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>> Hi, everyone, welcome. I'm so pleased that you all could join us here. There's a live stream. A program inviting artists -- latest issues, along with (inaudible). So, by attending tonight, you have all entered (inaudible), so thank you for joining on your way in. And I hope tonight (inaudible) a special -- and you will be granted special internal access -- get this right, 103-001-000. Okay. Cool. As well as (inaudible) and poetry by our (inaudible), Marvin Mayfield, apologies. So -- this evening -- thank you (inaudible), which is (inaudible) made up of individuals (inaudible).

So all donations tonight at the bar also go towards

this cause. Great. We have a really full house tonight. This is very exciting, and also a little bit crowded, and maybe a little bit hot. If you need breathing room -- the bar -- you're welcome -- program there as well. So without further ado, I'd like to turn the mic over to Dhruv, who will tell you more about his ongoing exploration (inaudible).

(Applause)

>> DHRUV MEHROTRA: Back on here. So, thanks, everyone, for coming tonight. There's a lot of things (inaudible). We're honored (inaudible). My name is Dhruv. I'm (inaudible).

>> BRENDAN BYRNE: My name is Brendan, and I'm not. Thank you very much, Eyebeam, for having us.

>> DHRUV MEHROTRA: Yes. First, thanks to (inaudible), who without -- we couldn't have completed this work. So, I think to start, I want to talk a bit about why we're here. So, in the last few years, we've collected -- to understand and talk about this -- what we see, when we see it -- understand the way that technology -- what we see (inaudible). But perhaps most -- all of this access, it's sort of easy to forget that what we're seeing isn't so much the planet Earth -- Google Earth -- a sanitized version of the world that the company allows us to see -- show us.

So I kind of wanted to frame the beginning of this

event with a question, which is what do the ways in which Google Earth is incomplete tell us (inaudible)?

>> BRENDAN BYRNE: Last year, Dhruv and I discovered an unprecedented gap in Google's coverage. And when I say -- I was brought in to help later after Dhruv made the initial discovery. Through mapping when and where Google satellite imagery updates occurred, we located an area of land in the continental U.S. that had not received updates in eight years. What we're going to see here is a picture of Google earth from 2007. And as you can see, they're pretty much the same.

>> Cool.

>> I -- people --

(Sirens)

>> paranoia, like that is making me paranoid, the sirens outside. We're finally here to share with you what we've learned.

>> Yeah. We also see this event like an exhibition for Sebastian and Marvin, who have created work that's inspired by the response to our project. And it's also an opportunity to have two experts, Sharon and Mark, speak about the implications of our project, especially on -- in terms of (inaudible). The trajectory of what tonight's going to be. So first, Brendan and I are going to give background about the project and I'll invite Sharon

Weinberger to the stage to join in the conversation about satellite imagery, military technology, and more.

(Laughing)

And then Brendan will talk to Mark Bradford and Sebastian Gladstone about copyright, and sort of the process with which Sebastian went about making these rights. And finally, Marvin Mayfield will share original poetry -- in ways that perhaps are more important or true to the natural (inaudible). And then, yes, right, finally, we'll do -- take a look at the work, and the satellite imagery, and ask questions and stuff like that. So I think a good way to begin is to talk about how -- so, we basically mapped all of the locations where Google Earth had updated satellite imagery between 2008 and 2016 and looked for gaps in that coverage. It kind of looked like this.

Google -- access -- this type of information public, but has stopped. Luckily for us, there's a group of Google Earth enthusiasts who archived some of this information and -- John. What you're seeing is layering information about imagery updates. And when you do this, what comes through is a tiny little gap. These three dry lake beds, which we now know are part of the Tonopah test range.

>> It's a section of the Nellis test and training range, which is jointly operated by the Department of

Energy and the Air Force. Since the early '50s, the complex has been the site of extensive government -- and this next slide is a map of the test range. And this was made by an internet enthusiast. We're not entirely certain it's 100% accurate. It contains the drone pilot headquarters. The site's extensive nuclear detonations formerly known as the Nevada Proving Grounds, locally referred to as Area 51, which needs no introduction.

The experimental vehicle -- and most recently -- of the B61-12, which is a -- bomb. Spots on a map that Nellis is covered by a 12,000 square mile swath of military space, which basically means that Google can't do aerial photographs -- satellite. But the important thing to know is we don't actually know what is happening in Tonopah between 2008 and 2016. Why we're not supposed to know is a question we can't answer.

