Documentary Photography and the Edge of the Sword

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ABSTRACT

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Documentary Photography and the Edge of the Sword

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This thesis attempts to answer questions and concerns of Martha Rosler and Allan Sekula regarding documentary photography. Rosler wondered – decades ago, now – if documentary photography could ever supersede its benign liberal origins and become, in her own words, radical. Sekula feared our inattentiveness to the tool’s equal use by the state to repressive ends. By addressing the past preoccupations of the arch-documentarians, this thesis attempts to find the state of documentary and image-making in the contemporary.

This paper consists of three parts: the first, which deals with the battle surrounding image-making in public as embodied by copwatching; the second, which more directly addresses the impact of cell phones on documentary, the decline of professional news photography, and the rise of a new subject-author; and the last, which considers the operation of the drone and the images it produces.
DEDICATION

For Palestine – from the river to the sea.
ACKNOWLEDGMENTS

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PREFACE

*It can happen* that I am observed without knowing it, and again I cannot speak of this experience, since I have determined to be guided by the consciousness of my feelings. But very often (too often, to my taste) I have been photographed and knew it. Now, once I feel myself observed by the lens, everything changes: I constitute myself in the process of “posing,” I instantaneously make another body for myself, I transform myself in advance into an image. This transformation is an active one: I feel that the Photograph creates my body or mortifies it, according to its caprice (apology of this mortiferous power: certain Communards paid with their lives for their willingness or even their eagerness to pose on the barricades: defeated, they were recognized by Thiers's police and shot, almost every one).

- Roland Barthes, 1981

When Allan Sekula published an essay entitled “The Body and the Archive” in *October* in 1986, he challenged the history of photography, of documentary in particular, to reorient itself. In it, he set the groundwork for a history of a dimension of photography that had theretofore been critically neglected – what he referred to as the repressive mode of photography. This was socially concerned documentary photography in service to the state, embodied, in Sekula’s text, in the works of two men: Sir Francis Galton and Alphonse Bertillon. Galton produced ‘composite photographs’ to render the human soul legible – his biological determinism paired phrenology with a certain concernedness for the proclivities of the classes beneath him. The body determined the life, and if one could understand the linkage, one could address social ills before they manifested. Bertillon, on the other hand, was an archivist – the forefather of the modern police archive, of the surveillance state. The life determined the body, inscribed itself thereupon, and one need

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only keep neat enough records that the inscription remain legible, that the body never escape the life it had lived. Of the two, Sekula wrote: “It is quite extraordinary that histories of photography have been written thus far with little more than passing reference to their work. I suspect that this has something to do with a certain bourgeois scholarly discretion concerning the dirty work of modernization, especially when the status of photography as a fine art is at stake.”

I do not wish to speak of photography as a fine art.

Roland Barthes describes himself feeling the camera upon him as though struck by its mechanical gaze – “I transform myself in advance into an image.” But the work is not all his: the photograph “creates [his] body or mortifies it,” working upon him with a power of its own. These images are never neutral. The Communards, to speak in Sekula’s terms, relished the photograph’s honorific dimension and the immortality it lent their great victory, the lived social reality of which so tragically fleeting. But the photographs took on another meaning in the hands of the State and its agents, Thiers and his police seeking vengeance in the subjugated city. Suddenly, those images became evidence of a crime – a crime against Thiers and his order, at least. They froze the Communards on their barricades, blocked their retreat into the great Parisian urban milieu. The photographs identified their subjects and made them criminals, traitors against the State: they marked the Communards, proud and smiling, for execution. The photograph, with its mortiferous power, ‘shot’ them before the city was ever retaken.

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The photograph is a living thing, its meaning shifting, acting upon subjects and beholders alike. Here, one made citizen and another made sacer. There, the photograph interpellates, call its audience into being as the petit-bourgeois of a society that once reserved photographs for the mighty and the low, trades them as social currency. Photography is a double-edged sword. It cuts indiscriminately. But we’re learning how to wield it.

For decades, documentary – and especially social documentary – has been under siege; its ability to capture and convey and adequately represent “truth” thrown into question, victim to the aestheticization of the objects, fading trust in their authors, and technological development. Arch-documentarian Martha Rosler herself doubted its ability to survive the turn of the millennium. This essay was originally inspired, years ago, by the final two sentences of her meditation on social documentary and the state of documentary photography, “In, around, and afterthoughts (on documentary photography),” originally published in 1981. They read: “Perhaps a radical documentary can be brought into existence. But the common acceptance of the idea that documentary precedes, supplants, transcends, or cures full, substantive social activism is an indicator that we do not yet have a real documentary.”3 I would like to think that now, some 30 years later, we have its rudiments.

In some circles of the internet, image production and circulation is replacing all other forms of discourse. Maybe Rosler was right to fear for photography, but it has

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survived. Oh, how it has survived! It is truth, I think, that has not. Truth is coming apart at the seams. The threats posed to photography, which we need desperately and now more than ever, were reflected back onto truth itself, and its death rattle reverberates throughout the social register. 2017, year of Trump. Ever more branches of the United States Air Force toil endlessly to churn out image after image with the newest generation of “intelligent weapons” in the name of an ill-considered notion of intelligence, to remember Harun Farocki’s phrase. Neither Farocki nor Sekula have survived to see the paroxysm of image production by drone, though both saw it coming many years ago.

So, this is about, and for, the Communards. For Allan Sekula, in hopes that by pale imitation I might remember his call to attention to the ignored world of state repressive bureaucracy (how fabulous a topic). For all those whose deaths echo endlessly in our ears. The Sisyphean task of dying in the internet age. Bit rot. For those that shoot drones from the skies, military and consumer. Hail, ye scions of home defense. For those that deliver recreational drugs over prison walls on their wings. For all those in lockup.

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CHAPTER 1: FILMING COPS

Recent years have seen a surge in interest in the photographic, video, and audio recording of police officers in the execution of the duties of their office. This accompanies both a general rise in activity and organizations on a regional or national scale calling for police accountability and the technological development to facilitate it; this level of organization is obviously intensified by the internet and social media (now, it is not uncommon for social media to be the primary site for the planning of events, distribution of media, and circulation of news), while the documentary practice is promoted by the growing mobility of recording devices and necessitated by the militarization of the police (inter)nationally. The dimensions these documentary practices operate in are particularly interesting; the action is political in and of itself, the document produced sometimes secondary. In other cases, the document is evidentiary in the legal sense, or (in the event that no relevant trial occurs) submitted as evidence in the popular sense.

The actions in the former case are generally framed as the exercise of (threatened) rights, the discourse around them not entirely unlike that around the open carry of firearms – the advocate for the right exercises it in a highly visible or provocative way to reinforce the right. The most obvious precursor to the practices in the latter two cases would be the Rodney King tape and its deployment at trial and on television, respectively. The King tape marks the genesis of the practice at hand (copwatching). It spread like wildfire, appearing nationally within days. It had an instant notoriety – anyone in the United States could recognize it immediately – all years before the rise of
the internet. The impact it had was undeniable. Those images of police brutality gave testimony to a domestic violence – that is, a violence committed by agents of the state against citizens of the United States in American cities – that in this instance could not be ignored. But the tape appeared to be everywhere damning but in the court of law. Its television audiences had considered the tape so evident of a heinous act of brutality that the prosecution in the trial of the officers involved rested their case on it alone. It did not occur to them that the jurors’ “seeing” of the film would be so radically different from that of its television audience. The defense, in an agonizing series of freeze frames, careful incisions, cut and reshaped the video until it had lost the “truth force” that had so characterized its reception before the trial. Infamously, the officers were acquitted.

Louis-Georges Schwartz grapples with this in Mechanical Witness, a history of the evidentiary motion picture in the courtroom. How could the jurors have failed to see what was so obvious to the video’s television audiences? The short answer is that the tape operates in entirely different ways and means entirely different things depending on the institution in which it is screened. The motion picture does not obey the same laws, perform the same operations in the courtroom that it does in cinema or on television. In court, the defense also made extensive use of the video, suggesting that what was outside the frame (spatially or temporally) could warrant the officers’ actions, or even that it was King who attacked and officers acted in retaliation. Schwartz, citing Avital Ronell’s reading, writes that the force with which the Rodney King tape affected its television audience was a product of its framework (that it appeared on television); “its testimonial power derives from its difference with that context, from the fact that it does not obey the
semantic and syntactic rules that govern normal and normative television productions.”

The nature of the video and its contrast with usual television programming afford it its power. The tape feels furtive. The sharp movements of the camera attest to distance and duress. The video is of poor quality and the image is dark and shadowed. Only King is illuminated, the officers surrounding him at the edges of the pool of light. It is immediately distinct from the masterful production of normal television programming, and in its rawness possesses a force that such elaborate productions cannot. None of this applied in the courtroom, however; its impromptu framing, rather than implying urgency or immediacy actually lessened the force of the video, provided the defense an avenue for argument. The case speaks to two different modes of seeing, a legal and a popular, determined by institutional framework.

The opinion of Circuit Judges Torruella, Lipez, and Howard in the case of Glik v. Cunniffe, et al., which I will consider at length later, reads: “The proliferation of electronic devices with video-recording capability means that many of our images of current events come from bystanders with a ready cell phone or digital camera rather than a traditional film crew.” The effect of the Rodney King recording was tremendous, but its capture was incidental (a “serendipitous recording”); it was only recently that hardware had progressed to such a point as to make the targeted and purposive recording of police a viable tactic. The smartphone is representative of these developments more than in any other device. It is highly portable, easy to conceal, quickly and easily captures

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and uploads, and perhaps most importantly of all, is carried everywhere. It is socially mandatory that one carry one’s smartphone at all times and in all places. The omnipresence and ease of carry/concealment of the smartphone is here as important as the ability to upload the material captured, and has an importance to the work of copwatch organizations similar to the development of the handycam that enabled Holliday to capture the Rodney King tape, or the development of video that so impacted the deployment of motion picture evidence in legal proceedings. The King tape was recorded by George Holliday, an émigré from Argentina, from the balcony of his nearby home on a recently purchased handheld Sony camcorder. It was the product of the slow refinement of the Portapak, and its ease of use and speed of deployment very much enabled the capture of the event. A history of “copwatching” and evidentiary video is inherently a technological history to a certain extent.

To illustrate the impact of the smartphone, one could recall the June 2011 story of Miami man Narces Benoit, who was able to capture the Memorial Day police shooting with his phone, and when discovered and interrogated by officers, was able to hide the SD card on which the material was stored in his mouth. Seeing the events unfolding before him, Benoit was able to use his HTC smartphone to begin recording in lieu of the relatively bulky dedicated camcorder the average bystander would be unlikely to carry. The video, still widely available online, opens on a score of police officers surrounding the stationary vehicle of an alleged shooter with guns drawn. Shortly after recording
begins, all of them open fire and continue for a solid seven or eight seconds. Later, police officers notice Benoit and he runs to his car with his girlfriend. Police officers pursue and confront the unarmed pair in their vehicle at gunpoint. The video ends here, but we learned from the various news agencies and interest sites that picked the story up that the phone itself was first smashed on the street, slipped back into Benoit’s back pocket as he was handcuffed, and then confiscated again and held by the police while Benoit was processed first in a mobile command center and later at police headquarters.

The video exists firstly as a result of the video and audio recording capabilities (and omnipresence) of the smartphone, which allowed a bystander entirely unprepared for the events he was to witness to capture a recording without the aid of a dedicated video recording platform. It exists secondly as a result of the small size of the SD card, which Benoit was able to conceal at the first sign of the officers’ telling reaction – the immediate and violent suppression of evidence.

It is instructing that despite the massive media attention Benoit’s story garnered, little reference was made outside of the local news to the second video captured of the event. The video was shot from a balcony above, not unlike Holliday’s video of the King beating. The news media has been more attracted to the drama of Benoit’s story than the

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7 More recent reports show that the police fired 115 rounds into the car of the victim, Raymond Herisse. It was concluded that he had not fired a gun that night. Tim Elfrink, “Man Hit With 115 Police Rounds in Memorial Day Firefight Never Shot at Cops, Report Shows,” Miami New Times, April 11, 2003.


comparatively commonplace event that was the execution of a probably innocent and unarmed black man by a score of police officers.⁹

These stories have only multiplied – and spread further and wider – in the years since Benoit’s arrest. Eric Garner was choked to death by NYPD officers in Staten Island in July of 2014. Garner was an asthmatic, and his final words were “I can’t breathe,” a phrase he repeated 11 times before he slipped from consciousness on a New York sidewalk. The event was recorded by Ramsey Orta, a friend of Garner’s. That Garner, a 43 year old Black man, was murdered by police for selling loose cigarettes is hardly out of keeping with the events of the past few years, the events of the past few centuries. His death sparked protests first across the city and then across the nation, and indeed was one of the key catalysts for the Black Lives Matter movement. But it is Orta’s story that concerns me more. Ramsey Orta started a four year prison term in October of 2016, the result of a plea deal. He pled guilty, he says, because he was “tired of fighting.”¹⁰ The charges stemmed from 2014, the earliest of which came three weeks after he recorded Eric Garner’s death. The harassment has not stopped since, he says. A lawsuit he filed against the city in October of 2015 alleges that guards at Rikers Island, where he was...

