The Strange Case of Steve Kurtz:

Critical Art Ensemble and the Price of Freedom

ROBERT HIRSCH

On the morning of May 11, 2004 Steve Kurtz, an Associate Professor of Art at the University at Buffalo (UB) and co-founder of Critical Art Ensemble (CAE), awoke in his Buffalo, New York home to discover that Hope Kurtz, his wife of 27 years and one of the original members of CAE, was not breathing. Kurtz called 911, but upon arrival the emergency medical team was not able to revive her. Because Hope's death was unexpected and she was under 50 years old the Buffalo police came to investigate. They found a table with scientific equipment in plain sight and fearing terrorism, notified the Federal Bureau of Investigation (FBI). The following day, as Kurtz was leaving home to make funeral arrangements, FBI agents arrived and detained him for extended questioning.

Kurtz's longtime friend and collaborator, Claire Pentecost, an artist, writer and associate professor at the School of the Art Institute of Chicago, arrived in Buffalo shortly thereafter to support Kurtz. Pentecost provides the following account of what happened:

> After a couple of hours of questioning, the very courteous FBI agents told Steve he could do whatever he needed to do but they were going to accompany him, so I was picked up at the airport by two FBI agents who were driving Steve around to do his errands. We were cooperative because we were both stunned by Hope's death, and we figured we had nothing to hide. Our detention lasted until the afternoon of the next day, or until finally, by way of our cell phones, we were able to get in touch with a lawyer who immediately told us that our detention was not legal and we should walk away. At this moment the FBI also informed us that we were, of course, free to go, but not to go home, because the FBI, working with Homeland Security, the Joint Task Force on Terrorism, the ATF [Bureau of Alcohol, Tobacco and Firearms], Immigration and Customs Enforcement and the Niagara County Sheriff's office, closed Steve's street with police cars, fire engines and medical emergency personnel while they sent a team of agents in hazmat suits in to search the house for biohazards.

Five days later Kurtz was able to return to his home, it having been determined that nothing there was dangerous or illegal. Nevertheless, the FBI had confiscated his scientific equipment; his computers; his notes; a shelf of books on science, epidemiology and the history of biowarfare; his passport; other personal documents and Hope's body (after two autopsies, it was determined that she had died of natural causes—heart failure).

Two weeks later, other CAE members and collaborators began receiving subpoenas to appear before a grand jury investigating Kurtz for charges related to The Biological Weapons Statute (H.R. 3162) which had been expanded by the USA PATRIOT Act, or the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act. In the name of defense against terrorism, this set of laws greatly expands the powers of the executive branch of the federal government to obtain information on citizens without notifying them. It authorizes the indefinite detention of aliens for nothing more than a visa violation and allows the FBI to obtain an individual's or business' financial, educational, library usage, retail purchase and medical records *without a warrant* [author's emphasis].

The section that appeared to be applicable to the CAE case prohibits possession of a biological agent for any purposes except "prophylactic, protective bona fide research toward educational or other peaceful purposes." The Justice Department apparently thought the equipment and research materials they confiscated from an artist were being used for something other than "research or educational purposes, something terroristic," as the new anti-terrorism laws read.

This extensive investigation resulted in both Kurtz and Dr. Bob Ferrell, a collaborator and science advisor to CAE and professor of Genetics at the University of Pittsburgh, being indicted for mail and wire fraud for obtaining a strain of bacteria commonly used in high school lab experiments and not considered physically dangerous. CAE had planned to use the bacteria in a project critiquing United States involvement

Appropriate Tools Required

JAMES RAJOTTE

"Art, Law and the PATRIOT Act," a symposium which was held at the University at Buffalo (UB) on April 13, 2005 featured a diverse, interdisciplinary panel of artists, scholars and civil rights proponents discussing the detrimental impacts of post-9/11 government security policies. Included in the discussion was UB professor and Critical Art Ensemble (CAE) co-founder Steve Kurtz, who was unable to speak about details concerning the charges brought up against him following the Federal Bureau of Investigation's (FBI) search of his home last May. The members of the panel took turns presenting their perspectives on Kurtz's situation and the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act).

First to speak was CAE co-founder Steve Barnes, who has recently been subpoenaed as a witness in the case against Kurtz. Barnes opened with a video showing Kurtz's home as the FBI had left it after their search, essentially ransacked and void of much of Kurtz's personal belongings. The presentation highlighted what the government can now legally do without notice and before obtaining a warrant under the PATRIOT Act.