>> Right. But what happened here is actually central to what we set out to find. We wanted to know how it happened. How do people -- Google Earth. So, not knowing -- government. And in an effort to understand this, we began to look at the history of commercial satellite imagery. The -- version of this history is that in 1992 -- act made it legal for satellite imagery vendors to sell. So at the time -- started investing heavily in companies to ensure that Americans -- essentially having the best imagery

technology became a national security (inaudible).

So, because of this relationship, the DOD is explicitly allowed to censor satellite imagery (inaudible). But -- geospatial imagery -- contacted -- had never been -- and that's probably because of the amount of paperwork and bureaucracy necessary. But a more sneaky method of censorship is something called -- and it's something that -- but this occurs in -- satellite imagery -- imagery market. And that's where Google (inaudible).

>> To find out if either one of these methods were used on Tonopah, we emailed had guy named Brock. Very nice gentleman. They resell commercial satellite imagery and work closely with the industry leader in commercial satellite imagery vending. Digital -- sells directly to Google, which stitches together the satellite -- with aerial photographs to make Google Earth. Brock showed us, much to our surprise, at least eight images from that time period, which would have fulfilled what we considered Google Earth -- color -- decent coverage, high resolution, and no (inaudible).

The federal government took non steps to keep Apollo from selling the images to us, we more or less decided that the censorship must be an internal Google decision. I know you will all be shocked to hear this, but Google did not respond to our various queries until yesterday, when we

published an essay in Motherboard, and they finally got back to us a day after with this. Google Earth didn't censor this area in Nevada. Our satellite imagery is licensed from third-party providers which are commercially available and not the property of Google. We update imagery by prioritizing areas that are most popular, following federal law. Which means nothing.

So we decided a while ago before we got this email to buy exclusive rights to one of these images from Apollo, sort of like the government buys -- and sell that image to Google for a dollar to help them out with their data set.

(Laughter)

>> Right. So -- foundation -- we were actually able to -- images. So the image that we're going to show you was taken in 2013 for the academic price of \$1,900. You know, upon looking at that contract, we kind of -- we found out -- photo, and specifically stated that the image was solely for -- use and that we're not "to distribute, sell, license, rent, sell, lease, or loan the product or any derivative to any third party." What exactly (inaudible). But this is the reason why -- contract at the door, making authorized users so we could finally, after all of this, take a look at the imagery that we're going to show you.

So, what you're about to see is an image entitled image number 103001000. It was taken July 1st of 2013 by a

satellite which is owned and operated by (inaudible). So, I've cropped a smaller, more high-resolution -- image -- on the screen.

(Laughter)

>> But there'll be a version at the end of this event -- an opportunity to look more closely at this imagery. While I figure this out . . . There we go. So, I think -- stage. And while she does that, let me tell you a bit about who Sharon is. Sharon Weinberger is the chief -- previously, she was executive director, and before that, national security director. She writes about the -- science and technology -- history (inaudible). So, I reached out to Sharon because I'm a fan of her work and I'm honored that she's interested in this project -- her expertise. So, please join me in welcoming Sharon.

(Applause)

>> All right. Hi.

>> SHARON WEINBERGER: Hi.

>> So, I think a good way to start is with some of our earlier conversations. So when I mentioned the last Google data set, you sort of immediately get the second question was the test range.

>> SHARON WEINBERGER: When you emailed me, you mentioned the project, but didn't mention the site. It wasn't that -- great insight into it, but I made an

educated guess of what site it was. And in part, because when you talked about it, I knew that Area 51 that most of us are familiar with, there is quite a bit of imagery of it. Periodically there are organizations and even news organizations that will post updated imagery. So I didn't think that was the issue. In my reporting, I remembered a number of years back some sources mentioning to me -- I was doing some work about the history of drones and classified development.

And one source told me, the place you should really look at is Tonopah, because there has been classified testing there -- Area 51. So it was a good guess, but apparently the right one.

>> Right. So, the fact that this omission occurred at Tonopah rather than Aberdeen, does that tell you anything about the nature of the technology that was tested and being used there?

>> SHARON WEINBERGER: Absolutely. I mean, what is a parallel there with Area 51 is there do tend to be sites of where new -- so let's differentiate for a second between classified programs, programs that we know exist even if certain elements of their development are secret or top secret. And a black program, meaning -- it could be -- technology program whose existence is not even acknowledged. So as an example, the early aircraft and

development -- the programs, there were code names and they were not acknowledged to have existed to the public until they were declassified.

And so this is certainly a range where those things have gone on.

>> Right. So, knowing that they test experimental aircraft, I sent that imagery to Sharon. Do you -- you know, feel free to speculate. But do you see anything -- when Brendan and I were looking at this as satellite imagery?

