

LLA ABORTUS
RIDIIUM PERFRINGE
LUS ANTHRACIS
RIDIIUM BOTULINUM
LUS CEREUS

Inventory detail of sale to Saddam Hussein. From 1985 until 1990 the U.S. government approved 771 licenses [only 39 were rejected] for the export to Iraq of \$1.5 billion worth of biological agents and high-tech equipment with military applications. The American Type Culture Collection made 70 shipments of the anthrax bug and other pathogenic agents.

Appendix I

When Thought Becomes Crime*

Critical Art Ensemble

How did it come to this?

Only a perverse authoritarian logic can explain how CAE can at one moment be creating the project “Free Range Grain” for the *At Your Own Risk* exhibition at Schirn Kunsthalle in Frankfurt, reconfiguring it for *The Interventionists* exhibition at Mass MoCA in a second moment, and then suddenly have a CAE member in FBI detention. The U.S. Justice Department has accused us of such shocking crimes as bioterrorism, health and safety violations, mail fraud, wire fraud, and even murder. Now, as we retool “Free Range Grain” for the *Risk* exhibition at the Glasgow Center for Contemporary Art, the surreal farce of our legal nightmare continues unabated.

Of course, we always knew that cultural interventionist work could have serious consequences. And over the years, predictably, CAE has been denounced (and threatened) by all varieties of authority: cops, corporate lawyers, politicians, all types of racists, and church groups—even the Archbishop of Salzburg. But to be the target of an international investigation that involves the FBI; the Joint Terrorism Task Force; the ATF; the Department of Homeland Security; the Department of Health and Safety; numerous local police agencies; and even Canadian, Norwegian, and German federal investigators goes far beyond the pale. As of this writing, CAE member Steven Kurtz, and one of our long-time collaborators, University of Pittsburgh geneticist Robert Ferrell, are fighting the insanely real threat of being sent to federal prison.

So how did we create such a vortex of Kafkaesque legalistic repression? In the “Free Range Grain” project, for instance, CAE simply used molecular biology techniques to test for genetically modified food in the global food trade. We want(ed) this interventionist performance to demonstrate how the “smooth space” of global trade enables the very “contaminations” the authorities say it guards against. Now we, along with our colleagues on the CAE defense team, have been trying to understand why the authorities have taken such a reactionary position in regard to our art practice. We have come up with many reasons; we can address only a few in this brief article.

The first reason, we believe, involves the discourse in which we framed our project. By viewing the scientific process through the lens of the capitalist political economy, we disrupted the legitimized version of science as a self-contained, value-free

specialization. The powers that be would have science speak for itself, within and about itself. This insularity is akin to Clement Greenberg's idea of letting art history explain the production of art, or Emile Durkheim's use of "social facts" to explain the social. But any discourse exists within larger historical and political contexts. It seemed self-evident for us to place competing discourses in conversation, and to show the socioeconomic ideologies at work in food production. From the perspective of authority, however, we were being subversive, deviant. For those who wish to preserve the autonomy of science, citizens can discuss scientific structure, method, materials, etc., as long as they do not refer to the political or economic interests that impinge on scientific research. A biology club can talk about cells, but if it goes beyond the institutionalized boundaries of the life sciences, look out for the feds.

The second challenge we posed came from our amateur approach to life science knowledge systems, experimental processes, acquisition of materials, etc. An amateur can be critical of an institution without fear of recrimination or loss of status or investment. An art professor, for example, will probably not tell students that art school is a pyramid scheme into which they will pour a lot of capital, feed the higher-ups, and probably get very little if anything in return. That criticism is more likely to emerge from outside the power structure (or from disgruntled ex-students). In science, where the financial stakes are much higher, any criticism of resources may well result in funding cuts—a situation one can ill afford in such a capital-intensive discipline. So it takes an outsider to science—a creative tinkerer—to rattle the cage of the discipline's most dearly held assumptions and practices.

With special regard to the institutional financing of science, the amateur reveals the profit-driven privatization of a discipline that is purportedly—mythologically—open to all. By undertaking research as if science were truly a forum in which all may participate according to their abilities and resources, CAE angers those who manipulate scientific activity through capital investment. The financial stakes are so high that the authorities can imagine only one motivation for critical, amateur research, particularly if it is conducted at home outside of systems of surveillance/discipline. If that research intends to expose, disrupt, or subvert the meta-narratives that put scientific investigation in the service of profit, the amateur investigator must want to produce terrorist acts.

In the paranoid political climate of the United States, American authorities leap all too easily from ideological criticism to terrorism. Moreover, CAE's legal battle reveals that the government has made thinking into a crime: A citizen can be arrested without having committed any act of terror or without having done anything illegal at all. Former U.S. Attorney General John Ashcroft has unofficially reformed law enforcement policy and practice according to the Bush administration's idea of "preemptive war." He has argued that if indicators—any type of dissent in relation to the interests of the investing classes or "national interest"—suggest that a person or group could do something illegal, then they should be arrested, detained, deported, or otherwise persecuted with the full resources of all repressive state agencies. Apparently, the U.S. Justice Department is now trying to make CAE into an example of what can happen to citizens whose only "crime" is having thoughts of dissent enacted within the sphere of legality and with the alleged protection of constitutional rights.

For experimental art, political art, tactical media, and independent media in the United States (and to some degree in other nations), the implications of Steven Kurtz's arrest are profound. The repressive forces of the state are directly targeting producers of cultural interventionist work. In past decades, policymakers have often leaned on political artwork through financial penalties such as rescinding artist's grants, folding federal arts programs, and economically squeezing out the spaces that exhibit subversive work.** Now, these attacks on civil grounds have undergone a horrific paradigm shift, and individual artists are being charged with criminal activity. The persecution works slowly and insidiously, through silencing artists, looting their work and their research, and constraining their movement. We are no longer seeing cultural conflict in action, but a proto-fascist attack upon open source management of expression itself.

*The set of theses presented in this document were collectively developed through a series of lectures given by the CAE Defense Team. Contributors include Doug Ashford, Gregg Bordowitz, CAE, Natalie Jeremijenko, Claire Pentecost, and Lucia Sommer. Special thanks to Karen Schiff for editing.

**The New York Council for the Humanities recently rescinded a grant awarded to the City University of New York for its series on academic freedom because Steve Kurtz was one of the invited speakers!