Kevin Jon Heller, assistant professor of law at the University of Georgia, elaborated on the various sections of the PATRIOT Act that seem to impose on privacy and personal expression. For instance, Heller gave the example of Section 213, which states: "With respect to the issuance of any warrant or court order under this section, or any other rule of law, to search for and seize any property or material that constitutes evidence of a criminal offense in violation of the laws of the United States, any notice required, or that may be required, to be given may be delayed."

Heller's descriptions of the various sections of the PATRIOT Act were met with snickers and slow head-shaking by many of those in attendance who were collectively disgusted at how Kurtz's work with benign biological agents was seen as a threat by the government.

Phillip Thurtle, assistant professor of Sociology and Anthropology at Carleton University in Ottawa, Canada, introduced the term "Biopower." "Biopower," credited to postmodernist philosopher Michel Foucault, was brought into context by relating it to the PATRIOT Act's restriction on biological research having to be "bona fide." Thurtle pointed out that the PATRIOT Act seeks to limit "bona fide" research to companies and government-controlled organizations (i.e., universities, the military). Thus, under the PATRIOT Act, the defense of Kurtz's research is complicated by his lack of any such affiliations.

As it stands now, Kurtz is being charged with wire and mail fraud. On May 17, a judge will hear motions of dismissal by Kurtz's defense team, but coincidentally, it is the same judge that originally signed the warrant to search Kurtz's residence. CAE plans to maintain its "dedication to exploring the intersections between art, technology, radical politics and critical theory" but has no special projects planned in light of its current situation.

in germ warfare. Normally those charged with mail and wire fraud have been accused of defrauding others of money or property in telemarketing schemes.

In an 81-page legal counterattack filed on January 21, 2005, defense lawyers asked Federal District Court Judge John T. Elfvin to dismiss fraud charges against Kurtz, accusing prosecutors and federal agents of wrongly charging Kurtz, illegally questioning him and illegally searching his home after his wife's death. Paul J. Cambria, lead attorney for Kurtz said,

Panel at UB Symposium. Photograph by James Rajotte.

"We moved to have the case dismissed because, clearly, this is a real stretch by the government. There are all kinds of problems with the case, including the search of his home and the statements they took from him."

In these court papers, Cambria said federal agents unfairly tried to characterize Kurtz as a "bioterrorist" and asked the judge to dismiss the case for three key reasons:

• No actual crime was committed. "This was a small amount of harmless bacteria that was going to be used in an art exhibit to make a political point," Cambria said. "If the company that sold the bacteria feels its conditions were violated, they can sue. That doesn't make it a federal crime."

• Buffalo police and federal agents illegally searched Kurtz's home and his office computer at UB. Cambria stated there was "no probable cause" for search warrants because police had no proof any crime had been committed.

• Kurtz was questioned illegally, without being "fully advised" of his Miranda rights, by Buffalo police and the Joint Terrorism Task Force of Western New York. Kurtz's attorneys allege he was illegally "detained" for more than a day after agents came to his home, one day after his wife's death.

Prosecutors say they charged Kurtz and Ferrell because they committed mail and wire fraud, breaking regulations designed to keep bacterial agents from getting into the wrong hands. They have not yet charged either with bioterrorism.

The defense papers also provide an initial look at statements made by a Buffalo police detective and an FBI agent with the Joint Terrorism Task Force that led to the search warrant. Buffalo detective Chris Dates said police were called to the home because Hope's death "appeared suspicious." Dates said he was surprised to find "an apparent biological laboratory" in the house and questioned Kurtz about it. Dates stated that Kurtz told him he used bacteria in art shows and

it was harmless. To demonstrate, Kurtz stuck his finger into a petri dish of bacteria and licked it. Then, according to Dates, Kurtz gave him a printed invitation for an upcoming CAE exhibition at The Massachusetts Museum of Contemporary Art (MASS MoCA). FBI Agent Michael R. Hickock stated the invitation had a depiction of an automobile on it and Arabic writing referring to "a past car bombing involving 25 pounds of TNT in the country of Morocco."