>> SHARON WEINBERGER: I wish I could say I can look at satellite imagery and say that could be this. There are a lot of people more technically adept than me. I contacted a nuclear physicist who had worked for government for a number of years and had often been consulted on, particularly during the Cold War, to analyze satellite imagery on Russian test sites and had been rather famous for identifying correctly some of these classified sites. So I met with him for coffee and showed him. Am I allowed to admit that I showed him some of the imagery?

>> DHURUV MEHROTRA: It was internal use.> SHARON WEINBERGER: His first comment was, that's weird. He was able to hone in on certain parts of the image. Even he couldn't say yes, that's a classified drone testing facility. But what we could mark was, here's a road leading

in. Here's what looks like a control site, a barrier for controlled access to the site. He also commented on specific features. For instance, I looked at the image that you all have seen and you see some circles. He blew up the image and said those aren't circles. If you blow them up you see actually angled edges, which he began to speculate.

This is speculation, that this is for radar testing, which is used, again, it can be used for stealth aircraft.

>> DHRUV MEHROTRA: Do you have a sense of how the mission might have occurred? So much is speculation. We can't prove too much with what we have. But any sense of was this a request of the federal government to Google, or a Google internal decision?

>> SHARON WEINBERGER: I can make more educated speculation on that than what they were actually doing there. As you mentioned in your opening remarks, one of the -- really the fascination with this project isn't, you know, what technology they develop there. But we can speculate, we don't know, although it is interesting. But we do know no, it wasn't a coincidence that there's a years-long period without updates. We know there has over the past ten years been a nontransparent relationship between Google and the U.S. government on withholding information. So you talked about things like shutter control, buying up imagery.

Those are things that are acknowledged, actually been used very rarely. I think the buying of imagery was exercised during the first Gulf War.

>> DHRUV MEHROTRA: I think it happened with Afghanistan.

>> SHARON WEINBERGER: You're right on that. It's very rare. Shutter control itself has never been --

>> DHRUV MEHROTRA: According to --

>> SHARON WEINBERGER: One of the reasons for that is when some of these things were put in place, it was before there were other countries with equivalent systems. In some cases, it wouldn't do any good. This is what we do know. There have been cases in the past -- you know, when I last looked at this, I think ten years ago, one of the more famous cases was when Chaney was Vice President. The residence was shaded out in Google Earth. They gave odd answers about why. They're like we don't take the imagery. We buy it. We take it from the geological service. So, you know, we have no control.

But it was clear that it wasn't random. This was also around the time where I think it was a rumor that they were building basically a bunker. There were a lot of things going on in D.C. post-9/11. But what was very strange to me at the time was why not just say that the federal government asked us not to use certain imagery? And I

think -- we talked about this the other day. Censorship isn't even quite the right word, because censorship implies someone makes a decision to censor. It's self-withholding that the government makes the request and then Google, for whatever its reason, it appears to be that they comply with this request.

And in some ways, I hate to use the word insidious, but it is almost. With censorship you know what happened. You cannot show a ten-mile radius of whatever. But where the request, we don't know who in government is making the request. We don't know why. We don't know why they're making the request. Is it for national security reasons, for some other reason? And we also don't know why Google is complying. Is it to protect business relationships, government relationships? It's the lack of transparency to this transaction that I find most disturbing.

>> DHRUV MEHROTRA: You brought this up yesterday when we were talking. Google would -- comply to be on the right side of the government so they don't get taken down for antitrust violations or anything like that.

>> SHARON WEINBERGER: Yeah. Large technology companies -- and this is true whether it's Google, Facebook, any technology company -- have relationships that they want to maintain with the government that go beyond a contract -- go well beyond a contract. Technology companies

are dependent on the government for whether it's antitrust enforcement, or tax issues. You know, they touch the government in many, many ways each and every day. And you can look -- it is very intimidating when someone from the Pentagon or DOD calls and says by posting this imagery you are threatening the national security of the United States.

And I think from a technology company side, it costs them nothing to comply. And, you know, part of it is their own fear, perhaps legitimate that if they don't comply, they will get in some sort of trouble or endanger the national security of the United States. Part of it, they benefit from keeping up with government.

>> DHRUV MEHROTRA: So speaking of that guy who picks up the phone and yells at Google and tells them to not update their imagery, throughout your career you've spent time at places like Tonopah and are in a unique position to comment about the culture of these bases. So what's the likelihood that any decision about Google Earth occurred because of a specific attitude about secrecy at this space, at Tonopah, and not because of classified military testing in general? Could this be because of one neurotic commander at Tonopah?