⁹ The other side of this could be considered in a history of the development of the activist collective we refer to as Anonymous; previously (during the LulzSec period), their focus was on privacy and freedom of speech and their exploits were well famous. After this peak, their activism became more diverse – and they promptly fell from media attention and found themselves unable to draw members (though their insistence on the Guy Fawkes mask and other imbecilia could have contributed to this). One might also recall that Google and Wikipedia participated in the protests against SOPA. That is: the attractive story is not the murder but the attempt at repressing Benoit’s story thereof; the murder gained little more attention as a result. Violations of privacy and the freedom of speech trump murder by the police.

incarcerated at the time, poisoned meatloaf served to prisoners in an attempt to punish him. The suit follows one filed earlier that year on behalf of 22 inmates who were affected. Whether Orta was the target remains uncertain; he was too wary of the guards already to eat the food served to him anyway. But New Jersey lab ESML Analytical confirmed that the meatloaf in question was indeed poisoned – it contained flecks Brodifacoum, a rat poison.\textsuperscript{11}

As the Malcolm X Grassroots Movement reports, one Black man or woman was victim of what they term extrajudicial killing every 36 hours for the first six months of 2012.\textsuperscript{12} “This wanton disregard for human life,” the report reads, “resulted in the killing of 13 year-old children, fathers taking care of their kids, women driving the wrong cars, as well as people with mental health and drug problems.” A subsequent report released after the year’s end found that 313 Black people were executed in such a way in 2012, or one every 28 hours.\textsuperscript{13} In 2015, that was 306 Black deaths at the hands of police alone.\textsuperscript{14} Police violence has become a fact of life in America and around the world. One can go on: the Center for Constitutional Rights reports (in a graphic hosted at stopandfrisk.com) that in 2011, the NYPD conducted 685,724 stop and frisks – an increase of more than 80,000 from the previous year.\textsuperscript{15} The percentage by race has changed little, however –

51% of those stopped were Black (52% in 2010), and 33% were Latino. In stops of Blacks or Latinos, force was used by officers conducting the stops a combined 129,590 times. In both years, only 2% of those stops resulted in the discovery of contraband. The situation looks little different when one examines the lives of police officers at home – the National Center for Women and Policing finds that relationships involving police officers are between 2 and 4 times more likely to be abusive than those of the general population, citing two studies that “have found that at least 40% of police officer families experience domestic violence.”

What’s more, the problem for the battered partners is made worse by their inability to turn to other police for help; the Center finds that strong bonds of “police family” translate to “the reality […] that even officers who are found guilty of domestic violence are unlikely to be fired, arrested, or referred for prosecution.”

This fact most of all should stand testament to the systemic nature of the problem; in the face unchecked police violence elsewhere in the world, the common story in the United States is that this is the result of unstable/failing states, undemocratic regimes, a people who “don’t understand freedom,” and so forth. It is clear, however, from the mountain of data and analysis available – of which I can only scratch the surface here – that these problems are endemic to the police force as an organ, under governments from democratic to fascist. Stop and frisk is an NYPD policy. The execution of poor people of color occurs around the country and the officers involved

17 Christopher Dorner made a similar observation (crossing the “Blue Line”) about his complaints against superior officers and subsequent firing. He was discharged shortly thereafter. Christopher Jordan Dorner, “Letter to America / Subj: Last resort.”
18 National Center for Women and Policing, “Police Family Violence Fact Sheet.”
rarely if ever face a greater consequence than paid vacation. The officers’ abuse of their partners is enhanced by and an effect of the training and instruction they receive as officers; i.e. as instruments in an inherently violent and coercive institution. That is to say: police reform is insufficient; it merely preserves the institution while making cosmetic changes. Reform is ornamental. The problem of the police force requires a deep and serious reconsideration of the nature and role in society of “justice.” The stories of Rodney King, or of Narces Benoit, or Eric Garner, or Ramsey Orta, or Christopher Dorner for that matter – whose letter to America reminded us that the officers behind the King beating and Rampart are no longer officers, they are watch captains – should make that clear.

Lines from King to Benoit, from King to Garner, are easily drawn. Authors writing for sources from the Miami Herald to Al-Jazeera English have made the connection explicit in a growing popular/journalistic commentary on what it means to witness injustice. It is in light of events like these (and fed back into by retaliatory efforts by police unions to outlaw and prosecute the recording of on-duty officers) that copwatch organizations have proliferated. The King tape invigorated police watchdog organizations and inspired the practice of copwatching; that so short a video, so small an action could have had such an impact on the world was incredible. The advent of the internet has allowed the decentralized groups to communicate and organize more effectively on the national scale, and has allowed other such videos to circulate more

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broadly with significantly less reliance on the fickle television news media (and once a video has “made the rounds” online, it becomes a much more appealing news item).

CopWatch and CopBlock are prominent examples that persist as of this writing – decentralized organizations that advocate nationally for police accountability and encourage filming police whenever one is subject to or witnesses an arrest or home entry. The official politics of the groups are of little interest; they take their place in the discourse of the moderates as an effort to reclaim the country by everyday citizens, as though the nation has somehow veered off of a nobler path/past. For the most part, such discussions fail to imagine alternatives other than “return” or “reclamation,” and seldom venture into structural critique (a sidebar advertisement that appeared on CopBlock’s main website for LibertyStickers.com read: “OK, joke’s over. Bring back the Constitution.”20). There are hints at more radical attitudes in the rhetoric of these groups nationally but these are usually framed in terms of “freedom,” a suspect term in the politics of the past few decades. These are very much white middle class arguments. The action is framed politically as “exercising rights,” which makes a variety of assumptions in and of itself. As decentralized organizations (and these two are, of course, merely examples), many of the local groups or actors therein hold entirely different views; the more radical and now disbanded Rose City CopWatch stated that its purpose was “to disrupt the ability of the police to enforce race and class lines,” while text on Berkeley CopWatch’s homepage describes an organization dedicated to nonviolence and noninterference whose “hope [is] that, one day, mass outrage at police and government

20 Copblock, homepage, Copblock.org.
violence will increase to a point where fundamental change in the nature of policing becomes inevitable."\(^{21}\)

To examine the practice of the organizations and their locals/affiliates as documentary is rather more interesting, however; the action itself is significant, in some cases more so than the document produced. This practice (when described as an exercise of the rights of the citizen) often provokes (sometimes intentionally) precisely the sort of overreaction that the actor anticipates and seeks to record. In more routine cases, the document itself becomes irrelevant; it is here a practice divorced from its traditional product, the “document” secondary to the act of producing it. I alluded before to advocates for the open carry of firearms – the practice is primarily a political statement about the rights of citizens (who may feel besieged by either the increasing militarization of police forces or by violent crime coded young and black, depending on their politics). The actor presumably believes the sight of the openly carried firearm will also deter crime in their presence. Maybe it does. This is, for many at least, secondary. These actors form the other, typically more conservative element engaged in actively confronting and filming the actions of the police. Many act out their right to open carry in provocative ways or locations, baiting police to violate that right and filming the result in an effort to reinforce their position. Our rights are fought for, the reasoning goes. Copwatching – even while recording their interactions with the police, there are limits to the overlap between these open carry advocates and “copwatchers” – operates similarly. There is a certain amount of provoking the police into violating rights on camera to undermine their

\(^{21}\) Berkeley Copwatch, homepage, BerkeleyCopWatch.org.
authority, establish the importance of the right to film the police, and reinforce that right. Much like open carriers, many copwatchers believe to one extent or another that their presence (the presence of a (mechanical/digital) witness) will curb the unruliness of police officers. The extent to which this is true is difficult to determine, but the efficacy of the first aspiration/aspect of copwatching-as-political-action can be measured by the retaliation it has provoked among police departments and unions and the decisions of relevant court cases. More on that later.

Documentary and Evidence

Beyond the mere action of recording, there is an admirable immediacy to the way the material produced is deployed. It is intended to be evidence in the legal sense to keep people out of jail. Its shortcoming (when considered as a radical practice) could perhaps be said to be that it purposes to keep only “the right people” out of jail (and this is partly a problem of the political framework). It is worth examining nonetheless. As seen in the example of the Rodney King tape, there are two modes of operation that must be considered in such recordings – popular/political (framed by television or internet media players) and legal (framed by the courtroom and the laws that govern evidence submitted therein).

The popular or political operation of such videos, drawing on the model of Holliday’s recording (though few will attain the same infamy), is largely a tool to spur further action. It is popular evidence of an injustice that society must address. Though many such recordings will remain contained to local communities (either geographically or topically), Narces Benoit’s was the event of the week in the internet news community,
featured on a diverse range of sites from Gizmodo to Al-Jazeera English. Depending on its framing, such a recording might call for an investigation of certain officers or a certain department, might call for the indictment of officers or the retirement of a police chief, or could go so far as to call for the complete abolition of the police force. Regardless of how broad its aims or its success in attaining them such videos typically inspire discussion about the nature of the police force, institutional racism and violence, and potential reforms or alternatives. Louis-Georges Schwartz describes the Rodney King tape as an image-event, a site of trauma contained in an image to which no satisfactory response can be formed; the image repeats itself endlessly, its audience reviews it compulsively, until it can be “answered.” In the case of the Rodney King tape, the conclusion was the explosion of the Los Angeles riots of 1992 after the acquittal of officers involved in the beating in the District Court trial in Simi Valley. Other videos have been less incendiary, but attest no less to an entrenched domestic violence that decades of activism have done little to change. “Commercial television,” Schwartz writes, “frames brutality as something visible. […] programs have developed an iconography of violence, an iconography of race, in the context of which institutionalized racist violence appears as

22 Arsenault, “US police smash camera for recording killing.”
Biddle, “Police Shooting Video Saved by Hidden Memory Card in Witness’ [sic] Mouth.”
23 Arsenault, “US police smash camera for recording killing.”
Pitts, “Violence, videotapes, and police.”
Mickey Osterreicher, “NPPA Letter and Outreach to Miami Beach PD Instrumental in Creation of Written Policy in Wake of Memorial Day Incident,” NPPA, August 6, 2011.
visible.” This material in the framework of television or internet media contains testimony to trauma.

The legal operation of evidentiary video requires special attention. Despite the long, slow process involved in establishing precedent for and acclimatizing the court to the submission of motion pictures as evidence, video evidence is today commonplace and somewhat pedestrian in the courtroom and is governed by much the same rules as still photographic evidence. It requires testimony to lay foundation – now very streamlined, mostly describing the source and subject of the video – and prove relevance to the case, but is rarely barred from admission on any grounds. It becomes particularly interesting at the legal historical moment of the Rodney King tape. Early twentieth century jurists feared that motion pictures possessed a truth-force that would elevate them to the highest position in the hierarchy of evidence, that what video showed was ontologically *more true* than oral testimony on the same matter. What could not be anticipated was the malleability of the truth that motion pictures contained; who could have predicted that the Rodney King tape would lead to the acquittal of officers Koon, Powell, Briseno, and Wind? Schwartz writes that “The King case collapsed the hierarchy [of evidence], and with that collapse a phase of motion picture history also came to an end.”

Video evidence cannot be counted on to “speak for itself” as it could in the 1970s and 1980s. Meaning can be twisted, the tape can serve either party as effectively as the other, and cannot speak with the same force it once did. What is immediately visible,

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25 Ibid., 120.
forcefully present in a video framed by commercial television or cinema is not visible in the courtroom. The case of William Cardenas was not unlike that of Rodney King – the man was beaten by officers performing an arrest while a video of the event was captured by an uninterested third party without the officers’ knowledge. When the video appeared on Copwatch LA’s YouTube channel, it provoked both federal and local investigations into the matter, but the officers’ actions were found “more than reasonable” in court based on what the video could or failed to show; that is, though the video may have shown an arresting officer suffocating Cardenas with his knee, it may have also shown Cardenas violently resisting arrest, or failed to show the violent actions (or a lack thereof) that warranted such a response that could have taken place before the video was captured.\(^{26}\) The video evidence here played the same role as in the King trial; the defense was able to use its limitations to misdirect, and the officers involved were ultimately acquitted.\(^{27}\) Video evidence also played a key part in the decision of Superior Court Judge William Froeberg to send officers Ramos and Cicinelli to trial for the July 2011 beating death of homeless man Kelly Thomas.\(^{28}\) This is perhaps the vilest example in recent memory. The video of Thomas’s murder was the most powerful evidence available in the case; in it, Thomas can be heard screaming for his father as the officers beat him.

\(^{27}\) Two officers – Stacey Koon and Laurence Powell – went on to be convicted in a second trial in federal court. Their sentences, of course, were a pittance.
\(^{28}\) Larry Welborn, “Kelly Thomas case: Officers ordered to trial,” Orange County Register, January 18, 2013.
The video spread quickly online and launched the case to prominence nationally. Both officers, however, were acquitted.²⁹

### Police Retaliation

It is a common argument that an increase in citizen oversight of police actions (vis-à-vis recordings of arrests, etc.) would be cause for greater scrutiny on the police from “above.” This is a reformist argument. In the most marginalized communities – those that suffer the most from police violence – it is likely that the already brazen police force would respond with even more aggression (one might again recall the case of Narces Benoit – that video would not exist if he had not hidden the SD card in his mouth). Oversight is not sufficient to ward off the violence and corruption endemic to the police force, and the hesitant suggestion from judges, politicians, and the politically moderate white middle class that it could be required (as a recent lawsuit has suggested in New York³⁰) is evidence of just how out of control are many police departments, and just how out of touch are those that do not live under the constant threat of police brutality. This is particularly so in the environment of untouchability/acceptance built by police union efforts to outlaw the photographic, video, and audio recording of police officers, which had for a time seen success in some states. A number of arrests were made in the second half of the 2000s against individuals that attempted (only a few were involved in copwatch organizations) to record their interactions with the police. The reason for the

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recording varies; one woman had been brushed off or intimidated repeatedly for lodging a complaint against an officer, while a camera in the helmet of motorcyclist Anthony Graber captured the recording at the center of his case serendipitously. The arrestees were tried largely under state wiretap statutes. These efforts come in retaliation against the proliferation of copwatch organizations and their increased visibility nationally. A few examples follow.