Cambria said law enforcement officials used harmless remarks and events to render Kurtz as a dangerous "bioterrorist." The lawyer said Kurtz is a nonviolent person who uses his art and writings to raise vital questions about our government's actions. In addition, Cambria said the FBI tried to connect Hope's death to the bacteria her husband possessed even after "the original autopsy showed she died of natural, medical causes," Cambria said. "The FBI has just sent me a report showing they had U.S. military medical examiners review the autopsy, and they came to the same conclusion. The FBI tried to make a link between this bacteria and her death, and they fell flat."

From the project "The Society for Reproductive Anachronisms" (SRA, 1998-1999) by Critical Art Ensemble.

Officials have declined to comment on Cambria's statements regarding the death. William J. Hochul, Jr., who also prosecuted the "Lackawanna Six" case[1] said he would not discuss Cambria's charges until the government files its answers with the court. Ironically, while this was transpiring, Kurtz's probation officer recommended that his passport be returned and it was. As of this writing, and after a number of postponements, no new hearing date has been set.

Meanwhile, the legal bills for Kurtz and Ferrell are estimated at $150,000 each and mounting. A CAE Defense Fund has been set up to help pay the legal expenses. Sources close to Kurtz report it is essential to raise more money to file motions to get the case dismissed without going to trial.

The indictments against Kurtz and Ferrell last June ignited protests from artists all over the world. Protesters—including hundreds who gathered in downtown Buffalo—accused the U.S. Justice Department of unfairly targeting Kurtz because he participated in art exhibits and wrote books that criticized the government. "It's not an exaggeration to say artists all over the world are watching this case," said Chicago artist and Kurtz's friend Gregg Bordowitz. "To me, it's a test case on how far the government can go to repress artists and intellectuals."

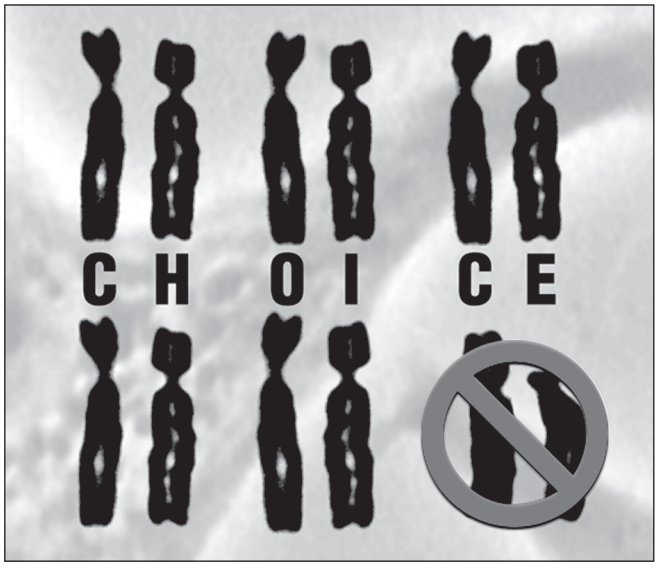
Bordowitz and Helen Molesworth, Chief Curator of Exhibitions at the Wexner Center for the Arts in Columbus, Ohio organized an art auction to benefit the CAE Defense Fund at the Paula Cooper Gallery in New York City on April 17, 2005, which included work by Chris Burden, Hans Haacke, Ann Hamilton, Barbara Kruger, Sol LeWitt, Vik Muniz, Lorna Simpson, Kiki Smith, Alexis Rockman, Richard Serra and Cindy Sherman, among many others, and raised $167,700.

On March 17, 2005, Steven Barnes, a founding member of CAE, was served a subpoena to appear before a federal grand jury in Buffalo on April 19. According to the subpoena, the FBI is once again seeking charges under Section 175 of the U.S. Biological Weapons Anti-Terrorism Act of 1989, as expanded by the USA PATRIOT Act—charges that a previous grand jury appeared to reject last summer when they handed down indictments of mail and wire fraud.

Kurtz continues to teach in the Art Department at UB, but if convicted both Kurtz and Ferrell could face up to 20 years in prison. The following dialogue was initiated the last week of November 2004 and concluded in the beginning of March 2005. On the advice of Cambria, his lawyer, Kurtz was not able to discuss any events surrounding his pending legal case.

Robert Hirsch: In relation to the 2004 presidential elections, tell us about your family.