>> SHARON WEINBERGER: So this is what's so interesting on your project, because it taught me something. So, without the information you brought forward, I would guess,

like, if you came to me and said speculate, yeah, there's probably lots of bases where some paranoid military -- like my base is so important, or this area is so important that you must shade it out. Without this information, we could be like there's probably dozens of military sites that are shaded. But that was what's so interesting about your project. But no, it is this one specific area. And it's for a fairly extended period, that if I had to guess -- I think it was a very purposeful -- again, here I am, rampant speculation that it was a very specific request for a very specific reason.

>> DHURUV MEHROTRA: So do you know of anything that was going on during that time period, 2008, 2014, 2015, recently Google had updated their historical imagery. But the gap between '08 and 2014 still exists. I'm wondering if -- you know, have you seen, sort of, this shift in -- testing -- speculate as to what they're doing there now?

>> SHARON WEINBERGER: I can speculate, but let me really caveat that the technologies I can talk about, I don't know they were testing. Probably anybody who goes back and reads Aviation Week from that period might come to better conclusions. There were reports in publications, particularly Aviation Week, the development of, you know, penetrating drone aircraft. These are aircraft -- one of them was the RQ180 that I believe still isn't acknowledged.

It is still technically a black program that was designed to go into what are called denied areas like Iran probably to take pictures of nuclear test facilities or suspected nuclear test facilities.

So again, I could guess that there were a lot of rumors and reports, news around aircraft being developed in that area. Was this site used for that? I have absolutely no idea.

>> DHRUV MEHROTRA: Sure.

>> SHARON WEINBERGER: But that is where I'm really getting into the area of speculation. But we do know from that period there was a lot of development. There is now a new bomber that's being developed that is acknowledged to have come out of prior classified test programs, which I can informally speculate was from that time period. Was it this facility, this test site, I don't know.

>> DHRUV MEHROTRA: Sure. Yeah. I guess to zoom out a little bit, I'm actually curious to know about your view on the public's right to know about military technology. Do we have the right to know what occurs at Tonopah? What's your view on secrecy in this regard?

>> SHARON WEINBERGER: I'm a journalist. I'm a transparency advocate. I understand, you know, why we have secrets. And I can acknowledge the role of people in the national security community whose profession is to keep

this secret. I'm not in that community. I'm in a community where people come to me with information and if I believe it has a public interest I'll publish it. I can see both sides of it. So I think that unfortunately, too much is classified. There is, especially after the end of the Cold War, I feel that a lot of classification in technology programs is done not always, but at times, to protect the program itself, the American public from the cost, the schedule delays.

Not all of it. There are things that should be legitimately, perhaps, kept secret. That's not my problem. You know, we have an elected government, for better or for worse. And that elected government, we have given it powers to keep things secret. I really am a transparency advocate but I can understand why we have that. The more problematic relationship is the one that we don't know about. You know, which is the one between government and technology companies and what things aren't governed by law that the government can make requests that we don't know about and the technology company can comply with those requests for reasons that don't have to do with the law, because of their own interests, and that can shape the way we see the world.

Laws can be good or bad, but if you know about them you can change them. Classification can be wrong. It can be

overreaching. But there's a way to understand it. When you have these relationships or communication where you have -- you know, one of the things that we tried to do when you brought this up was file a Freedom of Information Act request. It's a shot in the dark. Am I requesting a phone call, emails, was it between Google, between a base commander, between the Pentagon? I don't even know and that's disturbing. That should be disturbing for the public.

>> DHRUV MEHROTRA: Right. And kind of going off of the same kind of what you were talking about like the dangers of what we don't know between the government and technology companies, but there's a lot of soft power in how the government funds technology, right? And in your book you talk about there's real implications to who funds research and how that research is funded. Yeah. So could you talk a bit about how that funding might define technology development?

>> SHARON WEINBERGER: I think it defines, sort of, how we look at it. One of the most interesting things, I find, is in the United States, we tend to take it as a given that the military, that the national security establishment, has been -- some of these technologies. So the first imaging satellite came out of classified CIA programs from the original corona program in the 1960s. You could say that's

marvelous, the intelligence community gave us imaging satellites that are used for environmental reasons and many wonderful reasons. But it creates a presumption, I think, in our society, whether you think that's good or bad depends on your views, that in fact, the national security community also has a right to, sort of, request redactions.

And, you know, when I give talks in Europe, I'm always shocked people ask about the ethics of national security community funding science. I'm like wow, in the United States, it isn't even really asked about. I think in Europe they would take a completely different view. I think to a certain extent, because the military funded the basis of these technologies, we take it as a given that these companies might perhaps comply to protect national security. I can't say I know as well how Europeans view these issues but my guess is because these developments don't come out of the military they would take a very different view out of this form of self-censorship.