Until the 2010 decision by Harford County Circuit Judge Emory A. Plitt Jr., the right of the state of Maryland to prosecute citizens who had produced audio recordings of police officers in the execution of their duties under a state wiretapping statute had gone unchallenged. The case that prompted Plitt’s decision was that of Anthony Graber, who was charged with the unlawful interception and disclosure of oral communication (felony charges that could have earned Graber 16 years in prison). On March 5, 2010, Graber, a motorcyclist, was stopped on the highway for speeding and reckless driving by a plainclothes officer in an unmarked car. The officer emerged from his car yelling with his weapon drawn, failing to identify himself as an officer for a considerable time and threatening Graber’s life. The encounter – and the reckless driving that provoked it – was all recorded by a camera in Graber’s helmet, and he uploaded the video to the internet some days later. Graber was promptly arrested and various among his possessions were seized, including the recording device and his computer. In late April, a Hartford county Grand Jury returned an indictment charging Graber with violations of the wiretapping

statute (as described above) in addition to his traffic violations.\textsuperscript{32} It was not until the appellate court decision of Judge Plitt that a hold was put on Graber’s and any further prosecution on this basis. In his opinion, Plitt references the Rodney King tape, and in short order states that “Under the circumstances, [he] cannot, by any stretch, conclude that the Troopers had any reasonable expectation of privacy in their conversation with the Defendant which society would be prepared to recognize as reasonable.”\textsuperscript{33} The circumstances, here, are a traffic stop on a public highway, but can be understood to extend to any public space in which a public official may execute their duty.

A similar case comes from the 2007 Boston, Massachusetts arrest of Simon Glik who, walking through the Boston Commons, overheard an arrest in progress and began video and audio recording from his phone.\textsuperscript{34} After the arrest was concluded, an officer noticed Glik and placed him under arrest for the violation of the state’s wiretapping statute. The Municipal Court dropped those charges in 2008. In 2010, Glik filed a civil rights suit against the officers and the City of Boston for the violation of his First and Fourth Amendment rights. The officers moved to dismiss the case on the grounds of qualified immunity, which was denied, and the circuit court decision of Judges Torruella, Lipez, and Howard resulted from the officers’ appeal. On the violation of Glick’s First Amendment rights, the judges opined that “peaceful recording of an arrest in a public space that does not interfere with the police officers’ performance of their duties is not

\textsuperscript{32} State of Maryland v. Anthony John Graber III, no. 12-K-10-647 (Circuit Court of Harford County 2010), 1-3.
\textsuperscript{33} Ibid., 10.
\textsuperscript{34} Glik v. Cunniffe, Savalis, Hall-Brewster, City of Boston, no. 10-1764 (1st Cir. 2011), 3.
reasonably subject to limitation,” noting that “In our society, police officers are expected to endure significant burdens caused by citizens’ exercise of their First Amendment rights.” Torruella, Lipez, and Howard found that not only is the gathering of information about and the peaceable challenging of their government and its officials a right of every citizen of the United States, it “is one of the principal characteristics by which we distinguish a free nation from a police state.”

A 7th Circuit Court of Appeals judge made a similar ruling in Illinois regarding the case of artist Chris Drew similarly charged with a felony violation of the state wiretapping statute. These decisions may represent a trend towards greater transparency, and are certainly victories where the control of information and media is concerned. The threat that these decisions checked contained serious implications for the future of protest and legal defense in the United States, and, if nothing else, they moderate the dangerous aspirations of the police forces and their unions to cultivate an atmosphere in which the word of the police officer is the word of law. They close an official avenue through which the police are able to retaliate against copwatchers and police accountability advocates, though this may simply increase some departments’ willingness to turn to unofficial avenues. Reports from February 2013 from Berkeley – home of the original CopWatch local – indicate that local police officers have approached drug dealers with a proposition. The officers have promised to turn a blind eye to the drug dealers’ activities

35 Ibid.
36 Ibid., 14.
37 Ibid.
38 People of the State of Illinois v. Christopher Drew. No. 10CR00046 (Circuit Court of Cook County, 2012).
around People’s Park if they were able to evict copwatchers from the region. If not, the dealers say, the police threatened to crack down on their business.\textsuperscript{39} I have already described the threats Ramsey Orta has faced.

Even if the recording of police officers serves better to guarantee the proper execution of their office than to put an end to the systemic violence inherent in that office, these decisions preserve an avenue through which brutality may be countered. The practice has serious limitations – what it pushes for may be the equivalent of putting a “how’s my driving?” sticker on the back of every officer. This argument is somewhat philosophical, but it must be made; though the practice can give those most affected by police violence a way to fight back – if only in retaliation (the document is only useful after the fact of the violence) – it hardly offers a true and lasting solution to the problem that is the unchecked violence of the police force, let alone a solution to the greater problem that is the existence of the police force. Though the Illinois decision came just a few months before the NATO summit in that city, the police force was no less aggressive, making preemptive arrests on a number of activists to intimidate others who had flocked to the city for the event. Three of the activists were arrested early in the morning. The police trashed their apartment and confiscated a carboy and home brewing kit, citing this as evidence of the production of Molotov cocktails.\textsuperscript{40} The accelerant supposedly to be used was the gasoline in the tanks of their cars. The recent decisions preventing the arrest of copwatchers for the act of recording the police are efforts by


\textsuperscript{40} Kevin Gosztola, “The Preemptive Prosecution of the NATO 5,” \textit{The Dissenter}, May 21, 2012.
liberal democracy to preserve itself – to preserve its police. The documents that copwatchers produce work to awaken public sentiment, but in the evidentiary mode – inside of the system they propose to attack – they are toothless. Our only weapons are, now as ever, our bodies.
CHAPTER 2: ACTIVISM AND RESISTANCE

If we want to think about the possibility of radical documentary in the contemporary, the logical starting point would be with the image and video production of left activist groups, protesters, rioters, and the discontent in general. The past five or so years offer ample material for such an examination, with the occupations of universities picking up in roughly 2008\(^{41}\) and the subsequent events of 2010 and 2011, namely the Occupy movement across the United States and Western Europe, the _acampadas_ and _indignados_ in cities around Spain, anti-austerity protests and riots in Greece, London, and Asturias, and the partial revolution in Egypt and the Arab Spring more broadly all producing substantial documentation. To this we can add resistance against home foreclosures and land defense sites, the most famous of which being the camps at Standing Rock in North Dakota and the ZAD in France. Moreover, in the penetration of social media and the tactical mode of the occupation, these manifestations appear altogether different from and have produced their subjects in ways unlike past movements and actions.

Occupations build communities – real and imagined – around the action of protest. In his recent _The Rebirth of History_ (itself evidentiary of the phenomena – _rebirth_ is both a return and a reconfiguration, old born anew), Alain Badiou explores this briefly:

> [I]n the occupation of a square, there are the problems of food, sleeping arrangements, guards, banners, prayers, defensive actions, so that the site where everything is happening - the site that constitutes a symbol - is guarded for its people, at all costs. Problems which, at the level of hundreds of thousands of people who have come from all over, seem insoluble - and all the more so in as much as in this square the state has disappeared. […] We see young female

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\(^{41}\) Occurring largely in the UC system but inspired by the 2008 occupation at the New School in New York.
doctors from the provinces care for the wounded, sleeping among a circle of fierce young men; and they are calmer than they were before, knowing that no one will harm a hair of their head. We also see an organization of engineers addressing young people from the suburbs, begging them to hold the square, to protect the movement through their energy in the fight. We further see a row of Christians on the lookout, standing guard over Muslims bent in prayer. We see shopkeepers feeding the unemployed and the poor. We see everyone talking to neighbours they do not know. We read a thousand placards where each person’s life joins in the History of all, without any hiatus. The set of these situations, these inventions, constitutes movement communism.42

What Badiou is describing here are the operations that sustain the occupation and the communities that grow from and embody the occupation. An occupation produces and is produced by a collectivity; the most essential task of the occupation is its own reproduction. This is what Badiou sees – a multitude that forms around not merely an assault on the institutions and systems that oppress it but its own reproduction, its own vitality. The deployment and weaponization of bodies is in the occupation insufficient; the occupation is a living, breathing thing.

Jasper Bernes and Joshua Clover, in their review of The Rebirth of History, depart sharply from Badiou. Though they express respect and gratitude for the project – particularly for Badiou’s willingness to “[examine] riots from a strategic rather than a moral perspective, and spying something within them other than a maddened reenactment of capitalist consumption”43 – they find not only his approach to but also his logic in examining the events of this cycle of resistance to be flawed. The split is in part one between the materialist Bernes and Clover and the idealist Badiou, but its implications

are in this instance much deeper. Badiou emphasizes “the idea of communism, rather than its political practice. […] For him, communist practice follows behind communist idea.”44 This subordination of practice to idea is indicative of more than a philosophical break and an unwillingness to examine the occupations and riots on their own terms or in their own language (Clover and Bernes make much of Badiou’s taxonomy of riots). Ultimately, however, they find a great deal of common ground with Badiou in analyses of occupations; their own writing buttresses Badiou’s on this point: “the kernel of the Occupy movement (is) […] not the insertion of new terms into the national discourse, not the call for a less-poisoned political apparatus, not even the registration of the current catastrophe’s dimensions, but the tentative and partial and still-powerful experiments with self-organized care, defense, and provision,”45 These forms of organization – “kitchens and street clinics, improvised cell phone charging stations and displays of art in places like Tahrir Square”46 – represent a free giving, a reordering of society and community along, in the readings of both Bernes and Clover and Badiou, truly communist lines.

Badiou continues. He writes that “In the wake of an event, the people comprises those who know how to resolve the problems posed by the event.”47 In the occupation, the people reorder themselves as they construct the community and the infrastructure necessary to sustain and protect the site of the event, establishing kitchens, gardens,

44 Ibid.
45 Ibid.
46 Ibid.
47 Badiou, The Rebirth of History, 110-111.
sleeping areas, guard posts, clinics, media stations. So what emerges with the development of the occupation is a form of protest that breaks in radical ways with its predecessors, and what emerges with the development of the smartphone is a type of documentary that breaks in radical ways with its predecessors. Particularly evident in these occupations, in the *acampadas* in Spain, the Occupy movement in the United States and parts of Western Europe, and the occupation of Tahrir Square in Cairo, sites of protest become living spaces, and the documentary of this protest – as all other things in the site – comes increasingly from occupants or protesters. This in and of itself is not overwhelmingly significant; historically, it has been common practice for a revolutionary or radical movement or organization to have a media department, or to contain professional or semi-professional photographers, etc. In this case, however, some of the most important documentary is produced by protesters or “radicals” who do not self-identify as photographers, just as those cooks, those guards, those doctors’ assistants are “merely” the people. This documentary exists in the great collective memory and imaginary of a mass movement, it is the self-depiction of the movement, figures in the life/lives of the persons that constitute it.

The significance of the difference between this new mode and that which came before could be articulated in the critique of South African struggle photography – exemplary of the model that this one breaks with. Apartheid South Africa was a battleground in which documentary photography played a decisive role. The African National Congress’s photographic corps and the photographers and collectives associated with it deployed a highly weaponized photography to capture images of the white
regime’s brutality and abuse of power to be distributed (covertly; the photographs had to be smuggled out of the country) internationally. This tactic won a great deal of support for the cause of South African liberation across the globe which ultimately led to the end of the apartheid system. The weaponized form of photography that the ANC advocated for is generally referred to as struggle photography, a term which has since been applied to similar photographic practices in other contexts. Albie Sach was an important member of the Afrapix collective, a key photo group that emerged near the end of apartheid on the tail end of struggle photography. Though Afrapix was ultimately engaged in struggle photography to one extent or another, members like Sach (and more famous members like Santu Mofokeng, though less vocally) became key critics of the practice.48 His criticism, essentially, was that the weaponization of photography had become the weaponization of life which in turn had become the reduction of life – and the documentary thereof and art in general – to struggle; the Marxist-influenced realist social documentary of his colleagues and predecessors obscured something essential in their ultra-sharp images. Something of the real life of South Africans was lost. This criticism of struggle photography is now a common one – as Jon Soske noted in “In Defence of Social Documentary Photography,” one that has become “an art world cliché.”49 Soske concerns himself largely with somewhat more petty complaints regarding a lack of “aesthetic experimentation,”50 however. The criticism is still an important one, but not for

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50 Ibid.
the formally simple style of the photographers. The reduction of life to struggle is ultimately unsustainable and a failure of the struggle’s potential for radical change. The importance of the activist-as-documentarian (the everybody/anybody-as-radical-as-documentarian) that emerges in the historical juncture that produced the occupation is in its potential to be precisely the reverse – the vitalization of weapon, of struggle. To merge life and resistance.

