



Professor faces jail in bio-terror scare

Robin McKie, science editor
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[The Observer](#)

On 10 May last year, Steven Kurtz woke to find that his wife, Hope, had suffered a heart attack in the night and was lying lifeless next to him.

The experience was traumatic, but events that followed have turned the professor's ordeal into macabre persecution. Today he faces a 20-year jail sentence on terrorism-related charges. 'I am facing a long stretch in jail for my beliefs and my art,' Kurtz, 47, an art professor at Buffalo University, New York, told The Observer.

The affair also threatens to jeopardise academic freedom and scientific exchange on either side of the Atlantic, lawyers have warned.

The ordeal of Kurtz, who is to appear in court on Tuesday on charges of mail and wire fraud, began after he called medical emergency services. Paramedics arrived to try, unsuccessfully, to revive his wife and noticed the biological equipment in his flat. Kurtz is a member of the Critical Art Ensemble, a group that aims, according to its website, to explore the connections between art, technology and radical politics. He uses the biological equipment to work on presentations such as Flesh Machine and GenTerra, in which audiences participate in DNA experiments.

'I had a laboratory centrifuge for isolating DNA from cells, and other equipment. The police were called and decided I could be using it for terrorism.'

Kurtz was taken away, his wife's body still in their flat, and for the next two days was interrogated by FBI agents convinced that he had been creating biological weapons. 'They even decided I could be planning to use my cat to disperse bacteria or viruses - so they locked it up as well.'

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His apartment block was sealed off while agents wearing bio-hazard suits searched his flat. 'All they got were my files, books and computer.'

Kurtz was eventually released but was still subject to a seven-week grand jury investigation which concluded that although he could not be accused of terrorism, he could be charged with fraudulent use of the US mail and wire services.

These charges concern his use of harmless bacteria *Serratia marcescens* and *Bacillus atrophaeus*, which he obtained by post from his friend Robert Ferrell, a geneticist at Pittsburgh University. Ferrell, in turn, obtained the samples from a standard academic culture bank.

- ▶ Prosecutors claim that by passing on samples that are supposed to be for only single named users, Ferrell acted fraudulently and by asking for bacteria, Kurtz also
- ▶ committed fraud. Ferrell, who has cancer, is unlikely to appear in court this year.

Most scientists considered the accusations nonsense. It is common practice to exchange material on a casual basis. Vials and test-tubes are carried in pockets and briefcases and swapped at conferences or in pubs.

Kurtz believes he is a victim of a political persecution. 'I have been vocal about the way the state is using research in germ warfare. That is why they want to get me.'

But it is not just Kurtz's persecution that alarms scientists. They fear researchers will be terrified to ask a colleague for a bacterial or viral sample. Scientific exchanges would be halted.

'The FBI feel they have been made to look like idiots and are determined to get anything they can to stick on Kurtz,' said a researcher. 'Sadly, they are going to do a lot of damage in the process.'

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