>> DHURUV MEHROTRA: That's unfortunately all the time we have. We could probably talk about this for another 30 minutes. If you could join me in thanking Sharon.

>> SHARON WEINBERGER: Thank you.

(Applause)

>> Thanks, Sharon. Thanks, Dhruv. We're going to move right on to the next part of our program. I'm going to call

Sebastian Gladstone and Mark Bradford. Sebastian will sit on my far left. He's an L.A.-based artist who has worked in digital blogs and abstract water colors and paintings. His most recent gallery show was entitled Pictures from My Dream. Mark Bradford runs his own firm which specializes in copyright trademark law in addition to litigation -- boards -- work. So I'm going to ask Sebastian a few questions, and ask Mark a few questions, and we're going to have a discussion.

So, over the last four years, like I said, your work has moved from digital to physical, to paintings and watercolors which are primarily abstracted landscapes. How does the work that you've done on Tonopah fit into the development of your projects?

>> SEBASTIAN GLADSTONE: Well, I guess one of the big things -- you know, we talked for a long time before you guys could show me anything, you know. It was kind of almost like Santa is coming at Christmas, you know. For months you'd be like, we have these images, we can't show them to you because we don't want to get sued. So we're trying to figure that out. We had a discussion for a long time. And there was this concept of good faith, basically, that was like, you know, if I was going to work with them, there was some good faith that I wasn't just trying to show people the maps, basically.

And then the context of my work is basically, you know, kind of deconstructing landscapes as they relate to personal memories, experiences, etc., in a very -- like, in a very non-contextual way to some overarching idea that relates to everyone. Personal experiences, apolitical as well. I don't make work that's commenting on society or anything. In those ways, acting in good faith to try and really create art objects out of the images. I guess that would kind of be how my process worked with what you guys were trying to do.

>> And I think you had talked earlier about, in contrast -- but who made -- interested -- representation. And I want to ask you about, like, the nature of your process for these paintings. How did you actually -- this imagery?

>> SEBASTIAN GLADSTONE: So eventually Dhruv sent me the images. And there are basically different parts that you have to stitch together to create -- I don't know if you guys have a photo. You stitched together something and then I messed with it in Photoshop. And I -- we basically had a composition of all the images. And then I edited them in Photoshop for contrast and color value and stuff like that. And then from there, went through the process of trying to figure out how to represent them without representing them too accurately, or just -- there was a

lot. We had a lot of back and forth, you know.

And one of the first things that I realized was, like, if I had to -- if I had to paint a picture of you, you know, you have eyes and certain things that make up how you look that you're recognizable. Even if it wasn't a 100% photo-realistic version of yourself. With a satellite image, how do you show -- you know what this is, right? It's kind of like there's no discerning markers beyond a few lines, Xs, circles of what this actually is. So there was really a struggle with not representing it photorealistically but at the same time, acting in good faith and trying to create a painting that is for all means, human, and a little bit expressive.

And so what I came up with was essentially printing the images. But first I tried painting them by my eye, because I've done work like that for other artists where they give me something to paint and I will essentially paint it, you know, as realistically as possible. Then we tried projecting it. And still the information is so exact that it was kind of like just blobs in the ether unless I wanted to spend, you know, an intense amount of time on each painting, which I don't have 60 hours. I don't have the next four months to make these paintings.

So we came up with taking a printing process called disublimation, if your grandmother has sent you a terrible

blanket of your dog, it's the same process with a polyEsther material. And what it did -- there's a couple things that helped us act in good faith. It reduced the resolution of the image. It changed the contrast of the image in a way that's not up to us because this is a low-fi machine. It mirrors the image around the canvas. So you can't necessarily see where the images end. Then I essentially painted on top of those sections that I could discern. I would basically discern where they were because there's large patches of the air that are just dense nothing, no matter how you adjust the contrast. So that's essentially how we got to what you see.

>> And I think the quote that you ended up saying to me and Dhruv over the summer was that the paintings were going to be totally abstract and totally representational. Which really interested me. But I think that it's not just a phrase. It's actually, sort of, like what you were going for, right?

>> SEBASTIAN GLADSTONE: Yeah. I didn't want to get sued, so there was that. I've never been sued. The government is a scary thing. So I really wanted to not mess this up and create something that was -- you know, if you showed it to someone walking by, they wouldn't be like, oh, Tonopah Test Range. There's Area 51, I know where that is, that's a nuclear bomb. But at the same time, as part of the

practice I was trying to create with this project I wanted to try and represent these images in a way that you could experience them for what they were once you had information. If you look at it and don't know what it is, it's basically an abstract painting.

