

# Art vs. Ashcroft: Fed action has chilling effect

BY MORGAN CURRIE

The passage of the USA PATRIOT Act in October 2001 has alarmed a wide assortment of interest groups, from activists to librarians to academics, who are watchful of the Act's potential to curtail freedoms. While most of the Act's targets include outspoken activist groups and Arab minorities, such as Portland's own Brendan Mayfield, the PATRIOT Act has also shown a tendency to strike at random, forcing any dissident voice to realize its potential to fall into bad grace. No one now knows this better than New York artist Steve Kurtz.

What happened to Kurtz has been widely, if briefly, publicized. It started with his wife's death by a heart attack on May 11, when local police alerted the Joint Terrorism Task Force to his collection of *Serratia marcescens* and *Bacillus atrophaeus*, harmless bacteria often used in classroom experiments. Kurtz, a member of the Critical Art Ensemble (CAE) — a group that creates art addressing the politics of biotechnology — planned to use the bacteria in an upcoming installation at Massachusetts Museum of Contemporary Art, for an exhibit based on the history of the U.S. bio-weapons programs. Ignoring (or maybe because of) the educational aim of his work, the FBI confiscated Kurtz's wife's body, his car, and his art supplies, and slapped him with a subpoena for bioterrorism under the PATRIOT Act's expansion of the Biological Weapons Statute, an accusation that was later proven groundless. Instead of dismissing the case and leaving Kurtz to mourn his recent loss, his charges were shifted to wire and mail fraud — in this case, for using bacteria that was bought by Robert Farrell, a professor from the University of Pittsburgh and who is also awaiting trial. The larceny charge, if proven, could see both men incarcerated for up to 20 years.

Here in Portland, artists have so far remained safe from such high level harassment. Still, a few are using their artwork to inform the public of the implications of the PATRIOT Act and to give people pause over the unprecedented power it extends to government. The Cooley Gallery, for example, presented an installation this summer by Vanessa Renwick, titled after the new law. In the sanctity of three glass cases in the Reed College Library, Renwick placed glowing, neon-red lettering, spelling out the interchangeable words *free*, *speech*, and *fear*. She left a copy of the PATRIOT Act and the Library Bill of Rights for all to read, a comment on the Act's clause to have librarians submit patrons' reading lists to authorities.

Other Portland arts organizations are hosting events and creating dialogue specifically to raise money and awareness of Kurtz's and the CAE's plight.

One such organization is the arts- and environment-centered non-profit, Orlo. Orlo itself has become a recent target in the Kurtz case. Since Kurtz's arrest, the FBI

has embarked on a spree of questioning at several arts institutions with any record of showing work by the CAE. Orlo, whose group show "Yougenics" included work by Kurtz, was on the list. In August, FBI agents armed with guns and badges approached Orlo's building manager during off-hours, demanding to be let in to its office and exhibition space. Without a key, the manager was unable to comply. There was no more word until a month later, in early September, when the FBI called Orlo's general number and spoke with an Orlo board member. Orlo has not released the content of the conversation.

Amidst the FBI's frenzy of questioning, Ryan Pierce, an Orlo volunteer, decided to act. He quickly organized a panel discussion to bring the issues of free speech and artistic activism to a public forum, at Orlo's space in northwest Portland. The panelists for "Art vs. Ashcroft" included Julia Stoops of Pacific Northwest College of Art and Beatriz De Costa, the CAE's spokeswoman, who participated via speakerphone.

During the discussion, De Costa updated the audience about Kurtz's current situation, saying that he is subject to random drug tests and searches by a probation officer. For her turn, Stoops put the case and CAE's art into an historical context of subversive art, including illegal culture jamming and guerilla art by artists such as Reverend Billy, a New York performance artist who "preaches" against corporate America inside Starbucks and fast food chains.

Stoops says that the case has made an impression on her as a fellow artist and educator.

