

## San Francisco International Film Festival 2007

## Part 2: An artist's circle of hell

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*This is the second of a series of articles on the 2007 San Francisco International Film Festival, held April 26-May 10.*

On the morning of May 11, 2004, artist Steve Kurtz awoke to find his 45-year-old wife of 27 years, Hope, lying unresponsive, having died during the night of heart failure. When police arrived, along with paramedics, they took note of an assortment of laboratory equipment in the Kurtz home, including Petri dishes and microscopes. Within hours of Kurtz calling 911, the Joint Terrorism Task Force, wearing white HAZMAT (Hazardous Materials) suits cordoned off the house in Buffalo, New York, impounding his wife's body, as well as computers, books and even his cat.

Ignorance, as well as malice, played a role in the investigation. The suspicions of Homeland Security agents and the US attorney in Buffalo that Kurtz was a "bioterrorist" were further aroused because an invitation to an art show found in his house contained writing in Arabic.

Kurtz, an Associate Professor of Art at the State University of New York (SUNY) in Buffalo and founding member of the Critical Art Ensemble (CAE) was using \$256 worth of harmless bacteria for an upcoming exhibition at the Massachusetts Museum of Contemporary Art. The purpose of the show was to expose the dangerous connections between the military and biotech corporations, such as genetically modified seed producer Monsanto.

In Lynn Hershman Leeson's *Strange Culture*, a documentary (with dramatic recreations) about the case, Kurtz tells the camera that CAE—a group of five artists—was created in 1987 to "identify things that run counter to the advancement of social justice and address the cultural level at which government military science and industry have come together in ways that haven't done people any good."

Hershman Leeson's work is a bold and creative protest against the ongoing persecution of Kurtz. The artist was eventually charged not with bioterrorism—a charge originally sought by the district attorney, which proved too ludicrous to pursue given Kurtz's artistic credentials—but with mail and wire fraud, which carries a 20-year prison term. Kurtz's case is referred to in the film as his circle of hell, that is, a "perfect storm" of government bureaucratic coercion and personal tragedy.

Also indicted was Kurtz's long-time collaborator, Dr. Robert Ferrell, head of the Department of Genetics at the University of Pittsburgh's School of Public Health. The charges against Ferrell concern technicalities as to how he helped Kurtz obtain the bacteria. As Kurtz's lawyer Paul Cambria noted, the case involves a glorified version of "petty larceny."

Hershman Leeson, an artist, author and filmmaker, combines interviews and news footage with the reenactments and graphics to interpret Kurtz's case. Actors Thomas Jay Ryan as Kurtz, Tilda Swinton, who plays Hope, and Peter Coyote, who speaks for Ferrell, along with others performers, donated their time to the project.

Coyote's delivery of Ferrell's words is a particularly effective moment: "I was collateral damage the FBI inserted in Steve's politics and art ensemble.... GM [genetically modified] foods are not labeled. All citizens

of the US are unwitting experimental victims of the increasing wealth of corporations and stock holders.... The agribusiness introduced GM with government approval." Ferrell had a cancer relapse due to the stress of the ordeal.

The film shows Kurtz's colleagues energetically campaigning on his behalf. In 2005, a benefit auction was hosted by writer/actor Wallace Shawn, who spoke against complacency and apathy in politically treacherous times. In a university classroom, a fictional professor, asking for support for Kurtz, likens the artist's plight to political witch-hunts of the McCarthy era. Disturbingly, the students' blank stares reveal that this tragic episode is entirely unknown to them.

At the end of the film, Kurtz, imagining a conversation with Hope, movingly says: "The beast is looking at me straight in the face and I did not flinch."

Kurtz has been the victim of several sinister processes. First, there is the ongoing effort by the Bush administration and its legal bloodhounds to justify the "global war on terror" by laying hands on anyone they can in the US and trying them as terrorists. This is intended to maintain an atmosphere of fear and paranoia in which wholesale attacks on democratic rights at home can be carried out, as well as new colonial interventions abroad.

Furthermore, the authorities are seeking specifically to intimidate and silence political resistance by artists and intellectuals under conditions of growing popular opposition to the war and to the administration's policies. The McCarthyite smears of the Critical Art Ensemble are intended to discredit any artistic coming to terms with present social and economic realities.

Also, vast sums of money are involved in the production and promotion of genetically modified food and associated biotech fields. The investigations and exposures undertaken by the CAE group no doubt irritated and disturbed a good many powerful people. The present case is an effort as well to remove this thorn in the lucrative industry's side.