If you know what it is, you're going to try to go underneath where I've touched the images to see the rest of the imagery. It can create a map of a center through my painting. But it still serves, there's discernible areas of roads and markers where if you had a lay of the land you could probably maybe get around, you know.

>> Cool. Thank you. I'm going to ask Mark a few questions. My first question, based on the events so far, is this a bad idea what we're doing right now, or a good idea?

(Laughter)

>> What do you think?

(Laughter)

>> MARK BRADFORD: Goodness and the badness of the idea. The goodness and the badness -- or the various concepts of, as you were saying, good faith, theoretically bad faith. But whereas what I would say would normally be highly privileged and private, it is the nature of this event to make it as public as possible. So anyone who's viewing the live stream has basically waived our privilege.

So I hope you're cool with that.

>> Should I be?

>> MARK BRADFORD: That's the next question.

(Laughter)

>> I guess. What do you mean by that?

>> MARK BRADFORD: The thing is, you had everybody sign, so to speak, virtually, agreements or crack and sign agreements, like if you -- the plastic on your software, you sign a contract with the developer in some cases. It's just that they're like you walked in and had a drink, you're a contractee. That's challengeable, but -- to some extent.

>> Everyone signed contracts.

>> MARK BRADFORD: I know. That's great. I hope no one is looking at the live stream, because they are exempt.

>> We blanked out the actual image on live stream.

>> MARK BRADFORD: Good. They should blank me out, too. I should talk in code, which I do anyway. I'm not understandable. So the initial question was is this a good idea. Well, one of my favorite parables, sort of, is the difference between American culture and English culture in the early part of the 20th century, like, Americans had an easier time with the question what's your favorite color. They had an answer. In the early part of the 20th century the English would say for what, a neck tie, a flower? So

good idea for what?

>> BRENDAN BYRNE: For not being sued.

>> MARK BRADFORD: Sued for what?

(Laughter)

>> BRENDAN BYRNE: Anything.

>> MARK BRADFORD: Okay. Again, sort of getting back to my previous -- sued for what. You have a number of different issues in play, all of which you may be on the happy side of.

>> BRENDAN BYRNE: That sounds good.

>> MARK BRADFORD: So far. But if you've looked at the exhibit in the other room, you'll note the licensing contract that's laid out on the plywood on the far end of the room, on the shelf over the drawings to the right of the wall where the paintings are hung. And as Dhruv was saying, was quoting from earlier, with respect to image derivative, if you were able to buy this image outright, and pass it on to Sebastian to make paintings from it, the paintings he made would not involve copyright problems, any real discernible copyright problems. Am I losing my signal? I think the signal comes on and off. Okay.

I've got a land line.

(Laughter)

>> MARK BRADFORD: Okay. I don't want to trip anybody, least of all you. I can lean forward. I don't want to

amplify the sound. Okay. If it was just a matter of copyright, you'd certainly be, you know, almost categorically in the clear. Protected by copyright since 1790, believe it or not. But the whole premise of what's protectable under copyright law is what is original to the work in question. So, the information on the map is not copyrightable. The organization sometimes, the way a map looks, the overall look and feel, a term of art -- so if it's clear from whatever artwork is made from that map that it's that, that it's that specific thing that you copied, that's implicated in the inquiry as to whether infringement has taken place.

If it looks substantially different, that's the other tine in the fork. Then infringement is not in play and those paintings, they look like land, ostensibly. Original maps of some kind provided a service. It's the reference for the figuration. I mean, it's abstract but it's basically, that's kind of a blanket term. You are recreating figuration. It's not a picture of a house. (Laughing) It's gesturele. It's a principle. That's fine. However, you have a contract saying you can't make derivative images without permission. So the question is, is that something that they would give you trouble about on the basis of Sebastian's paintings if you were to make them public, which they aren't now.

We're all friends here. It's all private. This is like an interoffice memo.

(Laughter)

>> MARK BRADFORD: I'm your lawyer, sort of. I'm paid in pizza.

(Laughter)

>> MARK BRADFORD: It's good. It's good pizza.

>> Aren't they public in the article?

>> MARK BRADFORD: Yes. But, no. The paintings aren't. They have not been disseminated.

>> Two of the paintings are in Motherboard.

>> MARK BRADFORD: Oh.

(Laughter)

>> Sebastien.

(Laughter)

>> I'm wondering if there's any social media stuff of people posting them. So. You know.

>> MARK BRADFORD: Together.

