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By Kate Rich

It's not just the founders of hippy communes or artists like Amy Balkin who are looking for 'a breathing space from the State' in which to experiment with freedom and free-time. Big IT companies like Google apparently share their ideals. With a commitment to 'me time', the production of 'universal access', and (energy) sovereignty, corporates are leveraging the dream of the commons

Public Domain

This is the Public Domain is a real-estate undertaking by San Francisco artist Amy Balkin: the attempt to create a permanent, international commons on American soil, free to everyone in the world to access, use and modify, in perpetuity. Land shared by anyone who chooses to participate. In order to take this proposition off the high prairie of pure speculation and confront the infrastructural issues it raises head on, a piece of land was purchased by the artist in 2003. The land was visited, documented and, at the time of writing, is in holding for the legal process to transfer perpetual ownership to all humans. An ambitious task, strategies for which are published on the project website [www.thisisthepublicdomain.org]. It is interesting to consider *Public Domain* in the light of a couple of other property developments that sprang from the fertile northern California soil.

Google Land

In 2006 Google, a California-based company, quietly went and bought a 35 acre chunk of former farmland in the Dalles, Oregon, an industrial and agricultural outpost 80 miles east of Portland. Google will not speak on record, but general understanding has it that the land will be used to site a data centre (server farm). Local amenities include various coffee houses and an array of recreational facilities such as kayaking in the cool Colorado River.

To trace the lovable search giant back to its roots, Google came to be in a landscape orientated around kinship networks, the close-knit corporate community of Silicon Valley, CA. The company was incorporated there in 1998 in the gift-ecology of a friend's garage in Menlo Park, out of whose humble dimensions it burst forth like Tetsuo to occupy its current HQ – the Googleplex corporate campus in nearby Mountain View.¹

The Oregon acquisition sees Google expand into territory unlinked by kith or kin. The Dalles is previously only famed for the first 20th century bio-terrorist attack in the USA. In 1984 followers of the Bhagwan Shree Rajneesh cult attempted to control a local election by infecting 10 restaurant salad bars with salmonella and according to some sources locals from the area are famously hostile to incoming Californians. However, as well as the ample sporting opportunities to keep Google engineers tired yet happy, the location is noted for a steady excess of cheap, local electricity in the form of bulk-buy hydro-electric power from the town's own dam; and lashings of fibre optics brought to the area by a forward thinking councillor. Overall, a grounded ecological land move, indicating that in its attention to self-sustainability and energy security, Google may be well ahead of the pack.²

Just like Google, *Public Domain* found itself guided to land in a location which makes little sense in terms of neighbourliness. A limited acquisition budget (and staff) made for a purchase in landscape of least use-value and hence real-estate resistance. 2.5 acres in Antelope Valley in the California High Desert 125 miles east of Los Angeles was purchased by Balkin via public internet auction in 2003. The site can be seen as a pure distillation of land as commodity – the grid-like layout of property lines in the California desert clearly not attenuated to any coordinates of ecology or use, an artefact of pure

speculation. The land is fully landlocked: no public roads access it, there are no antelopes, and its survivalist potential even on a day trip is minimal (low scrub, snakes, 40+ mph winds, desert temperatures, no water). The local sports opportunities are hard to interpret. However the point is not what the land has, but what it can act as.

Public Domain is conceived as ‘breathing space from the state’. A place that you can’t be hounded off of, like public parks where you often have to pay or there are drastic time and behavioural limits on use – for example, subsistence of any kind. It is ironic that this breathing space should, in this first attempt to materialise it, be functionally blocked by the Tehachapi wind farm (the world’s second largest!) that surrounds the Public Domain land on all sides, in its awesome toil of commodifying the air’s movements.³ The concept of open land as refuge from the law was inspired in part by another Bay Area landholder, Morningstar Ranch.

Open Land

Morningstar Ranch was established by comedian-academic Lou Gottlieb who set up a hippy commune in Marin County near San Francisco in the 1960s. In 1969, facing a state-ordered injunction against letting people live on his 31 acre holding, Gottlieb signed over the title of the property to God. When taken to court in 1971 for running an ‘organised camp’, he embarked on an attempted defence of his constitutional right to deed his land to God (which failed, although interestingly).⁴ Lou Gottlieb described Morningstar as a pilot study in survival for a time when leisure is compulsory.

Google as Organised Camp

The affinities between Morningstar and Google are uncanny. Both emerged from the verdant San Francisco hinterlands, and are characterised by their experimental tendencies. At Google, a culture of campus fun reigns, with free snacks and 20 percent ‘me time’, in which all Google engineers are encouraged to spend 20 percent of their work time on projects that interest them, which interestingly seems to be inventing new Google products such as Gmail. It’s not unlike the production ethos of free/libre and open source software (powered by social recognition and the curiosity for creation), although underwritten in Google’s case by the heavy collateral of salaries, stock options, and an increasing amount of infrastructural resources.