Steve Kurtz: I grew up an only child in an upper-middle-class family mostly around the Northeast. The men of my extended family were all corporate executives and the women were all homemakers. Of course, everyone was a Republican. This has changed somewhat since my arrest. My mother voted for John Kerry, and my father abstained, claiming that "if [he] couldn't vote Republican [he] wasn't voting at all." My



From the project "Flesh Machine" (1997-1998) by Critical Art Ensemble.

generation must be a bit of a disappointment for the older generations since none of us are corporate; for the most part myself and my cousins work in social services, and all of us would rather eat ground glass than vote Republican.

RH: How did you become politicized?

SK: That was a slow process. When I was a teenager, living in Sydney, Australia, I was sent to a boys' school. This experience put a hatred of authority and institutional structure in me that still burns to this day. It was the first time I was exposed to a totalizing institution that was far worse than the violence and boredom of school that I experienced in the States. While in college at the University of North Texas in Denton (UNT) during the late 1970s and early 1980s, studying sociology and social philosophy, I learned how to articulate my anti-authoritarian tendencies. In the mid-1980s, while involved in interventionist practices with CAE I discovered my own political agency. Again, not anything special, just a textbook process of consciousness raising.

RH: How did you get involved in cultural/social issues?

SK: What shook me out of my academic slumber was the U.S. intervention in Central America and the AIDS crisis because so many friends were dying.

RH: How did you get drawn into the arts?

SK: That began in 1985. I was into my PhD in Interdisciplinary Humanities in Tallahassee, Florida and was getting more alienated by the day from abstract theoretical work. All through college most of my friends were artists. The academics were much too stiff and boring. Cultural intervention seemed like a viable way to reground myself in everyday life and politics. I was teaching film studies at the time and was interested in film/video production. This was the point that I met Steve Barnes, CAE co-founder, in a film class. From that moment, I was involved in concrete cultural practices.

RH: Did being an artist in the traditional sense have any appeal to you?

SK: No.

RH: What other people and ideas shaped your thinking?

SK: I'm not sure that CAE or myself had any unique influences. Most were the usual suspects. One of the odder ones was the Living Theater. They were really important to us in terms of understanding participation and how to blend the real and the hyperreal (symbolic realities that have no material corollary). The artists of interest were Group Material, Guerilla Art Action Group, Hans Haacke, Boal and the Feminist Art Movement (one had to be selective, but when carefully mined there is a wealth of cultural and political value to obtain from this movement). Others that were important for us were the Situationists, Felix Guattari and Antonio Negri. We liked anyone that demonstrated critique by doing. The proof of one's validity wasn't in the logic and specificity of the argument, but in the ability to produce concrete results when the theoretical principles were put into action.

RH: What made you decide to work in academia?

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From the project "The Society for Reproductive Anachronisms" (SRA, 1998-1999) by Critical Art Ensemble.

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SK: I have always been interested in pedagogy. As soon as I started as a teaching fellow in Sociology at UNT, I felt a compulsion to figure out how to be effective. The acquisition of knowledge is a pleasure whatever part one plays in the process and is one reason why open access to knowledge is being stopped as quickly as possible (as evidenced by my arrest for daring to engage amateur science). Plus the hours are good. It leaves a lot of space for cultural production that is not focused on the creation of profit.

RH: What were your first teaching positions?

SK: I worked in experimental programs at Vermont College and Goddard College in the early 1990s. I still work at Vermont College as Graduate Faculty in Art.

RH: How has academia changed?

SK: Academia is giving a greater nod to interdisciplinary studies. There seems to be a desire to offer more than specialized programs, and to investigate where disciplines intersect. The irony is that the university is still an enlightenment institution grounded in a form of knowledge management based in specialization, so it has no way to really implement this desire except in the most superficial of ways. Further, many areas, such as business, engineering, computer science and the hard sciences, are so deep into corporate and military relationships that they have had to close their doors to "outsiders" for fear of losing intellectual property. An additional consequence, intensified by budget cuts, is to create workers rather than thinkers. It's a sad time when doing is decoupled from critical thinking. Instrumentalization has intensified in most universities. So much of school is just about job training. And sadly, as with all institutions, universities are growing more conservative. Administrations are afraid of losing funders/investors, litigation of all types and political punishment. Consequently, the spectrum of research possibilities is at a low point.

RH: Do you have any problem justifying working for a university?