To illustrate the difference between this model and the other – images produced by the media committee of a group for press releases or group propaganda – we could look to the January 25 revolution in Egypt. Within it we encounter some quite contained and directed revolutionary groups/organizations with explicit purpose and tactics that are opposed to or contained within the movement more broadly, which is constituted of certain sentiments or classes/demographic groups but is most definitely a mass movement; it moves as a wave breaking on the shore where these organizations have particularity. In this movement and its occupations, one encounters committees dedicated to specific tasks but with little or no distinct identity beyond their roles as parts of a whole; such committees are necessary for managing the minutiae of a camp or mass gathering, but do not distinguish their political identity from that of the whole. One encounters also groups that maintain distinct politics and tactics but identify as parts of the whole whose differences could often be filed under “diversity of tactics.” In either case, the group or subgroup has declared its own official tactics and practices as opposed

51 The presence of a black bloc in Tahrir Square could be an example, though they define themselves as a sort of autonomous subcommittee forming out of the necessity for an organized defense in Tahrir (a sort of hybridization of both forms described), or one could alternately cite the involvement of the Ultras.
to the organic movements of the mass as a whole composed of discrete individuals. This is demonstrative of the differences between certain classes of documentary; one presented by the activist on the scene as part of their life and part of their activism and the other presented by the media division of a revolutionary organization.

One characteristic that is striking of this particular brand of documentary is in the fact that it is not specifically marked as radical in an event or field where all else is. What emerges at the intersection of social media’s impact on daily life and the documentation thereof and the radical political practice of the occupation is a subsumption of struggle into life. The bulk of what occurs in the typical encampment is the day-to-day living (as a verb) of its occupants. Their recordings of these life events (their temporary home, their friends, their food, their garden, etc.) – which are executed just as and resemble their recordings of similar such events outside of, before, or after the occupation – are evidentiary of this. The more purposive production of a dedicated media committee, that which is produced for the explicit end of representing the group/movement to a wider audience and is produced as a depiction of the politics of the group/movement, makes no real break with past practices. What I find to be of the most interest in the documentation of an occupation is precisely that which is most interesting about the occupation itself – the living-together of people in struggle. As Bernes and Clover put it (the quote bears repeating), “tentative and partial and still-powerful experiments with self-organized care, defense, and provision.”

52 Bernes and Clover, “History and the Sphinx.”
Content and Framing

Examining troves of images from occupations and other protests online – any of those kept by particular Occupy movements, specifically Occupy Oakland, or that kept by FotogrAccion, a Spanish photography collective dedicated to producing and collecting images of the struggle (specifically the acampadas in the plazas of the major cities, less so the riots in Asturias) – will reveal a few common subjects. The images in these archives are typically mixed together from photojournalists and professional or semi-professional photographers (whether affiliated with the group or a third party) and the types of images from amateur members that we have considered thus far (and perhaps other, less significant sources as well). From among these images, we can establish certain categories of subjects in the documentation; in particular, one will see repeatedly images of marches and demonstrations; police presence or police brutality; signs held by those demonstrating and signs of support from the community; living space and daily operation of the camp. Of all of these, it is the last category that is of the most interest; the first and third are primarily the realm of professional photographers and photojournalists, and while the second is of definite interest, it has been taken up at length in the previous chapter.

The framing and reception of these images determines their meaning and significance as much as their content, and perhaps, in some cases, as much as their production. The presentation and distribution (or re-distribution) of these images and videos sometimes self-describes as reportage through independent news agencies (one of the news groups associated with Anonymous, maybe, or a group like Unicorn Riot, who
have provided most of the coverage in Standing Rock) or concerned observers. These may present events as “the news the government/media doesn’t want you to see” and derive their credibility from an integrity defined against the lack in mainstream news sources as evidenced precisely by their failure to report on this event (whatever this event may be). In alleging that an event or news item is not reported on by major news outlets because it runs counter to the image that outlet seeks to present (that is, claiming a bias in favor of “the status quo” or “the system”), the independent reportage of that event gains a respectability based on willingness to “tell the hard stories.” This appeals most, admittedly, to those who are already inclined to disbelieve the reportage of mainstream news agencies, or believe that they willfully exclude reportage on certain kinds of events. These are often secondary or tertiary sources that frame or re-frame material captured by other actors, and they often act (explicitly or implicitly) in solidarity with the actors involved. The original source and site of distribution of the material would most likely be the website, Facebook, Twitter, or YouTube channel of the organization or movement (or from private unaffiliated photographers, as the case may be), but will quickly filter through the more radical news sites. Where the groups and individuals that share and redistribute the material will frame it as they see fit, this original upload will operate in much the same way but it a message controlled by the group involved. They will then form part of the group’s photographic/video archive.

More interesting than these modes of framing (which inevitably take the form of reportage) is the distribution and framing of images – either the distribution of images from photojournalists or media committees or those the likes of which are the subject of
the chapter – through the personal networks and systems of representation of the people involved in or engaged with the events being depicted. Here, the banal (horrid) language of Facebook almost becomes interesting as records of a person’s engagement in struggle politics, in occupations or riots, appear on their “timeline” alongside the events of their daily life as reported to/by the social media engine. This perhaps runs the risk of turning political events into photo opportunities, and might seem troubling at first. It implies the attraction to the event of a less critically engaged demographic for reasons of self-(re)presentation and self-interest with little consideration of the whole. But it is possible that the recognition of the event and one’s presence in it as worthy of documenting in this way speaks to the heart of what is interesting about this model of documentary, and it is precisely an attraction of an otherwise unengaged and uninterested demographic, a shift into the realm of the cultural – into the realm of a mass movement.

The London Riots

A particularly interesting example – perhaps the peak of that logic which marks the documentary previously discussed as important, vital – of this class of documentary that encounters the phenomenon of a social need to be present and document that presence can be seen in certain images that emerged around the 2011 London riots. The four days of rioting and looting were documented in all of the usual ways, recorded by professional and amateur photodocumentarians alike. More interesting, however, was the (admittedly tremendously ill-advised) self-depiction of the rioters on Facebook in the form of vanity photos, selfies of/by rioters with their loot, or cellphone pictures from

53 Older radicals are more or less as quick to decry ‘selfie culture’ as the liberals of their age.
bystanders and participants simply to serve as evidence that they “were there.” These figure prominently in the identity of the riots, as do the unapologetic attitudes of the rioters interviewed in the aftermath. These images were evidence of a world-historical event, and by and large not merely evidence of one’s presence in that event but participation and pride in it. These, like some of the photographs generated by occupiers, were documentation of the lives of the participants more than of the event, and are perhaps more explicitly so. They adopt the conventions of the Facebook vanity photo and selfie more broadly but almost seem as a perversion of it; Facebook profile pictures and self-shots seem inherently banal (as do the now-dated selfies posed around a still life of arrayed status symbols (guns, cash, chains, etc.) that the images of rioter and loot also resemble), but these stand testament not to some professed identity and status but to the violent, radical action of rioting and looting – a declaration of poverty in and against the city paired with a refusal to bend to that fate.

The riots themselves are of substantial political interest, in part because they made no political demands themselves; though they emerged in the immediate aftermath of the police murder of Afro-Caribbean Tottenham resident Mark Duggan, they are not reducible to that event or a response to it. A single (singular) credible explanation of the event is hard to come by. The intellectual response has been largely dismissive, ranging from patriarchal to patronizing; in their review of *The Rebirth of History*, Bernes and Clover list the characterizations: “a ‘meaningless outburst’ (Slavoj Žižek),” “mere reflections of the rapacity and greed of post-Thatcher capitalism” enacted by “‘mindless

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rioters’ (David Harvey),” or, “for the Polish sociologist Zygmunt Bauman, looting is simply a violent and risky variant on shopping.” This smacks of the sort of betrayal as that of the students in 1968 France, but is even more dismissive. The riots – in London and across the 2011 cycle of resistance – were at the very least necessary conditions for broad-based social change if not manifestations of the rejection of capitalism’s latest turns and the desire for an alternative. A number of preferable but imperfect alternative explanations (to those of Žižek, Harvey, and Bauman) exist: oppressed populations taking revenge, precarious populations liberating goods that they could not afford (whether the luxury objects of their unrequited desires or necessities they would otherwise struggle to acquire), a bored and angry mix of young and adult poor at times celebrating its own destruction and at others acting out patricidal (tyrannicidal) fantasies. A Hackney resident identified as Michelle gave her own explanation to Reuters reporters:

“My son is 12 years old, and he already knows that police do not work for black people […] The looting was done, not just because they can't afford the stuff, it was done to show they just don't give a shit. ... We're here and not going away.” The riots were, in this reading, a defiant statement of “still alive” to a city that has made it very clear that it would prefer its poor dead.

Bernes and Clover offer an explanation of the looting that makes the honorific dimension of the rioters’ Facebook photos more interesting:

55 Bernes and Clover, “History and the Sphinx.”
56 Abbas, “London rioters resent media image of hooded teen thug.” This article is tremendously useful, and I find that when asked, the rioters themselves offer much more insightful explanations of the riots than any academic to date.
The looting of stores during a riot is perhaps one of the clearest examples we have in the present moment of communist practice [...] Indeed, we would aver that communism can mean at this point only the elaboration of practices that remove the things we need and want, the things we make, from behind the cordon of property — a cordon in defense of which millions are daily condemned to starvation, disease, imprisonment and a thousand forms of suffering besides.  

They continue, “consumerism depends on paying for things, with money earned by working. Looting a pair of shoes depends upon hatred of the commodity form and its relationship to social class, not enthralment to it. This is why, during riots, commodities are as often wantonly destroyed as they are seized for consumption.” The photographs document the rage and desire and boredom and more than anything the irreducible presence and existence (following Michelle) of oppressed populations in the face of a city that is slowly killing them. These images, in the banal conventions of the Facebook self-portrait, depict the adoption of resistance into life. Moreover, they recreate the statement contained in the riots as Michelle described them in digital space (in some ways more visible than the physical manifestation).

Unsurprisingly, a number of Facebook pages also grew around the idea of collecting photographic “evidence” from the riots (following the call from the Metropolitan Police to do precisely this), with the notable inclusion of the photographs mentioned above, in order to determine the identities of those responsible and aid prosecution. The repressive as well as the honorific dimension in these images plays out over Facebook. This site in particular became a battleground in the aftermath – the

57 Bernes and Clover, “History and the Sphinx.”
58 Ibid.
59 Daily Mail Reporter, “Twit and Twitter: ‘Looter’ posts photo of himself and his booty online as police say tweets were used to co-ordinate riots,” DailyMail online, August 8, 2011.
frequent usage of real names (or names that can easily be traced back to physical identity) and commonality of photographic evidence made its users easier targets than those on Twitter and messaging system BlackBerry Messenger (BBM), which were more widely implicated in the riots but more anonymous or better encrypted. Some of the inspiration for using Facebook as a means to collectively gather evidence for the prosecution likely came from the arrests and convictions – sentenced to as long as 4 years – of several teenagers and 20-somethings accused of inciting riots through posts or events on the social media site. The pages have since reportedly been more successful than police attempts at gathering photographic evidence of riot involvement.

This sort of internet vigilantism isn’t terribly surprising, and must be prepared for in the future. The attitude responsible could be represented by one side of the then-trending #prayforlondon tag; reactionary or racist white middle and lower-middle class Londoners “praying” for their vision of London – one that explicitly excludes oppressed lower class populations of color and denies their experience of the city. The riots could, as noted above, be framed a number of ways, none of which find purchase in

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60 Twitter has generally rejected violations of its users’ privacy (though indicated that this may not always be the case (Dave Lee, “Twitter embraces UK policymakers after eventful year,” BBC, May 15, 2012.) and denied requests to shut down the accounts of rioters (Lauren Dugan, “Twitter Will Not Shut Down Accounts Of London Rioters,” AllTwitter, August 10, 2011.), and Research in Motion (RIM), the manufacturer of the BlackBerry product line, was itself unable to breach the encryption on messages already sent via its BBM service, though it vowed to assist the government and law enforcement elsewise, as it has in India, Saudia Arabia, and the United Arab Emirates (Tom Espiner, “RIM helps police inquiries into London riots,” ZDNet.com, August 8, 2011. ; Michael Carroll, “RIM promises to trace UK rioters,” Telecoms EMEA, August 9, 2011.)

Mirror.co.uk, “Teenagers arrested for Facebook ‘riot’ posting,” Mirror, August 9, 2011.

conservative hearts – those swayed by appeals to values of work ethic, property
ownership, and tradition. That clash played out with greater intensity in areas more
deeply affected by the recent crisis – Greece a notable example. Ever greater numbers
turned towards fascist parties and organizations (evidenced by the rise of the Golden
Dawn, as one example) to restore order to cities run amok with poor, unemployed,
nonwhites, immigrants, outsiders, leftists.

The Golden Dawn fell, of course. Just like the occupations, like so many
communes, like the 25 January Revolution in Egypt, like the revolution in Syria, now a
bloody civil war with endlessly shifting combatants and battle lines where the only
constant is loss. In Standing Rock, North Dakota, police from around the country and
national guardsmen ally with the private security hired by Energy Transfer against a
coalition of indigenous peoples and tribes working to protect their water and land. By the
time you read this, the camp may have been cleared – already, the state and corporate
alliance has deployed massive force armed with both live and nonlethal rounds, backed
by tear gas, mace, flashbang grenades, and LRADs. Now, as ever, our only weapons are
our bodies. We fight for our lives with them, armed with our selves, bolstered by those
who stand with us around the world.
CHAPTER 3: PANDORA AND ARGUS

In December of 2013, Jeff Bezos, CEO of Amazon, unveiled his company’s top-secret R&D project: Amazon Prime Air. The project promises packages within a mere thirty minutes of a purchase, delivered directly to the consumer’s door by drone. Bezos paints a picture of the skies of New York City buzzing with the little yellow and black octocopters, flying about completely unassisted and eliminating an entire sector of workers. What’s more, he says, this is a very near future – Bezos, ever the optimist, supposes that it should be a mere five years before his vision forces its way into reality.

