for ourselves.

Although our netizenry may seem abstract at this point, it absolutely is not. MacKinnon argues in her book that the global net citizen must be assured certain basic standards and rights. I agree with this and I would include that any technology that a citizen uses to engage with the net should be evaluated in the context of netizen rights.

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*A netizen is defined as a user of the Internet, especially a habitual or avid one.
The Constitution is not an instrument for the government to restrain the people, it is an instrument for the people to restrain the government.” Patrick Henry

Pictured here we have symbols of our two paradigms, one from Disney, a leader in Face Recognition Technology and a leader in restrictive copyright, also a producer of some of the most delightful fantasies of our modern times. Opposite we have an Occupy Wall Street Librarian, a living symbol of the upsurge of revolutionary practices intended to preserve traditional values such as free and open access of information on a street, analogue level. These two images require us to wonder what paradigm will result if we do not find a way to integrate protected authorship with The Commons, our sense of privacy with a new sense of digital connectedness? The time to consider our space in the digital landscape and to consider our evolving bodies and environments is now, this is our time to answer the call of critical, active imagining of the future we are shaping in digital humanities.

Thank you for joining me on our journey and for welcoming me at the UNT Digital Frontiers Conference.

I hope this 2nd Amendment reading of mobile image making has given us an opportunity to consider our rights and to understand the power and possibility of the tools we have begun to adopt, and the vast record of history we are co-creating in the Information Era. Our tools of information are key to the survival and advancement of our society.