SK: No. As Karl Marx said, we may have a degree of autonomy in choosing where to work, but we don't have the choice not to work. That being the case, the university seemed to offer the most opportunity for me to carry on the activities that interested me the most—teaching and tactical media. It was a little harder when I taught at Carnegie Mellon University from 1994-2002. That was the university of the war machine. Its mandate seemed to be to create workers for the techno-military-industrial complex. That's one reason why I eventually left.

RH: How did CAE come into existence?

SK: I wish that there was a grand heroic story for the founding of CAE, but there isn't. We were disgruntled students who decided we needed to take control of our own education and exercise some agency within the cultural environment in which we found ourselves. The formation of CAE in 1986 was simply a response to a localized problem of cultural alienation. Typical for Tallahassee, I suppose.

RH: What is CAE's mission?

SK: The mission has always been very simple: To develop tactics and tools of resistance against the authoritarian tendencies of a given cultural situation.

RH: Why did you decide to work collaboratively?

SK: There are many reasons. One key reason was that we believed that cultural praxis was too complex for one person to do by him/herself. Idea generation, conceptualization, research, theorization, material production, administration, site scouting, cultural and social presentation, documentation and archive construction—it's too much. Moreover, no one person can be good at all these things—a division of labor was necessary. We also wanted to be able to address whatever topic we felt was important at the moment and to examine it in whatever medium or combination of media we thought was the most suitable. One person can't do all this in any kind of timely way. And finally, we were poor; we knew we had to combine resources.

RH: Who were/are CAE members?

SK: Barnes and I founded CAE in 1986. The original members also included Hope Kurtz, Dorian Burr, Claudia Bucher and George Barker. After George and Claudia left in 1988, Ricardo Dominguez and Bev Schlee joined us. Ricardo left in 1993. Dorian left in 2002.

RH: How do other CAE members support themselves?

SK: Hope was a professional editor, Dorian is a freelance photographer, Steve Barnes runs a media center at Florida

State University and Bev works in a bookbindery.

RH: How does CAE decide what project to undertake?

SK: Three factors guide this process. The first is urgency. Is the issue or situation significant enough to warrant immediate attention? The second is whether the issue or situation is underrepresented. And the third is whether we find the issue or situation personally compelling. If all three factors are there, it's likely a project is going to be done.

RH: Does CAE have any artistic or political agenda?

SK: CAE has no artistic agenda. We are not out to change the art world. Our political goals are for the most part tactical—achievable concrete goals that contribute to undermining authoritarian positions.

RH: Are the writings of Marx relevant to what CAE does?

SK: I don't know if Marx is relevant to what we do. He is relevant to the left in general as he was among the first to develop the language and identify key problems. It's impossible to understand the history and development of the left without understanding Marx.

RH: What is CAE's outlook on Western culture and capitalism?

SK: Western culture might be OK if it wasn't for capitalism. Capitalism is a vicious, inhuman project, and that is all it is.

RH: What would be a better model?

SK: I am afraid that no one I know of has come up with a viable utopian model yet. As I said, CAE is a tactical group, we don't think about strategy much. We are really in no position to do so.

RH: Describe how and why CAE uses tacticality.

SK: When one is in a marginal position, there isn't much choice about using tacticality. Without the asset of a territory to work from, strategy is off the table, and we are left only with the choice of flying under the radar, responding to specific situations. When doing tactical media we assess the situation, decide what tool is right for the job and then act. For example, we were in Adelaide, Australia, and Aboriginals wanted Victoria Square to be dual-named. The city council was sandbagging them. We suggested that we make and change the signs ourselves and not wait for the city to do it (an old, but still useful tactic). They agreed (although the process of convincing the elders was lengthy). We changed the signs.

At Critical Art Ensemble's project "Gen Terra" at the London Museum of Natural History, 2003, CAE member Steve Kurtz explains how to use the bacteria release machine to a young participant.

RH: How has being a member of CAE affected your role as a teacher?

SK: I've learned a great deal about pedagogy from my experiences with CAE. CAE allowed me to experiment more freely with efficiently relaying information in a way that ends in empowerment and pleasure for all involved in the process. Some of what I learned could be imported back into the classroom.

RH: How has CAE affected you as an artist?

SK: I don't think I am very invested in the term "artist," or if CAE's work is art or not. If someone wants to view it through that lens that is fine, but it's not necessary. I think that most of the people who aren't from the art world who see our work never for a minute perceive it as art.