Like many a California collective, Google’s corporate philosophy is littered, throw pillow like, with many casual principles, for example, ‘You can make money without doing evil.’ Their Mountain View HQ is also decorated with lava lamps, exercise balls, washer-dryers, video games and snack rooms stocked with various cereals, yoghurt, gummy bears, toffees, cashews. Founder Larry Page said in an interview with *Playboy* magazine, ‘We think a lot about how to maintain our culture and the fun elements, we think it’s important to have a high density of people. People are packed together everywhere. We all share offices.’ Google’s ‘about’ page confirms this, adding that high-density offices is a great way to save on heating bills.

A search for more energy issues on Google Blog (‘googler insights into product and technology news and our culture’) reveals that Google is planning to install solar panels to decorate the outside of its Mountain View HQ; although a Google Blog search on the Dalles comes back empty. Home grown Dalles online chatter yields more background info, like that the combination of the Dalles Dam (a 1.8 million kilowatt generating facility), and the Columbia River’s cooling capacity, has long attracted mega-energy users such as aluminium smelters to the region.

The Searing Heat of Data

In fact, Yahoo, Google, and Microsoft are all building new data centres in Oregon and Washington, near hydroelectric power plants selling cheap electricity. With the vast concentration of energy needed to run the megaservers – and equal and opposite megawattage needed to remove the excess heat – power and cooling have surfaced as critical issues in the expansion of global IT.⁵

On Blogger.com, another service owned and operated by Google, the typically taciturn search engine let slip, in March 2005, that ‘New machines are not an issue because here at Google we can add them quite smoothly as needed. The real issue is power – actual electricity, if you can believe it’. Further delving finds the company browsing for more land in South Carolina: 520 acres purchased from the state electricity company at Goose Creek; 466 acres with their own electrical substations near Blythewood; 300 acres of wetlands close to a nuclear power station in Columbia. Perhaps Google is bunkering down for some kind of mini-apocalypse where power supply will be intermittent, parochial, fraught; but where being the world’s search engine will still be super-lucrative and handy.

Something for Everyone

Google’s mission statement is ‘to organise the world’s information and make it universally accessible and useful’.⁶ Universal access and use is just what *Public Domain* has in mind. The artist has proposed a number of possible strategies to enact this, such as creating a public land trust to protect endangered forms of social space and donating the land to it (a real property law based strategy); or via a Public Domain Sharing Licence adapted from the Free Software Foundation’s GNU GPL (a copyright law bending approach).⁷ This license is designed to guarantee your freedom to share land (that you receive directions to the land, that you can occupy or modify the land) and forbids you to deny these rights to others.

In transplanting open source principles to the great outdoors, *Public Domain* highlights an action-gap of Evil Knievel proportions between current discourses around digital and material rights – in particular the broad non-transference of popular interest in implementing an information or knowledge commons, onto the more tufty surface of common ground.⁸

Transfer of protocols across the immaterial-material border can be tricky. Richard Stallman, author of the GNU GPL, claims to be against appropriation of the GPL for other things, insisting that the licence doesn’t make sense beyond software.⁹ Stallman argues that the GPL is based on copyright law and as physical objects don’t have source code or copiers for them, the ‘four freedoms’ of free software (freedom of use; freedom to study how it works and adapt it; freedom to redistribute it; and freedom to make and publish improvements) don’t apply. This raises rapid questions about 3D printers (which enable the automatic construction, reproduction and transmission of physical objects using solid freeform fabrication over data networks), and further the problem of securing software freedoms without acknowledging computer hardware. Without the same ferocity and community safeguarding the infrastructure and knowledge around material resources (circuits, minerals, electricity), the free software utopia might cease to have anything to run on.¹⁰

Back to the Land

At a recent panel discussion organised by Amy Balkin in San Francisco to explore how common land can be created and safeguarded, Ramon Sender, one of the original Morningstar ranchers and the custodian of its archives noted that emparkment (national parks) makes land public thereby criminalising communities who had derived their subsistence from it.¹¹ He positioned open land as a critique of private property and the extinction of use rights inherent in state-owned public land.¹²

Balkin herself found it more poignantly oppressive that the actual borders of the windfarm, while creating immediate physical and legal barriers to land access and use, are lesser impediments to total access and use than the physically more remote borders of the State. However to say that *Public Domain* will fail due to the world's people not having access to Antelope Valley is beside the point. To continue the analogy with free software, it is the *use* of free software (or open land) that activates the rights attached to it – the conditionality of *being there* is built-in.