(Laughter)

>> But I guess one thing I would like to touch back on is you said they're obviously land. And I don't know. I mean --

>> MARK BRADFORD: Well.

>> But going to what we were talking about, you know, good faith, essentially. You know, you not knowing what you

know now, if you looked at them, I don't know that you would discern this is a patch of land. Would you agree with that?

>> MARK BRADFORD: I would agree with that. That's actually more to the point. They might look at it and say I know what that is, that's our property. And we can show that you had access to that property and that this is, we think, substantially similar and an infringement, whereas a court or a jury might not agree with that.

>> Mmhmm.

>> MARK BRADFORD: But if they thought it was worth their while to give you trouble, or these guys trouble about it, that's a different issue entirely. There are people who own intellectual property, it's very sad to say, with the money to give people trouble over it, whether their claims are justified or would result in a verdict or not. That's the name of the game.

>> So, Mark, do you think that me continuing to ask you questions might (inaudible)?

>> MARK BRADFORD: That's a horrible idea.

(Laughter)

>> BRENDAN BYRNE: We're going to broaden it up a little bit.

>> MARK BRADFORD: But I think (inaudible).

(Laughter)

>> MARK BRADFORD: I mean, it's not particularly -- but, well, (inaudible).

>> BRENDAN BYRNE: All right, good. One thing that Sebastien mentioned earlier is good faith. And this is something that we generally were, and I think we are still trying to do, which is operate by -- contract. And I was curious if you had any questions for Mark about good faith, or anything -- you've definitely told me about -- trying to stay close to. So I was wondering if you could ask Mark any questions about that.

>> SEBASTIAN GLADSTONE: So one question, when we spoke about this, was the coloration and the contrast of the image. Essentially when Dhruv got the images, they were just black data, basically. When you put data in Photoshop it would just be like a black square. And you would have to adjust the white balance to even see an image. What they had said is that there's most likely some sort of program that you would enter the data into and it would give you coordinates and a lot more info than just dumping it into Photoshop and having to mess with it to see anything.

So one thing I was curious about is I'm guessing that the image -- that whoever would have access to these sort of programs would be significantly different in contrast and color than to what the edited images I printed and painted on were. They would look -- considering what

the Google image looks like, the colors are almost inverted in a sense. And there's significantly less contrast. Do you think legally there's anything to that argument, that what I did -- how I manipulated them digitally is already, you know, moving into good faith territory, so to speak?

>> MARK BRADFORD: Well, there are two answers to that. First of all, in terms of pure copyright standpoint it's actually better in some respects, because you're adding content to it. You're also interpreting it. You know, you're almost critiquing it. However, from a national security or disinclination to disseminate standpoint, which this company may have, the premium is a contract on don't do anything that we don't like, may be their disinclination to have information in the map or the images disseminated in any other way. In so far as your interpretation brings that information out -- I mean, this is kind of theoretical.

In case of -- as far as someone making an argument in theory, that's one they might make. If what you do makes the information clearer, then to some extent, that implies that that might be an issue. But we're getting very abstract here.

>> Okay. Another question I would have is, if I had a history, my working process, the type of paintings I make, which is basically breaking down the context of landscapes

into something that's essentially like an abstracted image plane, is that something that, kind of, works towards me or it's kind of irrelevant?

>> MARK BRADFORD: I think (inaudible).

(Laughter)

>> MARK BRADFORD: I don't think you're going to be --

>> SEBASTIAN GLADSTONE: But in the legal sense, you know. I'm just curious for these guys, you know. Does that -- as opposed to finding somebody who specializes in working in -- who works in the realm of information and privacy and stuff like that. Does that operate in good faith? Trying to find somebody with a practice like mine?

>> MARK BRADFORD: As far as good faith is defined legally I don't see any problems with your position and what you did. How public these paintings get in what context, that's another issue. In terms of what you have done so far, I mean, they're lovely.

(Laughter)

>> BRENDAN BYRNE: I think we're going to wrap it up there. And one thing that I'm interested to find out later is whether or not we can sell Sebastian's paintings, but maybe we shouldn't have this discussion in public.

>> MARK BRADFORD: No.

>> BRENDAN BYRNE: Thank you.

(Applause)

>> Terrifying. So I'm going to invite Marvin up to the stage. Marvin Mayfield is a poet and activist whose work is dedicated -- incarceration -- Columbia University pursuing a degree in social work. Poetry here at an event that we had last February, so I'm thrilled to have -- and to share work with us.