RH: How do you see the role of an artist?

SK: The term covers such a multiplicity of practices and possibilities that there is no single role.

RH: Why is New Media important?

SK: It depends on what you mean by that. If you mean as a new genre of art, it's probably not that important. It's just another genre—no better, no worse than any other. If you mean the apparatus through which information is exchanged, then it's important—it's the key mechanism for building of hyperreality (meaning constellations that are accepted as real but have no material corollary). While production is significant, the real question is who/what controls distribution.

RH: How have your written "manifestos" shaped CAE's thinking?

SK: I would prefer to believe the thinking shaped the manifestos.

RH: What writing has influenced CAE's writing?

SK: In terms of style, probably modern manifestos and Paul Virilio. Virilio really showed us how to stylistically use speed in presenting complex ideas. The staircase construction has been very useful this way. The day of the theoretical tome is about over except for a select portion of academia. Theory needs to be fast to be useful. In terms of ideas, the leftist canon—Marx, Peter Kroptkin, Pierre-Joseph Proudhon, Max Stirner, Alexander Berkman, The Frankfurt School, Max Weber, Guy Debord, Michel Foucault, Felix Guattari and so on. There is another line as well such as Georges Bataille, André Breton, Jean Genet and Lautréamont.

RH: How does Virilio's invention of the term "dromology" (the logic of speed) resonate with you?

SK: It's not the term, it's the philosophy. Using speed as a lens for understanding the dynamics of culture and political economy has its virtue.

RH: Are you concerned with fascist overtones due to the linkage with [Filippo Tommaso] Marinetti and Futurism?

SK: No, speed is not an inherently fascist notion or dynamic.

RH: What key ideas in Michael Hardt's and Antonio Negri's book *Empire* (2000) are relevant to CAE?

SK: *Empire* was an interesting argument until George W. Bush got into office. Bush is a raving nationalist and a unilateralist who seems intent on bringing the U.S. back to the days of old-fashioned imperialism. The U.S. seems to be back to slicing and dicing up territories in a manner in which those who maintain military control of a territory have proprietary rights over its resources and governmental structure. This is a long way from a universal smooth space free from boundaries (at least for the commodity), controlled through interlocking markets and international interests. Hopefully, this last gasp of imperialism supported by industrial capitalism will be short-lived. It's funny to think that the sections of Empire on the early twentieth century and the rise of fascism are the most urgently applicable ones in the U.S. Hardt's question of why did America embrace the welfare state instead of fascism in the 1930s becomes much more complex. We also must wonder that if unilinear progress in the mode of production can instead have phases of retrogression is there a possibility of World War III? I think Negri is the first to admit that since the election of Bush his analysis has been seriously problematized.

RH: What do you think about globalization?

SK: I go with Negri on this one—it's better than imperialism. Is that damning with faint praise?

RH: Do you believe in originality?

SK: No, only recombination and invention.

RH: What is your position on artists who use copyrighted materials?

SK: If they need them, why not? I am no sympathizer with copyright. The privatization of culture is scandalous.

RH: How does CAE define an "intervention"?

SK: Any deliberate act outside of domestic space that is designed to disrupt, subvert or shift the material and/or the symbolic orders of the status quo.

RH: Have any CAE projects intentionally broken the law?

SK: No, we will walk up to the line, but we don't cross it. There isn't a work of art anywhere that is worth going to jail for. However, as we all know you don't have to break the law to go to jail. Just exercising one's rights is all it takes. There are plenty of laws on the books that are there so that arrest remains discretionary—creating a false public emergency for example—and it's often a way to disguise that the people being arrested are in fact political prisoners. This situation is now intensified since the rise of protofascism in the U.S. Expressing dissent will get a person arrested. We have to say no to fascism and expose the current trends for what they are. Doing so will mean people are going to have to put their bodies on the line, and be willing to go to jail.

RH: How does CAE view the relationship between art and science?