The Federal Aviation Administration, of course, has other things in mind. Nearly three years on and Bezos and company have made little progress; their model drones continue to change, but the FAA has yet to. It has finally lifted its unequivocal block on the deployment of aerial drones for commercial activities, but the new rules hardly loosen the agency’s grip. It isn’t hard to imagine Bezos and Amazon winning them over still, however. The FAA is notoriously ill equipped to handle the present, let alone the not-so-distant future, of aviation; it grounds its objection on the idea that model aircraft like drones should be flown primarily for entertainment. This conceptual framework, or complete lack thereof, is pretty obviously incapable of addressing the threats and promises of unmanned aircraft.

But what does it mean to imagine a future full of skies teeming with semiautonomous robotic life? Why has the common response to Bezos’s announcement

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been a combination of shock and fear? The image of the slow-motion waltz of a flock of octocopters, et. al. unprepared to navigate the Manhattan skyline driving themselves, like lemmings, into so much detritus crashing towards the New York streets is more comical than concerning. The thought of little robots invading our homes should be only somewhat more troubling to a public numbed by the routine violations of privacy carried out on a mass-scale by organizations like the National Security Agency. Is the fear, perhaps, that among these flocks of blithely buzzing little machines could hide a wolf – aircraft not automated at all but remotely controlled, optics not just sensing but seeing, extensions of a distant eye and hand?

Very suddenly, it seems, drones have cropped up all around us. We are surrounded. Already by the moment of critical reflection, drones have so permeated our world that they could not be stuffed back into the Box even if we could muster the strength. But where did they come from? How did we get here?

Authors like Kenneth Hough chart what he calls “the long cultural history of drones.” He suggests that this day has been a long time coming – indeed, that one manner of weaponized UAV or other has been in development since before the First World War. He begins with Samuel Pierpont Langley’s Aerodrome, a pilotless machine that, in 1896, formed one of humanity’s first successes (if very limited – its flights, Hough reports, lasted only about 90 seconds) in mechanical heavier-than-air flight. Already by the first halting realizations of the possibility of mechanical flight

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commentators were fantasizing about the military potential of air power. With World War I looming large in Europe, these fantasies – and, increasingly, fears – propagated and accelerated, pursued by authors of science fiction, military leaders, and inventors alike. The resulting experiments in weaponized unmanned flight – namely, in Hough’s account, the Kettering Bug and the Curtis-Sperry Aerial Torpedo – were not ready in time to see active service in the war, but the Kettering Bug nonetheless so impressed military officials that it became “the first mass-produced drone in history.” World War II and the V-1 rocket saw the realization of these fears and fantasies that previously lived only in the realm of science fiction and failed experiments. The United States came alive with nightmares of automatons raining death upon New York City while Londoners saw the effects of this most ‘barbaric’ of the Nazi war machines first-hand. Despite the supposed inhumanity of these weapons, the United States Air Forces were quick to produce rival drones, and though scorn for such devices kept them largely out of the public eye, Hough argues that by this point it was only a matter of time before we arrived at our current predicament.

Now, the history Hough crafts mires itself in a bog of failed experiments and self-terminating machines – a handful of bomb-dropping aircraft doomed to crash and burn with the last of their ordnance and a handful more of rockets and missiles, ordnance themselves – and makes no mention whatever of Israel (a conspicuous absence). Other authors working in a similar vein could invoke the Austrian deployment of pilotless, bomb-laden balloons against the city of Venice in 1849 to make a similar point (to be

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65 Ibid., 2.
clear, Ian Shaw, the source of this particular anecdote in my reading, crafts what I consider to be a much more sophisticated history. That is, what I read in Hough is the observation that a history of armed conflict is one of killing more safely and from greater distances, these two parallel trends long being represented in the imaginary of the United States military by robots and air power respectively. An entirely accurate observation, but not one that captures the emergence of the drone war.

Journalist Andrew Cockburn writes his own history in *Kill Chain: The Rise of the High-Tech Assassins*. He begins in Vietnam with Igloo White, the electronic net cast over the Ho Chi Minh Trail and what Cockburn characterizes as “the first step into a world in which human beings, with all their messy, unpredictable traits, would be eliminated, except as targets.” He quotes General William Westmoreland, who in October of 1969 delivered in a single, concise comment the vision that would define the efforts of the U.S. Air Force to the present day: “On the battlefield of the future, enemy forces will be located, tracked, and targeted almost instantaneously through the use of data links, computer assisted intelligence evaluation and automated fire control. With first round kill probabilities approaching certainty, and with surveillance devices that can continuously track the enemy, the need for large forces to fix the opposition will be less important.” Igloo White would be an utter failure, of course, but this did nothing to extinguish the spark ignited in such men. Westmoreland’s vision would be carried by a series of them – John Foster, one of Igloo White’s key supporters as the head of research and

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development at the Pentagon; and then his successor, William Perry, who would see Igloo White’s successor born in the form of Assault Breaker, a net cast by airborne radar over the Fulda Gap in central Germany, site of the projected apocalypse of Soviet blitzkrieg; Col. John Warden and Lt. Col. David Deptula, who (more or less) together carried the flag during the first U.S. invasion of Iraq and architected Operation Instant Thunder, a tour de force of USAF precision bombing that promised to set the Iraqi war machine to crumbling based on the targeting of ‘critical nodes’; Admirals William Owens and Arthur Cebrowski, who touted “intelligence, surveillance, and reconnaissance” and “net-centric warfare” as the ultimate realizations of Westmoreland’s dream. The wildly inflating defense budget coupled with ever-increasing secrecy in its itemization permitted all of them to advance an agenda – especially in and around the U.S. Air Force – that cost trillions of dollars and countless lives despite concrete evidence of its failings over the course of these many projects, operations, wars.

This new order did not come unopposed, however. Already by 1972, one veteran of Vietnam was able to describe the war of the future with remarkable prescience: “This new war will not produce My Lais. It will be a war not of men at arms, but of computers and weapons systems against whole populations. Even the tortured bond of humanity between enemies at war will be eliminated. Under its auspices, the people of the villages have gone from being ‘gooks’ and ‘dinks’ to being grid-coordinates, blips on scan screens, dots of light on infrared film. They are never seen, never known, never even hated […] The atrocity is the result of a chain of events in which no man plays a single
Cockburn’s is a history of killing by bureaucracy, automation. He writes that these technological barriers are all just that – those video feeds intended to bring us all ‘closer to the battlefield’ in fact obscure our vision, obfuscate the facts on the ground, and produce ever-greater distance. They ensnare us, caught by our hubris, more thoroughly than Assault Breaker could ever have hoped to catch the Soviets in theirs.

So Cockburn has focused on the techno-bureaucratic development whose impetus was almost divorced from its terrible material effects. He describes the drone war as something akin to an accident decades in the making the terrible force of which has warped reality around it. But is it really the inefficacy of the cameras and their video feeds that distort our vision of that which they purport to show? Or is it instead that this technological distortion is prefigured by another, older one? That is: to my mind, the question of the drone should center not on the technological development of the UAV (at least, not to the point of losing itself there), as both Hough and Cockburn have in one way or another, but on technologies and techniques of surveillance on one hand and the legal technological development of the targeted killing on the other.

The histories crafted by authors like Ian Shaw and Grégoire Chamayou are more attentive to these points. Shaw, in a post on his blog Understanding Empire, starts off on rather sturdier ground, identifying as forebears not only ill-fated endeavors in bombing but also early aerial surveillance. That acknowledgement made, however, he states that “the origins of the electronic drone can be traced to the ‘target drones’ used in the early

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68 Ibid., 28. The former soldier in question was Eric Herter, delivering a speech in Boston at a Winter Soldier meeting.
twentieth century. [...] Indeed, the evolution of U.S. drones can be understood as the passage of three overlapping phases: the drone as a ‘target’, the drone as a ‘sensor’, and the drone as a ‘weapon’."

Grégoire Chamayou makes a similar argument in *A Theory of the Drone*, though he takes it a step further by noting that the fundamental difference between Nazi V-1 rockets and present-day drones lies with the self-termination of the former; “The drone,” he states, “is not a projectile, but a projectile-carrying machine.”70 This distinction has a special importance that we shall get to momentarily – it constitutes something of a fourth phase, if we are to accept Shaw’s description. Chamayou argues, like Shaw, that the modern UAV found life and purpose in air forces facing dangerous surface-to-air missile (SAM) batteries, first in the U.S. during the Vietnam War, and then in Israel during the Yom Kippur War.71 It was Israel, he argues, that carried the torch for drones after the United States had all but abandoned them, and it was Israel again that was largely responsible for encouraging their readoption by the U. S. Air Force.

Though it was ultimately the USAF and its R&D contractor General Atomics that were responsible for the Predator and the rise of the medium-altitude long endurance (MALE) armed drone, it was the Israel Defense Forces (IDF) that provided the philosophical framework for its use.72 Chamayou’s distinction between projectile and

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71 Ibid.
72 It is perhaps worth noting that the Predator’s designer – at least, the Predator we know now, rather than the entirely separate failed prototype by the same name that General Atomics had produced a few years prior – was an Israeli by the name of Avraham Karem, though it was only in the U.S that his designs were appreciated.
“projectile-carrying machine” is critical here, and, indeed, insufficient to address the scope of the difference between the drone and the torpedo. The drone is not merely a weapon but a soldier, or an analogue for one. It is an avatar, the physical manifestation of imperial interest. But the function of this soldier is different. The drone is not merely “projectile-carrying” but seeing, looking, watching. Chamayou describes this quality earlier in *A Theory of the Drone*, in his introduction: “Their history is that of an eye turned into a weapon.” The most prominent characteristic of the drone, the true source of its combat effectiveness, is not the Hellfire missile systems with which they are sometimes equipped – with which indeed a very small minority is equipped. It is their eyes. The drone is a prison guard. We have arrived at a time in which the perpetual surveillance of small cities is not merely possible but common practice, in which nearly every airstrike in an age of airpower is launched based on the surveillance and targeting images produced by a drone floating somewhere high above the destruction. To focus only on the weapons they carry misses the point (which Chamayou certainly does not, to be clear). The revolution brought about by the drone is one of persistent surveillance. It is one that has produced divisions of the U. S. Air Force that watch, analyze, and surveil exclusively. They are now something between soldiers and police – hunters, according to Chamayou. And it is this development that is owed to the IDF, whose half-century occupation of Palestine has blurred the lines between military and police action and indelibly altered both.

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73 Ibid., 11.
Eyal Weizman addresses in Israel’s policy of targeted killing what he terms “thanatotactics.” He claims that Israel has adopted and updated the old U.S. Air Force notion of the critical node, a history of whose failures can be found in Cockburn. But Israel reconfigures the critical node as people – “The simple operational assumption underlying thanatotactics is that the principal assets of the Palestinian organizations are people – political and spiritual leaders, spokespersons, experienced fighters, bomb-makers, suicide volunteers, commanders, activists and recruiters – and that if these people, who sustain the organizational logic of Palestinian resistance, are killed, their ‘system’ will be disrupted and become vulnerable to further actions.” Israel’s model of war, then, is the manhunt – the identification, surveillance, incrimination, and elimination of the people who are the material of Palestine. Assassination sanitized as “focused preemption,” extrajudicial state killing rebranded through the video feeds from ‘smart munitions’ homing in on their targets, the air of precision they lend to the grisly business of slaughter. This campaign of ‘targeted killing’ has consistently drawn condemnation internationally, notably from the U.S., but as Weizman notes, sectors of the United States Armed Forces and intelligence community looked to Israel all the while to refine their own techniques. Here, the process is termed “patterns of life analysis.” In reality, it is a continuation of the Phoenix Program in new (the same) geographies.

Popular criticism of the deployment of armed drones abounds; the ethical ambiguity supposedly inherent in the current order of remote operations involving UAVs

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75 Ibid.
is a commonplace in US popular culture. Critics argue that a “Playstation mentality” has infected our military operations, the result of the remarkable similarity, if only superficial, between operating a drone and playing video games. Most common criticisms of drones argue that they make it easier to kill. This is true in a number of ways; drone pilots can kill from across the world in the relative comfort and safety of an office building, commuting from suburban homes, they can kill with the push of a button, they can kill large numbers very quickly (a fact of the Hellfire missile system most armed drones are outfitted with). Many have argued that drone operators can maintain a much greater emotional distance, though this point is hotly contested.

Defenders of the U.S.’s drone program argue, and rightly so, that the entire history of military technological advancement has been one of killing at greater and greater distances, and the physical remove of the drone operator from their targets shouldn’t seem to be anything qualitatively new. Artillery teams rarely have the vaguest knowledge of the places and people they bombard; indeed, one could argue (as Derek Gregory notes in his commentary on Chamayou) that the drone operator has a much greater connection to their targets – they can see them in (something roughly approximating) crisp detail on high definition screens. They argue, furthermore, that this physical distance does not necessarily breed an emotional distance. Those screens place the drone pilots, in an oft-repeated quaintness, just 18 inches from the battlefield – closer to their targets than any combatant on the ground. They are, consequently, at least as vulnerable to the emotional trauma of killing as any other soldier (another hotly contested claim, but one that should be taken seriously). Some commenters, like French
philosopher Jean-Baptiste Jeangène Vilmer, argue that drones are actually more humane than other weapons, and historian David Bell has noted that “None of today’s critics, as far as I know, have expressed any nostalgia for the pike, or other hand-to-hand weapons.” Harun Farocki, of course, said some time ago that “the products of the IT industry have a longer shelf life than the machinery of war. And in order to keep the market free of constipation, moral campaigns have to be waged, but these themselves grow old and wear out.”

