



print story 
back 

Trial, and book launch, of indicted artist move forward

By CAROLYN THOMPSON, Associated Press

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BUFFALO, N.Y. -- Preparations for the trial of an artist whose home laboratory and books on biological agents drew the suspicion of police investigating the death of his wife continued Thursday just as the book and project the artist had been researching were being launched.

At issue in U.S. District Court is Steven Kurtz's effort to have any statements he made to police kept out of his upcoming trial on mail and wire fraud charges targeting the way he obtained bacteria for his unconventional artwork.

In New York City, meanwhile, a companion film to Kurtz's book on germ warfare was on view in the Whitney Museum Biennial. The book "Marching Plague: Germ Warfare and Global Public Health," was published in April.

Kurtz, along with University of Pittsburgh geneticist Robert Ferrell, were charged in 2004 with misusing Ferrell's account with a biological supply company to order bacteria for Kurtz. The University at Buffalo art professor is a founding member of Critical Art Ensemble, whose work sometimes challenges government policy and has touched on issues such as cloning and genetically altered food.

Kurtz supporters say the criminal case is the government's attempt to silence artists like Kurtz, a claim prosecutors deny.

The case began when Kurtz dialed 911 in May 2004 after finding his wife, Hope, dead of natural causes in their bed.

While in Kurtz's home, police officers grew suspicious after seeing books related to biological weapons and laboratory equipment, including petri dishes with bacteria. The Joint Terrorism Task Force was summoned.

Kurtz was later indicted on mail and wire fraud charges unrelated to terrorism.

He declined to comment after Thursday's hearing, where he was represented by attorney Paul Cambria. Cambria's high-profile clients have included publisher Larry Flynt and the musicians Marilyn Manson and DMX.

Supporters said that among items seized from Kurtz's home was a first draft of the Critical Art Ensemble germ warfare book, which questions the practice of channeling public resources into programs to counter bioterrorist attacks it says are unlikely to occur.

A Web site that raises money for Kurtz's legal defense promotes "Marching Plague" as "the book and film the FBI tried to stop."

"This is about intimidating people who are critical of the current administration," Lucia Sommer of the Critical Art Ensemble Defense Fund said of the criminal case against Kurtz.

Assistant U.S. Attorney William Hochul responded that the case had nothing to do with the book, noting the indictment against Kurtz and Ferrell was returned by a grand jury.

"This case involves illegally obtaining two biological organisms by fraud and has nothing to do with books or any other expression," Hochul said.

On the Net

Critical Art Ensemble: <http://www.critical-art.net>

Critical Art Ensemble Defense Fund: <http://www.caedefensefund.org>

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