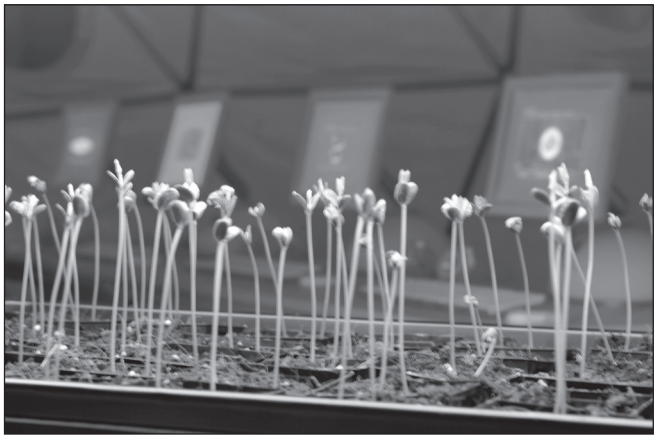
SK: Science is a great resource for us to raid and appropriate—in terms of knowledge, materials and processes—and to use in a manner that is in the "public interest."

RH: What do you consider CAE's first important project?

SK: Projects are important for different reasons. "Cultural Vaccines" (1988) was significant for CAE in that the exhibition (consisting of work around the topic of AIDS by CAE, Gran Fury, Don Moffett and Felix Gonzales Torres) led to the formation of the first ACT UP chapter in Florida. It was a meeting of cultural politics and direct action politics. Florida isn't New York in terms of receptiveness to radical culture. "Exit Culture" (1992) [which showcased videos and performances at malls, rest stops and tourist destinations on Florida's highways] was also important to CAE, as it was the first fully realized successful tactical media project.

RH: Why has CAE focused on biotechnology?

SK: It's one of our focuses. It is significant because it's a new form of colonial invasion that will have an impact on all individuals. Now capitalist power vectors can manifest themselves in the flesh of all living things. We don't know what all the consequences will be, but like all colonial endeavors, it won't be good.



Artwork from the project "Molecular Invasion" (2000) by Critical Art Ensemble.

RH: Explain the fundamental concept of CAE's book project *Electronic Civil Disobedience* (1995).

SK: Blocking access to good data through electronic means could help resistant forces gain leverage over nomadic authoritarian power vectors. Now that an "attack" on data is considered terrorism as opposed to civil disobedience, that loophole has closed.

RH: Why is distributing free publications part of CAE's strategy?

SK: Cultural products should be free and available to whoever wants them. From the position of self-interest, CAE wants people to read the texts, so we give them away to those who don't want to or can't buy the books. Moreover, the faster the texts circulate, the wider the audience, the more funds we can generate for our services.

RH: Explain the "Society for Reproductive Anachronisms" (SRA, 1998-1999) project.

SK: SRA was a spin off of the "Flesh Machine" project (1997-1998), which examined eugenics in capitalist culture. "Flesh Machine" was too big and costly to be very mobile. Only institutions with real budgets could stage it. We needed to reframe the information we had on contemporary eugenics in a manner that we could do anywhere. SRA was fast and simple.

The SRA was the opposite of the BioCom Corporation of "Flesh Machine." The SRA position was that there should never be medical intervention of any kind in reproductive process. They worked on the street setting up tables, as activists do, and provided information and services on the current state of reproductive process. Because they were so militantly embodied and sexuality positive, they were quite a popular stop, particularly on university campuses.

RH: What is CAE's position on the role of the "amateur" (non-specialist) in its "interventions?"

SK: Interdisciplinary work requires amateurism. We can't be experts in all areas, but we can be informed in many. And informed well enough that the collective opinions of amateurs should matter in the public sphere. Some of our projects are designed in part just to make this point. When we did a biochemical intervention on Monsanto's main cash product (RoundUp Ready plants)[2] in a project called "Molecular Invasion" that we installed at the Corcoran in Washington, D.C. and at World Information Organization in Amsterdam, Monsanto sent its lawyers with cease and desist orders. Apparently, we, as amateurs, were well enough informed that we were taken seriously in this instance.

RH: Tell us about "Molecular Invasion" (2000).

SK: "Molecular Invasion" is an ongoing project. It's an experiment to see if, from an amateur position, we could develop a safe biochemical intervention that would transform the genetically modified genes in Monsanto's biggest cash crop from traits of adaptability into traits of susceptibility. It's coming along well.

RH: Describe CAE's last project "Free Range Grains."

SK: In "Free Range Grains" we Polymerase Chain Reaction (PCR) tested (with a machine that can amplify selected isolated genes) unlabeled food (meaning allegedly not genetically modified) in Amsterdam, Frankfurt and Graz in 2003 to see if it was genetically modified.