The drone is not a category in itself, a wholly unique Thing. Rather, it sits at the nexus of a number of key ideas, the operating metaphors of our time – distance, automation, proxy, and so forth. All that separates them from their predecessors (in a lineage traced by Kenneth Hough) is that the drone does not self-terminate upon the completion of its mission, as did the V-1 Rocket. The UAV (or RPA, in U.S. Air Force parlance) is, though far and away the most culturally, politically, and psychologically impactful of its kin, technically little different from contemporary land- and water-borne cousins. Even the titular technology in James Cameron’s Avatar would appear to be of a kind with the more familiar, inorganic drones that swim through the skies of our own world. The drone is, moreover, very much at home in any history of modern warfare – the striving for ever more asymmetrical battlefields, the privileged place of air superiority.

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77 Farocki and Poole, “Phantom Images,” 20.
One of the fundamental characteristics of documentary produced by drone – whether by artists or by the repressive apparatuses of a state – is its distinct nonengagement with the space and entities that are being documented. It goes without saying that the defining characteristic of the drone is its distance from its operator, and it should appear to be something of a truism that that physical distance produces a psychological distance as well. The concept is worth exploring, however. The best-known example of this process appears in the infamous reference to victims of drone strikes as ‘bug splats.’ The term describes the total dehumanization of people who are doubly distant from the drone operator – recorded from altitudes of up to 30,000 feet (in the case of MALE drones – those most closely associated with actual drone strikes), those images are then transmitted to operators thousands of miles away. This distance is strategic in a number of ways, and some sources (Al-Jazeera) report that use of the term is enforced by superior officers and managers of all sorts – we should remember that many drone operators are not military personnel – to reduce a pilot’s inhibitions or compunctions. The patterns of life analyses used to select targets for drone strikes study a person obsessively closely without ever revealing human characteristics; each person (or each Yemeni, each Pakistani) is merely the sum of their actions, a point in a complex web whose connections to other points – themselves identified in the same way – mark them for extermination. It is just a more advanced Orientalism – more advanced technologically, more aggressive. The Oriental is always seen from the distant comfort and security of the West. They are never human – never allowed to be. The Oriental is something between threat and data point (data of no particular value, even; once reduced to a ‘bugsplat,’ they are
meaningless, discarded; official numbers on victims of drone strikes are often a range, with no effort made to even verify the numbers – let alone identities – of those killed), no longer even a set of qualities whose sum is not-us. They are pure threat. It is no longer Western identity that is defined against the Oriental but Western existence – we live because they die. They die so that we live. The vision of the drone is fully Othering.

Militarized Vision, or Thiers’s Police

These arguments over the condition of deterrents to violence centering themselves on physical distance from the site of violence, physical safety from the violence one is engaged in, emotional distance from the act of killing, physical ease of the act of killing, and so forth miss the mark. The relative ease and safety of drone warfare is not ultimately what should concern us. Centering the debate on (the lack of) deterrents to violence fails to address the forces that frame and propagate that violence. That is to say that the question should not be about what drones can do, or even what drones can see, but rather how drones see, and how they make us see. Drone vision reduces its subjects to friend and foe, or more specifically, to friendlies, targets, and potential targets. The notion of a ‘Playstation mentality’ comes the closest to capturing this, though not in the way that the term is generally used. Rather than supposing that the screen encourages us to kill by eliminating personal consequences or by simplifying the process, think instead of how it makes us relate to its contents. The targets on the screen in a video game are reduced to pure threat. They exist only to be ‘killed.’ We can’t actually act upon them in any other way. Chamayou makes a similar observation about drones: the target sight actually transforms what it beholds. Gregory on Chamayou: “He wants to think of militarized
vision as a ‘sighting’ that works not only to represent an object but also to act upon it and, in the case that concerns both of us, this is the mainspring of the production of the target” (emphasis his). I agree with all but the notion that this is the mainspring of the mechanism. I believe, rather, that it is only the final step in a long process. This statement implies that the target is produced on the spot, that, as Chamayou says, the targeting sights transport the target to the non-space of the killing grounds. The reality is that the killing grounds preexist the final act of violence – they are defined geographically. The target is not just dehumanized by the military-legal technologies that frame their representation in targeting feeds but is denied any possibility of humanity from the start by ancient ideologies that in their present iteration reconfigure all military-age males in certain parts of the world as combatants – as targets or potential targets. Here, the determination to terminate them is based not on anything so quaint as the preponderance of evidence for or against their involvement in certain activities, the nature of those activities themselves being debated, but rather the value of their lives or deaths at this moment and how it weighs against the cost of the munitions that would be used to end them and the man hours that would be spent poring over images of their remains. The very presence of the armed drone over this region marks it as an arena of drone warfare and already inscribes the target on the bodies of its inhabitants.

On February 21, 2010, a strike was launched by U.S. military forces against a group of three vehicles and their occupants near the border between Uruzgan and

Daikundi province in the remote mountains of central Afghanistan. Chamayou opens *Theory of the Drone* with excerpts from the transcripts of radio transmissions and cockpit conversations recorded during that operation; Gregory addresses them in a number of texts. They form one of the most important accounts of the operation of the U. S. Air Force’s drone program to be made publically available. These transcripts were obtained under the Freedom of Information Act by David S. Cloud, a journalist with the Los Angeles Times. They document the strike and the hours leading up to it from a multitude of perspectives – over the course of the operation, actively involved and present in comms transcripts were: an AC-130 ground attack plane crew (SLASHER03); the pilots of two OH-58 Kiowa attack helicopters (BAM BAM41); a fighter pilot (DUDE01), a drone crew (KIRK97) at Creech Air Force Base in Nevada consisting of a pilot and a sensor operator, as well as the safety observer and mission intelligence officer (MC or MIC); a team of Distributed Common Ground Systems video screeners and analysts at Hurlburt Field in Okaloosa, Florida; an ‘exploitation cell’ that processed wireless comms intercepted by the Predator and relayed that information via mIRC operations chat rooms (Gregory says they were almost certainly an NSA unit at Kandahar); officers at three bases around Afghanistan: Firebase Tinsley (formerly Cobra), SOTF-12 at Kandahar, and CJSOTF-A at Bagram; a Judge Advocate or military lawyer also at Kandahar; and the Joint Terminal Attack Controller (JTAC for short, callsign JAG25 or Jaguar25), the ground forces commander for the Special Operations team on the ground at Khod (ODA3124), and the person who ultimately authorized the strike. Stretches of the transcript have been redacted, but the bulk is available for us to read. Accounts of the
casualties inflicted vary, but elders from the affected villages counted 23 lives lost, including two boys under the age of 5. The strike was launched in error. The targets were a mixed group of men, women, and children. They had no weapons. None of them were insurgents.

Cloud writes that “The Americans were using some of the most sophisticated tools in the history of war, technological marvels of surveillance and intelligence gathering that allowed them to see into once-inaccessible corners of the battlefield. But the high-tech wizardry would fail in its most elemental purpose: to tell the difference between friend and foe.” His underlying assumption, one that frames the entire article, is that this technology is primarily discriminatory, that it is intended to identify targets. What it does, however, is produce them. The drone cannot turn its gaze upon a convoy Afghani families seeking supplies, carrying the sick to medical treatment, bringing children to their relatives, and so forth without targeting them. All the drone beholds can be only friendlies or potential targets; it seems that henceforth it becomes an act of intervention to spare those lives. This is because these apparatuses are not passive tools in the military-political conflicts that surround them. They mediate, they produce. And they do not act only upon those that they behold, but also upon their operators.

This happens within the specific technologies of the drone and the culture that they simultaneously produce and are produced by. For one, it is what is at play in the use of the term ‘bugsplat’. Bugsplat is the name given to the U.S. Defense Department

software for projecting collateral damage from airstrikes. Within the U.S.’s drone program, the term has become synonymous with the collateral damage the software was intended to prevent, those shattered lives – when the U.S. is willing to acknowledge them at all – being intentionally reduced to so much ‘bugsplat.’  

Journalists often describe it as ‘official’ terminology – that is, that its usage is not merely informal but insisted on. The effect, in any case, is obvious: one relates very differently to one more ‘bugsplat’ than one does to the news that Daoud, 3 years old, was among those slain in the Uruzgan air strike.  

Critics of the U.S.’s drone program have made much of the “distance” of the operators from their targets. They suggest, and perhaps correctly, that physical distance breeds emotional distance. I have already mentioned David Bell’s response regarding pikes. But regardless of the source of this distance, that criticism has been a mainstay among anti-drone activists. It is what most critics mean by the term ‘Playstation mentality’: that is, that “the psychological distance between the drone operator and the target lowers the threshold in regard to launching an attack (...) Operators, rather than seeing human beings, perceive mere blips on a screen.” This ultimately comes from Dave Grossman’s 1995 study On Killing: The Psychological Cost of Learning to Kill in War and Society. Grossman theorizes distance along six different planes: physical,  

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81 In any case, the term has certainly had an impact on the conversation surrounding the drone program, from short-lived but impactful art project Not A Bug Splat (https://notabugsplat.com/) to UK Channel 4’s rather more ignorable television comedy Bugsplat!, which didn’t pass its pilot episode.  
emotional, cultural, moral, social, and mechanical. All of these factors, with the possible exception of social (class) distance, which I suspect is overridden by cultural distance in this case, would seem to be at play in drone warfare. But nothing specific to the techno-cultural apparatus of the drone program breeds cultural distance – that is already present. The toxic culture that pervades the United States military may exacerbate it, but it does not produce it. Nor does the mechanical distance theorized by Grossman seem to impact pilots overmuch – many drone pilots claim a visceral experience of what they see on their screens. But almost invariably it is through identification with ‘their’ guys on the ground. Drone pilot Lt. Col. Matt Martin even claimed that he “knew people down there.”

The people in question, of course, were United States soldiers: “Each day through my cameras I snooped around and came to recognize the faces and figures of our soldiers and marines.”

The drone pilots appear to have been receptive to this psychological conditioning. One pilot – Martin again – describes his experience launching a drone strike in his book *Predator*: he felt “electrified” and “adrenalized.” But his book, published years later, is something of an exposé. It wasn’t until later that the gravity of it all sank in; “I had yet to realize the horror.”

Many drone pilots used to pilot conventional aircraft before being ‘asked’ to transfer, promised that they can rotate back out of ISR after they’ve done their

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84 Ibid.
86 Ibid.
time. New recruits are promised high pay and steady work in the fastest-growing branch of the air force. What all of them find instead is what may be another motivator to pull the trigger: drudgery.

Creech Air Force Base, some 35 miles northwest of Las Vegas, is the home of the USAF’s MQ-1 Predator and MQ-9 Reaper drone systems. Chamayou notes that it is also known to its inhabitants and across the U.S. military as the “Home of the Hunters.” He also quotes Nancy Mancias of antiwar activist organization CODEPINK, who calls it differently: “a place of disbelief, confusion, and sadness.” It is a base of commuter-warriors – highly paid pilots, handlers, analysts, and so forth all associated with the U.S. Air Force’s drone program. They spend their days staring at unblinking screens that carry the light of empty deserts in Afghanistan and Yemen some 7,500 miles to the air conditioned base in the middle of another desert on the other side of the world. They spend their nights [and vice versa – the base and its drones never stop] at home with their families, trying to “compartmentalize,” as the military calls it. “The work here” – Chamayou again – “is extremely boring. (…) Eating Doritos and M&Ms, they wait for something to happen: ‘months of monotony and milliseconds of mayhem.’” Worst of

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87 It is joined by similar, mostly smaller or less prestigious facilities across the country, focused in the West, with more on the way. This map (https://batchgeo.com/map/edd545ae9b6397fbcedd4fedced14a9), produced by Public Intelligence, is a helpful visualization, though they draw much of their information from this Air Force presentation (http://www.afceaboston.com/documents/events/cnsatm2011/Briefs/03-Wednesday/Wednesday-PM%20Track-2/02-LtCol%20Howard-GBSAA%20Safety%20Case-%20Wednesday%20Track2.pdf) authored by Lt. Col. Maggie Howard and dated 13 June 2011.


all: it feels inconsequential. “I’m overpaid, underworked, and bored,” reports ‘Ryan’, a drone operator at Holloman Air Force Base outside Alamogordo, New Mexico. After endless hours staring at what may as well be a blank screen, wouldn’t you jump at the opportunity to do something meaningful, to help?

Drone crews on ISR (what Andrew Cockburn refers to as an “overworked acronym” for intelligence, surveillance, and reconnaissance coined by Admiral William Owens around the turn of the millennium) are often tasked with overwatch for a team on the ground. They’re there to make sure those soldiers stay out of harm’s way – it’s their job to identify threats before they materialize. They identify with those soldiers, as I’ve discussed, and they take that mission very seriously. A safety observer (redactions identifying him only as a Captain) at Creech AFB describes the situation in an interview with Maj. Gen. Timothy McHale after the Uruzgan ‘CIVCAS incident’ thusly: “to be honest sir, everyone around here, it’s like Top Gun, everyone has the desire to do our job; employ weapons against the enemy. The entire time they thought this was a group of

91 Cockburn, Kill Chain, 15.
92 McHale was ordered to investigate the incident by General McChrystal, who called an Informal Investigation. I will get into this a little later. McChrystal developed a reputation for taking a very active role in the aftermath of civilian casualty (CIVCAS) incidents; the now-infamous Rolling Stone profile on him has a lot to say on that count: “Despite the tragedies and miscues, McChrystal has issued some of the strictest directives to avoid civilian casualties that the U.S. military has ever encountered in a war zone. […] He regularly apologizes to Hamid Karzai when civilians are killed, and breates commanders responsible for civilian deaths. ‘For a while,’ says one U.S. official, ‘the most dangerous place to be in Afghanistan was in front of McChrystal’s desk after a “civ cas” incident.’ The ISAF command has even discussed ways to make not killing into something you can win an award for.” Michael Hastings, “The Runaway General,” Rolling Stone, 22 June 2010, http://www.rollingstone.com/politics/news/the-runaway-general-20100622.
enemies, they were thinking hell yeah we want to help out and be a part of this.”