(Applause)

>> MARVIN MAYFIELD: Good evening. Before the stars, before the memories of life, settling -- you were there, hidden. Before the mountain crumbled, you were there. Changing form. Children to which -- lovingly gave life -- the hem of her splendid gown. Beaten, torn by the storm that -- endured, endured. While your tormentors -- violent and black, scarlet and blue, the colors of the scorched veil, wounded and bruised, open. The sacrificial virgin -- haste to satisfy nothing. Could your voice be heard, would it say me, too? You desired not to give rise to the instruments of hate and destruction, for you had no lust for blood.

Yet you were consecrated to war. The lost child searched -- even insignificant -- desired and sought after -- but only -- upon you now. Eyes made with hands -- against you -- trying to hide you, to bury their sins. Say who can justify this wrong against me? For what they built in honor of themselves will crumble and the -- forged

smiles shall be silent, for nothing artificial ever lasts.
And everything will once again return (inaudible).

(Applause)

>> That was great. When we first met to talk about this project, you asked me how it made me feel. And that was an interesting moment to me, because I was still in my head about censorship, national security, Google, not getting sued. I kind of forgot this is real land with a stolen and violent past. And your poem brings that to the foreground. So I wanted to turn the question to you and ask you, you know, how does the story of this land influence the poem and what was your process?

>> MARVIN MAYFIELD: Well, when you first wrote me about it, I was very interested about it. Number one, on Google Earth, I'm a geek in that respect. I love looking at the cardboard globe that I have in my bedroom, spinning it all day and wandering and traveling and thinking about far away places. So I was intrigued at the very beginning about Google Earth. Also, I believe that the FBI killed JFK. I believe that Jimmy Hoffa is buried at the 50-yard line. And I think Elvis is still alive. I'm a conspiracy theorist. When I thought about the government trying to hide or cover it up at this place, this was a real place on Earth that was being covered and being taken away from the people, from the Earth and being disregarded, I really wanted to

try to get in touch with that feeling.

As a writer, you really want to try -- a writer really wants to try to stay away from the cliché. So I try hard to not use typical terms of the desert. Because you think about the desert as arid, dry, and dead. And I wanted to bring the story that this was a real place that had suffered trauma, that the Earth is alive, the Earth is what sustains us. So I tried to get in touch with that emotion that the earth and this piece of land had suffered, a piece of land that used to nurture that now has been destroyed and covered up.

>> And in your poem, you touch on the issue of consent. With land, this land had no agency. It was stolen and blown up. I'd be curious to talk about or hear about, kind of, how, like, kind of, that issue, right, the issue of the land being stolen and content.

>> MARVIN MAYFIELD: Well, in my experience, what I try to do is to relate the land to those people being stolen, you know. Like the atrocities of slavery and how things have morphed into a thing where technology is stealing and robbing, and denying us access to the land that everyone should have had. Granted, this place is in a desert. And maybe there's not much traffic in this particular place and they tried to make it obscure. But this is on land that was owned -- well, not owned but used, and that sustained a

people at one point in time.

>> And so I only have time for one more question. A word that stuck with me, and also a word that you said the first time we talked was the word consecrated. I see that it made an appearance in the poem. I'm curious about what that word, why that kind of struck a chord with you.

>> MARVIN MAYFIELD: Actually, I titled this poem Consecrated. The word is usually used in terms of something that has been given a divine -- laced with divine purpose. This piece of land was consecrated but not to anything divine, but to something heinous that would destroy, something that was devoted to the weapons of war, something that would shed blood. And like I said, to perpetuate the weaponry. So I gave it this title, Consecrated, as an antonym of what consecration really is.

>> Thanks, Marvin. It's been great having you. We printed out some of the poems. They're at the door on the way out. Feel free to grab one if you want to read it. And get at Marvin if you want to talk to him more after this event.

>> MARVIN MAYFIELD: Thank you.

(Applause)

>> That's kind of all we have planned. You know, we want to invite you guys to look at Sebastian's work, and ask us questions, and be around the staff. Thank you to

Sarah, Jay, everyone for helping put this together. We couldn't have done this without you guys. Thanks to the speakers, Sebastian, Sharon, Marvin, Mark. This has been really illuminating and a lot of fun to do.

>> Yeah. We'd also like to thank, real quick, the foundation which was able to give us money to buy the image. And someone is here today. We'd also like to thank Rhizome, especially Michael, who first had the idea, and Motherboard for publishing the essay. Yeah. And we don't have time for a Q&A but we're going to be around if you have any questions. Please ask.

>> And a final thanks to -- for signing and paying everyone. That was great. So, thank you all for coming. And we'll talk to you later.

>> Thank you.

(Applause)

>> The bar is still open.

>> We have a hard exit time of 9:00.

(Session concluded at 7:14 p.m. CT)

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