RH: How was it received?

SK: I don't know. The only biotech project that I can say was well received was "GenTerra" (2001-2002). The reason I can say this is because the London Council did exit interviews and surveyed people. Both children and adults were enthusiastic and apparently learned quite a bit about genetic modification. The Council representatives told us they thought their money was well spent.

RH: What was the outcome with Monsanto?

SK: It just fizzled out. There was nothing it could do.

RH: What have been typical reactions to CAE's work?

SK: Mostly condemnations and threats from police, lawyers, churches, political figures, the FBI and just about any disciplinary agency you can think of. But any time we created a micro-public sphere that encouraged critical dialogue and free thinking we were pretty happy.

RH: What happened with "Free Range Grains" at MASS MoCA?

SK: As part of "The Interventionists" exhibition, we were going to do "Free Range Grains" and test organic food in the U.S. to see if it was genetically modified. We were not able to do the latter half of the project because the FBI confiscated our lab from my home. We set up everything but the lab and put out a sign with an explanation of why we were not doing the performance. Over the months that followed MASS MoCA also put up all the press coverage of the case. It's a good conversation piece and immediately illustrates the cost of doing interventions.

FOR MORE INFORMATION

For both detailed background as well as the latest information about the case and how you can offer support visit: www.caedefensefund.org/.

For more information on CAE visit www.critical-art.net. CAE publications are available at www.autonomedia.org as PDFs. The website states "This book may be freely pirated and quoted. The authors and publisher, however, would like to be informed at": Autonomedia, P.O. Box 568, Williamsburgh Station, Brooklyn, NY 11211-0568; phone & fax: (718) 963-2603.

RH: How did you meet your late wife Hope, what was her role in CAE and how will her death affect CAE?

SK: We met in our freshman philosophy class at UNT in 1977. We were lovers and cultural, political and intellectual partners from that first day of class until she died 27 years later. She was the gateway to the public, our editor, poet and voice of reason. Before any project was released, she reviewed all the materials, suggested necessary changes and in the end gave final approval. Her genius lay in her talent for pattern recognition (especially text). She could look at something and even if she didn't understand the content (which was rare) she knew if something was wrong. I call her the voice of reason, because whenever a project was getting too abstract, specialized or too "insiderish" she would call us on it. We don't know the consequences of her death yet, but we will have a hard time continuing CAE without her.

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ROBERT HIRSCH is the author of Exploring Color Photography: From the Darkroom to the Digital Studio; Seizing the Light: A History of Photography; *and* Photographic Possibilities: The Expressive Use of Ideas, Materials & Processes, Second Edition. *His most recent project, "World in a Jar: World and Trauma" has been touring the U.S. For more information visit: http://www.lightresearch.net.*

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NOTES

1. In the Spring of 2001, six men of Yemenite decent from Lackawanna, New York, a poverty stricken former steel town south of Buffalo, were charged with attending an al-Qaeda training camp in Afghanistan. In September 2002 they were arrested and each defendant admitted training at the camp, but denied any intention to engage in acts of terrorism. Facing 25 years in prison, all pleaded guilty and received sentences of eight-10 years in December 2003. The truth about this case remains murky because there was not a public trial. Critics claim the guilty pleas were extracted in the post 9-11 atmosphere of fear to mitigate the possibility of harsher punishment, including the threat to deem them "enemy combatants," and to legitimate a dubious prosecution.

2. RoundUp Ready corn and soybeans are genetic engineered plants. According to the University of Maine, "Roundup Ready plants produce the same natural proteins as any other plant with one notable exception. These plants make an additional protein which allows them to grow in the presence of Glyphosate, known commercially as 'Roundup,' one of the most widely-used herbicides employed by back-yard gardeners, homeowners, golf courses and commercial farms for the past 25 years. The protein is not a toxin to plants, animals, insects, humans or bacteria." However, in 1999 opponents of genetic engineering, identifying themselves as "Seeds of Resistance" claimed that they did not want "poison pollen" in Maine and cut down part of the crop grown by the University of Maine Cooperative Extension, attracting national attention. Organic producers are concerned about pollen drift—the transport of pollen from GM (genetically modified) corn to non-GM corn is increasing, which could result in their product not meeting organic standards and potentially losing their organic certification.