One of the Kiowa pilots involved reported that “we thought our guys would be out flanked and in deep shit.” What the drone crew saw, believed, and described to others was an immediate threat to the soldiers on the ground. Sent to find a threat, that is exactly what they did.

Cloud’s transcripts speak to an eagerness – one that verged on open contempt of the chain of command – in the drone crew, who Cloud describes as “one of the Air Force’s most experienced. The pilot (…) had spent more than 1,000 hours training other Predator pilots.”

But the crew seems remarkably, well, unprofessional; in fact, they insisted on describing the trucks as a target long before any order was given, and while other parties were still contradicting their calls. From Gregory:

[T]he crew of the Predator interpreted more or less everything they saw on their screens as indicative of hostile intent: the trucks were a ‘convoy’ (at one stage they were referred to as ‘technical trucks’); the occupants were ‘Military Aged Males’ (‘12-13 years old with a weapon is just as dangerous’); when they stopped to pray at dawn this was seen as a Taliban signifier (‘I mean, seriously, that’s what they do’); and when the trucks swung west, away from the direct route to Khod, this was interpreted as ‘tactical manoeuvring’ or ‘flanking’.

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93 Maj. Gen. Timothy P. McHale, interview with unnamed Capt. in Creech AFB, AR 15-6 Informal Investigation into 21 February 2010 CIVCAS incident in Uruzgan Province. This interview was one of many McHale and his staff conducted. They are, unfortunately, not very well organized (as the public has access to them), but I have found them to be very illuminating. The section I reference can be found on page 10 of 14 of the interview in question, which begins on page 47 of this document: https://ia800207.us.archive.org/15/items/dod_centcom_drone_uruzgan_foia/centcom-10-0218-18.pdf. The complete investigation documents can be found here: https://archive.org/details/dod_centcom_drone_uruzgan_foia.


95 Cloud, “Anatomy of an Afghan war tragedy.”

Perhaps most telling of all was the sensor operator’s apparent outrage whenever the screeners in Florida identified a child but failed to see the rifles that the crew erroneously identified among the travelers. It was not until after the strike that they were willing to consider the presence of women and children in the convoy a possibility – before they were willing to see what the screeners had for some time. They consoled themselves that there had been “No way to tell from here.” Relevant excerpts follow:

00:41  (Pilot): Does he have a weapon?
       (Sensor): Can’t tell yet
       (MC): Can’t tell
00:42  (Kirk97): Jag25/Slasher03/Kirk97 we are eyes on a vehicle, personnel in the open, definite tactical movement, cannot PID weapons at this time, how copy? …
00:44  (Pilot): Be ready for a lot of [exploitive (sic) deleted] squirters dude. These guys look to be lookouts, man …
00:45  (Pilot): what did he just leave there
       (Pilot): Is that a *expletive* rifle?
       (Sensor): Maybe just a warm spot from where he was sitting; can’t really tell right now, but it does look like an object
       (Pilot): I was hoping we could make out a rifle, never mind …
01:07  (MC): screener said at least one child near SUV
       (Sensor): bull [exploitive deleted]…where!?
       (Sensor): send me a [exploitive deleted] still, I don’t think they have kids out at this hour, I know they’re shady but come on
       (Pilot): at least one child… Really? Listing the MAM (military aged male), uh, that means he’s guilty
       (Sensor): well maybe a teenager but I haven’t seen anything that looked that short, granted they’re all grouped up here, but.
       (MC): They’re reviewing
       (Pilot): Yeah review that [exploitive deleted]…why didn’t he say possible child, why are they so quick to call [ exploitive deleted] kids but not to call [exploitive deleted] a rifle …
01:11  (Sensor): what are they doing, wrestling?
       (Pilot): you see that?
       (Sensor): what’s that?
(Pilot): they just threw someone into the back of that truck, and were like, wrestling with somebody did you see that?
(Sensor): Yeah I saw those two dudes wrestling.
(Pilot): they probably are really using [expletive deleted] human shields here, that’s probably what it is.
(Sensor): let’s see if the SUV’s in tow here
(Pilot): JAG25 KIRK 96 (sic) be advised there was a brief scuffle in the bed of the highlux (sic), prior to its departure, looks to be potential use of human shields, but definite suspicious movement, and definite tactical movement

01:19 (Pilot): JAG25 KIRK97 looks like both vehicles are trying to slowly traverse this river
01:20 (Sensor): [expletive deleted] it’s up to the doors. They’re getting their feet wet.
(Pilot): I hope they [expletive deleted] drown them out, man. Drown your [expletive deleted] out and wait to get shot

01:47 (MC): Looks kinda like blankets, they were praying, they had like…
(Pilot): JAG25 KIRK97 We get a good count, not yet?
(Sensor): They’re praying, they are praying.

01:48 (Sensor): This is definitely it, this is their force. Praying? I mean, seriously, that’s what they do.
(MC): They’re gonna do something nefarious.

01:50 (MC): Adolescent near the rear of the SUV.
(Sensor): Well, teenagers can fight.
(MC): Pick up a weapon and you’re a combatant, it’s how that works.

03:17 (Unknown): what’s the master plan fellas?
(Pilot): I don’t know, hope we get to shoot the truck with all the dudes in it
(Sensor): yea

04:06 (Pilot): As far as a weapons attack brief goes, man, we’re probably going to be chasing dudes scrambling in the open, uh, when it goes down, don’t worry about any guidance from me or from JAGUAR, just follow what makes the most sense to you. Stay with whoever you think gives us the best chance to shoot um at them. And I’m with you on that. So, I’ll brief you up on the launch profile, we’ll hit a weapons attack brief when we know what we’re going to shoot.
[CLASSIFIED]

04:07 (Pilot): yeah, sounds good. When it all comes down, if everybody is running in their separate direction, I don’t care if you just follow one guy, you know like whatever you decide to do I’m with you on it.
(Sensor): Roger
(Pilot): As long as you keep somebody that we can shoot in the field of view I’m happy.

04:13  (Bam Bam 41): Bam Bam 41 will be uh turning in to engage, will call back with the BDA

04:16  (Sensor): Roger. And, oh … and there it goes!

04:16  (Sensor): Have another guy … did they get him too? Yep.
(Pilot): They took the first and uh the last out. They’re going to come back around

04:17  (Sensor): Looks like they’re surrendering. They’re not running

04:18  (Sensor): That guy’s laid down? They’re not running.
(Safety Observer): Dude, this is weird
(Sensor) They’re just walking away

04:18  (Safety Observer): You want to see if there’s anybody at the back? By that third wreck
(Sensor): A couple – two or three. Yeah, they’re just chilling
(Pilot): Zoom in on that for a second for me. The third one.
(Sensor): The third one?
(Pilot): Yeah. Did they blow that up? They did, right?
(Safety Observer): They did, yeah
(Sensor): No they didn’t
(Pilot): They didn’t
(Sensor): They didn’t. No, they’re just out there
(Pilot): Yeah, that thing looks destroyed, though, doesn’t it?
(Safety Observer): Yeah, they hit it. There’s some smoke
(Sensor): They hit it. You [unintelligible] … These guys are just …

[rocket attack on middle vehicle]
(Unknown): Oh!

04:19  (Pilot): Holy [expletive deleted]
(Sensor): I don’t know about this. This is weird.

04:22  (Sensor): PID weapons, I don’t see any …
(Safety Observer): Got something shiny on the one at the right
(Sensor): Right. That’s weird
(Pilot): Can’t tell what the [expletive deleted] they’re doing

04:23  (Sensor): Probably wondering what happened
(Safety Observer): There’s one more to the left of the screen
(Sensor): Yeah, I see them
(Safety Observer): Are they wearing burqas?
(Sensor): That’s what it looks like
(Pilot): They were all PIDed as males, though. No females in the group
(Sensor): That guy looks like he’s wearing jewelry and stuff like a girl, but he ain’t … if he’s a girl, he’s a big one

04:36  (Sensor): But if we got guys coming in the area we definitely need to PID any weapons.
  (MC): Is that two? One guy’s tending the other guy?
  (Safety Observer): Looks like it.
  (Sensor): Looks like it, yeah.
  (MC): Self-Aid Buddy Care to the rescue.
  (Safety Observer): I forget, how do you treat a sucking gut wound?
  (Sensor): Don’t push it back in. Wrap it in a towel. That’ll work.

04:40  (Sensor): What are those? They were in the middle vehicle.
  (MC): Women and children.
  (Sensor): Looks like a kid.
  (Safety Observer): Yeah. The one waving the flag.

04:42  (Safety Observer): I’d tell him they’re waving their…
04:43  (Sensor): Yeah, at this point I wouldn’t…I personally wouldn’t be comfortable shooting at these people.
  (MC): No.97

General McChrystal called an Informal Investigation after civilian casualties were finally confirmed. The resultant report condemned the “unprofessional and inaccurate reporting of the Predator crew.”98 But finding responsibility for this injustice in the ‘unprofessional’ conduct of a few individuals obscures the apparatuses and technologies that produced that effect/affect, and it hastens to forget the dozens of other entities with at least partial oversight over the operation. And it is precisely this multiplicity of

97 The full transcript, acquired by journalist David S. Cloud, is available here, and is well worth the read: http://documents.latimes.com/transcript-of-drone-attack/.
spectators, the plenitude of eyes that should be most striking: how so many could see so much and understand so little. Unprecedented access to the battlefield and lines of communication have only multiplied our uncertainty. As Derek Gregory concludes: “the contemporary ‘fog of war’ may be as much the result of too much information as too little.”

Infinite Rashōmon

Very suddenly, it seems, drones have cropped up all around us. We are surrounded. Already by the moment of critical reflection, drones have so permeated our world that they could not be stuffed back into the Box even if we could muster the strength. But that won’t stop us from trying. As Elon Musk scrambles to forestall the press of the singularity, a queer coalition arisen to gouge out the eyes in the sky. A rising insurgency against Argus’s gaze and a need-to-be-seen greater than the drone’s capacity to watch. When North Dakota Republican Rep. Rick Becker authored HB 1328 – which requires police have a warrant before initiating drone surveillance on a property – he carried the flag of Kentucky’s William Merideth, the modern folk hero self-dubbed “drone slayer.” Merideth shot a private drone out of the sky over his property with a shotgun loaded with No. 8 birdshot. He claimed it was spying on his teenage daughter, who was sunbathing. He was cleared of wrongdoing by a Bullitt County district judge in

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100 The bill’s aims were subverted by lobbying from the state’s police union, who changed the prohibition the bill also carried against drone-borne weapons to one blocking the use of only lethal ones. There has been much to-do about this bill, which constitutes the first explicit permission of armed drones in the United States, but it ultimately means little; in its absence, police assume de facto permission. In such cases, law defines what the general populace can do and what agents of the state cannot.
October of 2015, though the FAA has since claimed such acts violate a federal law against damaging aircraft—precisely the crime Chris Burden, safely wrapped in the protective blanket of art, was never charged with. It seeks to protect from Merideth and those like him the Google Glassholes, the Silicon Valley scum off shift at Burning Man who demand increasingly greater access to the world, to anything and to everything, all in the name of consumption. Civil war indeed! Alongside Merideth and the patriarchs of home, man’s castle, we find other oddities: Dos Gringos, the fighter pilot duet whose “Predator Eulogy” celebrated every drone shot down in a battle against the bureaucratization of even warfare; Larry Breaux, author of several failed Kickstarters whose desire to be seen was beyond the capacity of the vast internet. He enacted his own watchedness in a desperate ploy to produce it, shooting down his own drone over his Santa Clarita home.

But drones represent merely the military wing of a grand project long in the making. While the proliferation of logistics and consumer drones promises to bring these particularities ‘home,’ the tech sector has already far surpassed their accomplishments through a model that amounts to opt-in surveillance. The networks that collectively comprise what we now refer to as Big Data have exploded since the open release of Facebook in 2006. The premise behind Facebook is simple: provide users with a platform

103 Indeed, consumer drones in particular will contribute to the surveillance net under this aegis.
on which to share the details of their lives. It turns out that in our increasingly isolated lives (is Facebook a cause or an effect?), this is adequately appealing for over 1.7 billion users (as of Q2 2016) to freely give away some remarkably personal details – and tie them, by and large, to their government name.104

This information is all collected, collated, packaged, and sold, mostly to advertisers, who are hungry for anything that can help them offer the illusion of more ‘bang for one’s buck,’ so to speak. Despite the dubiousness of advertising’s efficacy, global spending thereupon ran up to some 546 billion USD globally in 2014, and the targeted advertisements that all this data collection has enabled are the latest trend in the industry.105 Countless other services have followed Facebook’s model to one extent or another in the decade since its emergence and almost immediate success. Who knew that all that Cold War paranoia vis-à-vis surveillance would resolve into such an eagerness for someone – anyone – to listen?