"Suddenly you have a middle class activist/professor/artist," says Stoops, "doing work with the sanction of a community, who is under attack, and people can relate to that. People are paying more attention. It is scary in terms of how little truth seems to matter here."

Pierce, who is himself working on an art show about the history of the FBI targeting political artists, says that this kind of discussion is necessary in Portland.

"There is a real need to alert people in the art community to talk about this," says Pierce. "It won't be long before something like this could happen in Portland, and we should anticipate it."

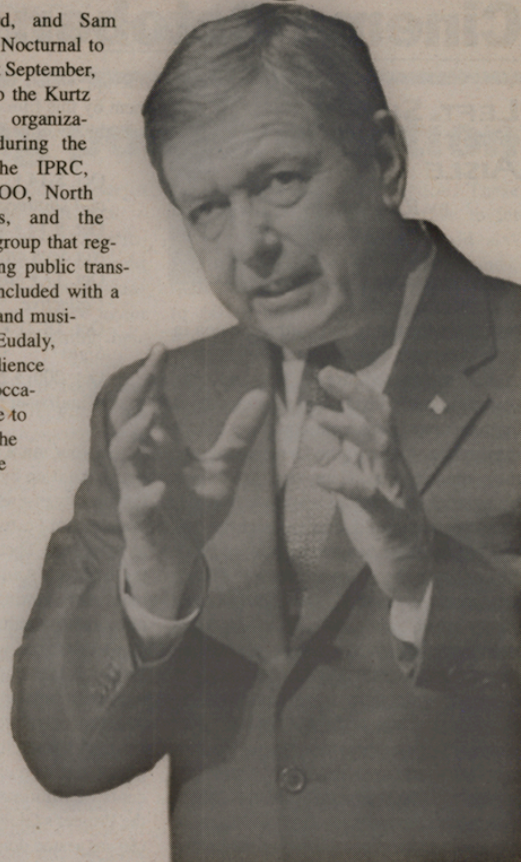
Pierce describes that after the panelists spoke, the audience fell into a post-panel discussion. "People were confused as to how PATRIOT Act changes existing new laws and gives new rights. This was like a fledgling template to get people to talk about the issue."

Chloe Eudaly, owner of the small press store Reading Frenzy, also took an active interest in the Kurtz case. On Sept. 4, she organized "Freedom Frenzy," an event created to raise funds for what has become known as the CAE defense fund. Over 50 artists from around the country, including Portlanders Chris Johanson, Melody

Owen, Daniel Duford, and Sam Coomes, hung work at Nocturnal to be auctioned throughout September, with all profits going to the Kurtz case. Other partnering organizations set up booths during the evening, including the IPRC, SMYRC, WRAP, KBOO, North Portland Bike Works, and the Oregon Bus Project, a group that registers voters while taking public transportation. The night concluded with a string of performances and musicians, and a speech by Eudaly, who reminded the audience of the purpose of the occasion and urged everyone to read about the case. She estimates she will raise up to \$1000.

Eudaly, who sells books by the CAE, also expressed a personal reaction to Kurtz's situation. "This case made me feel all I have to do is sell something that offends someone to have wrath upon me."

"I'm not incredibly paranoid," Eudaly



adds, "but this made me realize these concerns are not unfounded. With the current climate, we are all undesirables to the folks who are in power. My strategy is I'm going to publicize the case and provide information on the PATRIOT Act. It's my civic duty, and also my best defense."

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**Leave no canvas unturned.** A man who has taken a solemn vow to restore Jefferson Davis' reputation and who requires drapery be placed over nude statues, John Ashcroft (top) is dedicated to rooting out terrorism wherever it may lurk: in the arts community or in mind. Artist Julia Stoops' entry (above) to the Orlo Ross Island Show is just the sort of thing that could trigger official scrutiny. Stoops' sculpture raises the question about who is doing the most harm, the "eco-terrorists" who torched three Ross Island Sand and Gravel trucks or the company that has been gutting Ross Island for decades?