

## ANALYSIS OF THREE EVENTS

The forcible denial of my right to proceed with my ideas, whether by Exxonmobil in 2000, or by Emschergenossenschaft at the behest of Fraunhofer Institute in 2009, or by the BND regarding our Chernobyl investigation in 1986,

results from a misunderstanding of the new concepts with which I have worked. Such is normal with the "new" that is art.

The misunderstanding has led, in each case, to a denial of, or revocation of, the property rights of me and my colleagues.

In the Exxonmobil case, the right was to pursue a research project with a grant from the Lilly Foundation, for \$2 million. The research was for sustainable removal of hydraulic and biological vigor within catchments. Exxonmobil thought I was trying to find a new source of energy, and they acted preemptively, not unlike a Mafia hit squad. The action was devastating (not just to me and my colleagues, but also to the offeror; he got a heart attack). Exxonmobil did not notice that I was actually trying to find a sustainable way of working with an entire ecosystem. Exxonmobil cannot grasp this idea. We can see this with their current algae-to-energy schemes, which are commodity oriented and monocultural, not ecosystemic. Thus, a "good idea" was thwarted.

In the BND case, wherein the agents said I was "not qualified" to make analyses of satellite data which my company had purchased, they think that the issue is one of scientific credentials as mandated by politically-approved entities, like universities or the State. But for me, the issue was one of my right, and even duty, to exercise the US Constitution's Bill of Rights: namely, to act in a well-organized civilian organization to "bear arms," or military technology, as appropriate to public defense (Second Amendment), and to publish what I know, letting the public decide (First Amendment). My rights were fortified by a technical fact: any scientist or institute, or rival entity, could purchase the same satellite data and conduct similar or different algorithmic analyses, to confirm or contradict my published conclusions; whatever I did was fully open to public review and correction. This indeed occurred: the London Times article about the findings of my company was prompted by disclosures to the Times from another scientist, who purchased the same data and proved my findings to be correct. The BND did not understand my commercial and

citizen's rights, being fixated on the notion that such satellite data must be handled only by "professionals."

In the EmscherGenossenschaft case, the issue was how to efficiently harvest a wide range of biomass sources for a seasonal production of biogas, with challenges including where and how to cut, what boats to use, what wagons to use, what silage to set up, where and when to collect, and with what people, at what level of expertise, and this cluster of challenges was interpreted by Fraunhofer as chiefly a question of adapting a "mini-fermenter" designed for a very different digestion task. I had an ecosystem-wide query, involving a river basin and its dammed or stilled waters, and the scientists had—as their own report declares—a commodity query.

But with the EmscherGenossenschaft case, a much-more serious violation of rights occurred than in the other two cases.

Whereas Exxonmobil and the BND had intervened from the outside, the EmscherGenossenschaft intervened from within. I was invited to enter into a close consultation with them, and I was encouraged to give them "my best". I did. I gave them the best ideas and proposals I could muster. I poured months of time, energy, goodwill, contacts and money into the submission. I did so with the understanding that if the project were "machbar," or do-able, then I could proceed with it. But the EmscherGenossenschaft, probably most due to an administrator there, decided that any project I proposed could only be do-able by third parties, other than me, and could only be done if I had no property rights, R&D role, or other practical relation to what I proposed. From within the confidentiality of a full disclosure by me to a trusted entity, the EmscherGenossenschaft, I was to be stripped of any future role with my own ideas. If I were to proceed with the EmscherKunst show as they planned, I would not be able to ever say, to investors or buyers or the general public, that I had any property rights or reputation, any ability to do business, in what I had proposed to do.

A relation of trust, essential to conducting any project, was systematically violated. Even at the end, I was expected to have zero stake in any "Technik" that would be conducted, but then asked to spend hours in discussion, hence consultation, with one of the suppliers of equipment for the "Technik". In effect, I was asked to give away all that I know and am, assuming photo and video documentation, to a third party.

In the Emschergenossenschaft case, I was repeatedly and systematically denied any chance to continue with the work I had started to do in preparation for the EmscherKunst show.

The Emschergenossenschaft caved in to demands by the Fraunhofer Institute to let them, not the Artist, be the main Researcher, Developer and Author, together with a few local staff scientists, of what the Artist had proposed.

Damage to the Artist has probably already been done, in that now all that he had pioneered and risked his reputation to develop is being researched and developed, with deep pockets of State funding, in a way the Artist can never access.

The German Constitution may have also been violated. The Constitution, in Article 5, declares that art, like literature, journalism, scholarship, science, is "free." That is, it is not subject to State control. But what is the handing over of an Artist's initiative to a State-funded entity by another State-funded organization for the benefit and authorship rights solely of that State-funded entity and related State assignees, but a subordination of the Artist's work to State control?

In the Exxonmobil case, the artist lost a possible \$2 million, and the initiative for a project in New Zealand, as in Indiana, was lost—for about a decade.

In the BND case, the government managed to appropriate all the data tapes left in Munich, such that regaining the property purchased by the company, and then reprocessing that property to yield similar-quality images, could cost ca. 40,000 Euro.

In the Emschergenossenschaft case, the danger was that two decades of work, built on three decades of publication, always featuring the "sehr gute Idee" of harvesting waterplants, not land plants, to yield biofuels, would be permanently lost. All the public credit for such an idea would be taken from the artist, if the project went ahead as the Emschergenossenschaft planned, never to be regained.

It is commonly thought that in the 21<sup>st</sup> century we people of the civilized world would behave better than we had in previous centuries. But humanity doesn't change. The battles of the 20<sup>th</sup> century over access to petroleum will be replaced by battles in the 21<sup>st</sup>, with the same brutalities, over access to renewables.