And it isn’t just advertisers who are listening. The global intelligence ‘community’ has pounced on the opportunities presented by digital data collection, led with typical enthusiasm by the United States. The secrecy these crusades were conducted in, typical of U.S. intelligence since Vietnam, was met by a generation of whistleblowers inside the establishment, however. WikiLeaks, a journalistic organization that I imagine

104 “Number of monthly active Facebook users worldwide as of 2nd quarter 2016 (in millions),” statista, http://www.statista.com/statistics/264810/number-of-monthly-active-facebook-users-worldwide/. Indeed, the central aim of Google+ as laid bare by Erik Schmidt, former CEO, was to enforce a real names policy, one that would tie every user’s online identity to their physical, policeable one.
needs no introduction, attracted the likes of Edward Snowden, now something of an international fugitive, and Chelsea Manning, now rotting in a military prison in Fort Leavenworth, Kansas. The documents that they and many like them disclosed thrust agencies like the National Security Agency into the light and revealed a web of surveillance of unspeakable grandeur.

The project is an archive, a map of human language so vast that it corresponds point for point with the lived existence of communication. It calls to mind the great map of the Cartographers of Borges’s fictional Empire, a project so ambitious that it defeats any possibility of its own intended utility. Interpretation of such data is made impossible by its sheer volume. In March of 2014, it was revealed that the NSA captured nearly every “email, text message and phone-location signal” in Iraq and made available those details in “real-time.” According to WikiLeaks documents, it was at the time one of six such countries, a figure secret to the public since. It records and stores the computer metadata of unknown multitudes for a year – and this according to documents released in 2013.

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106 After a suicide attempt on 5 July, 2016, Manning was threatened with indefinite solitary confinement, which as of the time of this writing she may still serve. She was sentenced in 2013 to 35 years in prison with a potential for parole after 8 years. Nicky Woolf, “Chelsea Manning faces solitary confinement after suicide attempt,” The Guardian, 29 July 2016, https://www.theguardian.com/us-news/2016/jul/28/chelsea-manning-suicide-attempt-military-charges-wikileaks.


Probably the most high profile of the NSA’s data traps is PRISM,\(^{109}\) which boasts data collection “directly from the servers” of nine major internet companies.\(^{110}\) These disclosures came in the form of an internal slide presentation – one of distinctly bureaucratic design quality – leaked by Edward Snowden in 2013. The companies listed include Microsoft, Google, Apple, Facebook, and Skype most prominently, and the presentation describes access to e-mail, chat (“video, voice”), photos, stored data, VoIP, and so forth, the most important member of that list perhaps being the sole bolded entry: special requests. The companies involved raced to outperform each other’s ignorance of the program’s existence, let alone complicity in its execution.

The newest potential entry to this field is somewhat out of key, and perhaps even surprising, if our present generation retains such a capacity. The rapid rise to ubiquity of Niantic Labs’s alternate reality game Pokémon Go has raised concerns among more paranoid parties that it is, in fact, a “government surveillance psyop conspiracy.”\(^{111}\) These concerns might strike us as trivial or even tragicomic, but is some degree of paranoia not, perhaps, justified? After all, blanket surveillance is the *modus operandi* of United States

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\(^{109}\) It is one of many, of course; other notable entries include XKeyscore, Pinwale, DISHFIRE, MYSTIC, and Fairview.

\(^{110}\) For journalistic commentary, see Glenn Greenwald and Ewen MacAskill, “NSA Prism program taps in to user data of Apple, Google, and others,” *The Guardian*, 7 June 2013, https://www.theguardian.com/world/2013/jun/06/us-tech-giants-nsa-data. For the slides themselves, see the following link: https://nsa.gov1.info/dni/prism.html.

\(^{111}\) Ashley Feinberg, “Pokémon Go Is a Government Surveillance Psyop Conspiracy,” *Gawker*, 11 July 2016, http://blackbag.gawker.com/pokemon-go-is-a-government-surveillance-psyop-conspirac-1783461240. While this headline achieves a particular effect, it’s worth noting that many more moderate, or at least moderated, voices have also sounded these concerns, and they have found resonance outside of the usual conspiracy theory circles. Oliver Stone, for one, has made similar claims (at Comic-Con, of all places!). See Kyle Buchanan’s 21 July 2016 article in *Vulture* for quotes and context: http://www.vulture.com/2016/07/oliver-stone-pokemon-go-is-totalitarianism.html.
intelligence agencies, domestically and abroad, in peace and in war. And due to the neoliberal turn that has struck even that most sacred service of the capitalist government, intelligence and policing, this net is comprised nigh-exclusively of consumer technologies. It isn’t about hiding bugs in individual phones anymore, it’s about a series of agreements with hardware manufacturers and service providers that guarantee that not only is the bug an integral component of the phone’s design, the phone lines themselves are open to monitoring. Pokémon Go, in particular, presents opportunities for data mining. The application requires: firstly, access to the user’s location, via both network and phone GPS; secondly, access to the phone’s camera; thirdly, access to the user’s email account and contacts; fourthly, read, modify, and delete access to USB storage, all in one neat package.

Smartphone enthusiasts will note that while the degree of access that Pokémon Go demands (of which the above is not an exhaustive description) is exceptional, it is not unheard of. The application’s privacy policy offers considerably more fodder for our paranoia, however. As of the time of this writing, sections d. and e. under part 3, INFORMATION THAT WE SHARE WITH THIRD PARTIES, read as follows:

d. Information Disclosed in Connection with Business Transactions.
Information that we collect from our users, including PII (personally identifiable information), is considered to be a business asset. Thus, if we are acquired by a

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112 As though such a distinction is even possible anymore! Gregory calls it “the everywhere war.” We may as like call it the forever war; we are all – here, there, now, and always – at war. Or at the very least in war. The War on Drugs, the War on Terror, the amorphous and unending wars against invisible and barely-articulated enemies, or against ideologies and belief systems, some fabricated, or against entire sectors of any given population for reasons no one can really agree on, or against illiteracy, or whatever. But these wars, their unintelligibility aside, are very real, as are their casualties.

113 I’m referring again to Prism, and I’d be remiss if I did not again note that many companies known to be involved with – or victim to – that project deny any knowledge or involvement. I do not find this believable, but who’s to say?
third party as a result of a transaction such as a merger, acquisition, or asset sale
or if our assets are acquired by a third party in the event we go out of business or
enter bankruptcy, some or all of our assets, including your (or your authorized
child’s) PII, may be disclosed or transferred to a third party acquirer in connection
with the transaction. In the event of such a transaction, we will give you notice of
the transaction and the opportunity for a period of 30 days to refuse disclosure or
transfer of your (or your authorized child’s) PII to the third party acquirer in
connection with the transaction.
e. Information Disclosed for Our Protection and the Protection of Others.
We cooperate with government and law enforcement officials or private parties to
enforce and comply with the law. We may disclose any information about you (or
your authorized child) that is in our possession or control to government or law
enforcement officials or private parties as we, in our sole discretion, believe
necessary or appropriate: (a) to respond to claims, legal process (including
subpoenas); (b) to protect our property, rights, and safety and the property, rights,
and safety of a third party or the public in general; and © (sic) to identify and stop
any activity that we consider illegal, unethical, or legally actionable activity.114

These are exceptional conditions to find in writing, but rather than make sweeping claims
about their Orwellian potential for abuse, I should prefer to point out that while extreme,
these conditions are perfectly in line with the practices of the rest of the tech industry.
Facebook, beloved pillar of our social lives, has behaved in accordance with such policies
for years, though their own policy on cooperation with government and law enforcement
agencies is hidden away in the help center rather than announced in their privacy policy
(itself more nested and less legible than Niantic’s straightforward document). What does
Facebook send to any law enforcement agency or judge who asks nicely enough? In
short: everything.115 All of the publically available information on a user’s activity, neatly
packaged, with the happy additions of private message history, untagged or deleted

114 Niantic Labs, Pokémon GO Privacy Policy, updated 1 July 2016,
115 Carly Carioli, “When the cops subpoena your Facebook information, here’s what Facebook sends the
cops,” The Phoenix, 6 April 2012, http://blog.thephoenix.com/BLOGS/phlog/archive/2012/04/06/when-
images, even what pages the user has viewed and when. Google, too, has a long history of cooperating with the police. What all this amounts to is: Pokémon Go’s privacy policy merely makes explicit – indeed proudly proclaims! – Niantic’s willingness to engage in what we have already long considered abuses of our privacy well-documented among other companies and services.

Paranoia surrounding the ARG only reaches a boiling point when one inspects its developer, however. Niantic Labs was an internal startup at Google – now independent – whose current CEO and founder is a man named John Hanke. Hanke is a former US State Department employee who has since become a remarkably successful tech entrepreneur. Before Niantic Labs, Hanke’s project had been Keyhole, Inc., the company whose technology would become Google Earth after its acquisition by the tech giant in 2004. Hanke stayed on in Google as a project lead for Earth, Maps, Street View, and other, related programs.116 During this time, Google took a more than passing interest in global geopolitics, as possible non-person and subject of at least one conspiracy theory Tony Cartalucci reminds us.117 Google Maps actively worked to support U.S.-friendly rebellions around the world, if only immaterially. The tech giant changed names of important streets, parks, squares, and other contested spaces from their government monikers to those favorable to protesters, from Syria to Libya – a sort of cultural-

117 Tony Cartalucci, “The Developer Behind Latest Augmented Reality Craze,” Land Destroyer, 18 July 2016, http://landdestroyer.blogspot.co.uk/2016/07/the-developer-behind-latest-augmented.html. Cartalucci is an odd figure, to say the least, and I’ll let readers do their own research into his trustworthiness. It’s worth poking at/around his online persona, even if you come away knowing less than you did before.
cartographic warfare. This was surely, Cartalucci alleges, at the U.S. State Department’s behest, making Hanke’s presence on that specific project all the more conspicuous.

But what does this amount to? Is Pokémon Go a “government psyop surveillance conspiracy?” More importantly: does it even matter? Pokémon Go will have faded from popularity by the time of this publication, gone like the internet phenomena of yesteryear.\(^{118}\) We can hopefully draw some amusement from the image of government operatives dropping Pokémon lures at surveillance sites while a crack team of camera operators monitor the feeds of the Pokémon trainers inexorably drawn to the hotspot, the cameras’ positions and angles entirely beyond the surveillers’ control as their owners search frantically for imaginary creatures with names like ‘Lickitung.’ This allegation has been made and indeed taken plenty seriously – at the height of the game’s popularity, Iran has banned the game on these grounds,\(^ {119}\) Kuwait has enacted a partial ban,\(^ {120}\) and rumors abounded that Putin would do the same in Russia. But outside of concerns regarding the allocation of one’s tax dollars, does it actually matter whether this has or will happen? Is it not sufficient that this possibility is well within the realm of the believable? That such accusations have only been made because it is representative of the current order? Surveillance is so interwoven into the fabric of our lives that it becomes difficult \textit{not} to imagine a smartphone-based Pokémon game as a vast data scoop in which

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\(^{118}\) And if anyone reads this two years from now, they might not remember it at all. Tears in the rain and so forth.


elements of the United States intelligence community have conspired with tech
entrepreneurs to produce willing and, indeed, enthusiastic buy-in. This should all sound
familiar. This is already the business model of many of the giants of social media, not
least among them Facebook, and WikiLeaks documents have long since established that
the only difference between this conspiracy theory and that historical fact (whimsical
creatures aside) is that Facebook, et. al.’s contracts with the NSA postdate the market
confirmation of their model’s success.

Now consider what will happen when drones become as ubiquitous as cell
phones. For this is certainly in our very near future, if Amazon or any of the other
logistics giants currently pursuing that technology’s implementation have their way. Cops
have already adopted them, and various state and governmental organizations are
frantically trying to control the consumer drones now flying into protected airspace,
eliciting ballistic responses from privacy-minded homeowners and cocking up
firefighting efforts with what amounts to a cyborgian form of rubbernecking. What
becomes of ‘privacy’ when the cops expand their armadas, and then still further with
agreements with Amazon and company? If Alphonse Bertillon struggled to produce a
workable police archive of identification photos – mugshots – then whole new
dimensions will have to be invented to permit even temporary archivization along the
lines proposed by current vectors of expansion; though his own problems vis-à-vis
classification have been eradicated by technological and scientific advancements, namely
the reification of identity embodied in the United States Social Security Service of X-
*Files* fame, the fundamental problem of the archive remains: the problem of bulk. “It
goes for nothing that in the past ten years the Paris police have collected more than
100,000 photographs. Does the reader believe it practicable to compare successively each
of these with each one of the 100 individuals who are arrested daily in Paris?“121 The
NSA is already confined to keeping much of the data it so assiduously gathers for merely
a month; among the information lost after so short a time are audio records of “virtually
every cell phone conversation on the island nation of the Bahamas.”122 The cost of
storage alone is enormous, while the (labor) cost of processing that information is simply
untenable. Though the relationship between appetite and digestive efficacy is, we might
suppose, dialectical, the gluttony of the police for information has remained from
Bertillon utterly unhinged from any practical reality. Perhaps they, too, have fallen victim
to Hal Foster’s ‘archival impulse,’ scrambling in their own queer way to find a utopia in
memories of the world, a world in memories. The truest reactionaries, finally building a
world intelligible and within their control from their stolen documents of our physical,
shared one.

Multiplying access to reality has, it seems, not promoted a coalescence into a
single clear vision of such but rather multiplied visions of it.

in Sekula, 26.
122 Ryan Devereaux, Glenn Greenwald, and Laura Poitras, “Data Pirates of the Carribean,” The Intercept,
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