Meanwhile, self-searching Google for more on Google Dalles, results bring up not a lot: one *New York Times* story from June 2006; a few derivative stories; and some others about being unable to file a story because Google wouldn't provide any information, and some blog chatter about all this. The most recent material is from the jobs section: 'Hardware Operations Team Manager – The Dalles. Solid understanding of supporting infrastructure for server and network gear, such as but not limited to, power and cooling requirements.' As well as, 'Technicians – The Dalles. Excellent understanding of Computer Room Air Conditioners (CRAC units), HVAC, Uninterruptible Power Supply (UPS), cooling and ventilating data, humidification/dehumidification, chillers' plus 'Temps with Linux knowledge, ability to work on ladders or under raised floor as needed and ability to lift/move up to 40 lbs equipment on a daily basis.'

Energy, Security and Space For All

Patri Friedman, a current Google employee, probably in his 'me time' writes of himself in his bio: 'Having investigated the various options, he's decided that floating cities are the most realistic path towards true liberty. He believes that sea and space will be conducive to liberty, and is writing a book about Seasteading, or homesteading the high seas.'¹³ Although that idiot savant Hollywood has already captured all these libertarian, extra-terrestrial escapist themes in 2007's *Astronaut Farmer*, where another mad rancher Charles Farmer builds a rocket in his barn and intends to send himself into space. When he buys a bunch of rocket fuel, the FBI finds out and threatens a loan foreclosure on his ranch, Farmer fights back: 'if we don't have our dreams, we have nothing.' If Google can see the importance of sorting out the physical as well as the infrastructural, where does this leave the rest of us dreamers? Back on the ground, *Public Domain* continues its search for real-world frameworks to implement a legal solution for sharing the land. Juridicial expertise and precedents welcomed.

Footnotes

1

The Bureau of Inverse Technology's bit plane flew over and photographed this and many other seminal garages, including Hewlett Packard's birth garage, in its pioneering aerial sortie over Silicon Valley real estate in 1998. <http://bureauit.org/plane>

2

Although most of this is highly speculative, this reporter, not having the resources to physically get to Oregon, and with Google's policy of not answering questions, information is largely gathered from Google through searching on Google.

3

Commodifying the air is also of interest to Amy Balkin in her Public Smog project which constructs an international clean air park in the atmosphere via buying carbon offsets and retiring them from the emissions market, thereby making them inaccessible to polluting industries. <http://www.publicsmog.org>

4

The court case was recently re-encated in San Francisco from original transcripts, details at <http://uo.twentiethcentury.com/index.php/FacultyReenactment>. More on Morningstar Ranch at http://www.diggers.org/home_free.htm

5

<http://www.opensparc.net/news/2007-02/union-tribune-going-green-at-your-data-center-building.html>
Artist Heath Bunting's project Computer Dried Fruit deals with similar core issues.

6

Google founders Sergey Brin and Larry Page explain in a letter to Wall Street 'Searching and organizing all the world's information is an unusually important task that should be carried out by a company that is trustworthy and interested in the public good.'

7

A widely-used free software licence, more at <http://www.gnu.org/copyleft/gpl.html>

8

Eben Moglen, FSFs chief lawyer points out that the GNU GPL 'creates a contractual commons, to which anyone may add but from which no one may subtract.' Which neatly reverses the common land problem with endless legal variations for subtracting land from common ownership, but few means by which to restore it. http://emoglen.law.columbia.edu/my_pubs/anarchism.html

9

Cube-Cola has been developing, modifying and distributing a physical cola drink from an open source recipe at the Cube Microplex Bristol, since 2004. <http://sparror.cubecinema.com/cube/cola>

10

See HowStuffIsMade (a visual encyclopaedia that documents the manufacturing processes, labour conditions and environmental impacts involved in the production of contemporary products, [<http://xdesign.ucsd.edu/howstuffismade>]), Instructables.com (step-by-step instructions for making things you never knew you wanted, [<http://www.instructables.com>]), Materials & Applications (a research centre dedicated to pushing new and underused ideas for landscape and architecture into view, [<http://www.emanate.org>]) and NASA (we explore and discover, [<http://www.nasa.gov>]) for rare exceptions to the highly proprietary culture of fields such as industrial design, engineering and architecture.

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This panel was part of the Wattis Institute's exhibition Radical Software, curated by Will Bradley, <http://www.wattis.org/exhibitions/2006/software>

12

<http://www.raysender.com/morningstar.html>

13

<http://seastead.org>

Thank you for sharing: research and advice from Amy Balkin, Jenna Didier, Oliver Hess, Lucia Sanroman and Josephine Berry Slater

Biog

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