Quite correctly, on its Defense Fund web site, the CAE describes Kurtz's ordeal as a "politically-motivated prosecution." The site elaborates:

"Why is an Attorney General pursuing a 'case' that even the company who sold the material has not bothered to pursue? Why is the Department of Justice going far outside its own guidelines in an attempt to make this into a federal 'crime'? According to affidavits obtained by Kurtz's lawyer, government agents misled a judge to obtain search warrants for Kurtz's home. The judge was never told of Kurtz's complete, cooperative and easily verifiable explanation about the harmless bacterial substances he used for his artwork, or that this material had been frequently exhibited in museums and art galleries with no risk to the public, or of the fact that Kurtz tasted the *Serratia* in one of the petri dishes in front of an officer to prove it was harmless. Also, in a blatant and illegal use of racial profiling, the judge was told of Kurtz's possession of a photograph with Arabic writing beside it, but not of the photograph's context: an invitation to an

art exhibition at the Massachusetts Museum of Contemporary Art! The photograph, by The Atlas Group, was one of several exhibited pieces pictured on the invitation.

“In bringing these charges the Department of Justice (DoJ) is acting with extreme selectivity: This is the first time in the history of the U.S. Justice system that anyone has ever been indicted or charged with federal mail fraud for allegedly breaking a material transfer agreement (MTA). In the prosecution’s radical interpretation of mail fraud law, incorrectly filling in a warranty card would be grounds for federal criminal prosecution.” [http://www.caedefensefund.org/overview.html]

In San Francisco, director Lynn Hershman Leeson spoke to the WWSWS. “I heard about the case,” she explained, “and I thought it would be straightened out in a day or two. [After word of the government prosecution] I wrote to Steve. I’m an artist and he knew my work, so he gave me permission. I dropped everything to work on the film.

She went on: “What’s the situation currently? He was indicted for mail and wire fraud, for which there is no statute of limitations. But there’s no trial. The government has waited as long as 18 years in such cases. They’re trying to wear him down. He’s suffering the consequences of the war on terror.”

Hershman Leeson spoke about the state’s investment of at least a half million dollars in a trial that will be presided over by a judge “who has a record of punishing people.” All this has taken its toll on Kurtz and Ferrell—the latter having suffered a stroke that left him unable to speak.

The filmmaker said that Buffalo had one of the highest rates for prosecuting “terrorists.” The prosecutor in the Kurtz affair, William Hochul, also prosecuted the 2002 Lackawanna Six case, an incident that bore all the hallmarks of a politically motivated frame-up.

Another infamous personality engaged in the attempted railroading of Kurtz was Michael Battle, who in 2004 was US District Attorney for New York’s western district. Battle poisoned the atmosphere against Kurtz by constantly using loaded terminology in public, such as “dangerous” and “bio-hazardous material.” Recently, Battle was in the spotlight as the former director of the Executive Office for US Attorneys involved in the Justice Department’s firings of eight US attorneys.

“Art has always involved a critique of society. Picasso, Goya, Daumier—artists had something to say about society. Art that doesn’t register a protest, I don’t trust,” said Hershman Leeson. “The purpose of the war on terror is to create fear; if you’re fearful, then you’re easily manipulated.” She also spoke positively of a shift in public opinion among artists. “The film is being shown all over the world at film festivals. People are outraged that this is happening to an artist in the US.”

Alienation, made acute by the drab surroundings that dominate the lives of Viola and her teenage daughter, Angela, is a principal theme of Hungarian director Ágnes Kocsis’s new film, *Fresh Air*. Viola seeks out companionship by answering personal ads and attending singles events, such as those at the “Lost and Found Hearts” dance club, where she pairs up with aging men who are equally desperate and lonely. By day, she works as a subway toilet attendant, obsessing about her collection of air fresheners.

Seventeen-year-old Angela, who dreams of becoming a fashion designer, attempts to remedy her psychic suffocation through a mania for opening windows. At night, mother and daughter ritualistically sit together watching movies from their sparse collection. Eventually, a traumatic rupture in the routine leads to a meaningful intersection of their worlds.

Although a bit formulaic and sometimes precious, *Fresh Air* treats its characters sympathetically, sensitive to their emotional isolation. Albeit with a passive voice, it puts the blame for the bleakness of their lives on a soulless social order, thereby representing something of a departure from the usual fare of gloomy, morbid films turned out by post-Stalinist Hungarian cinema.

The contented, upper-middle-class existence of Santiago, his wife Milli

and the couple’s young daughter is shattered when, during a family excursion, their car crashes with Santiago at the wheel. In response to the tragedy, he exiles himself to a remote region of southern Argentina—a form of penance to atone for destroying his family.

Santiago trades in his elegant lifestyle as a successful interior designer for that of a mountain man surviving by menial labor. He finds solace in a few close, “rough” friendships, but it is booze and drugs that get him through the nightmares.

Unfortunately, director Pablo Trapero’s film is overly contrived and self-conscious. When the scenes of the barren south are not overwrought, realistic touches and relationships break through. Trapero (*Crane World*, *Rolling Family*) has an obvious feel for certain situations and dramas, for example, a bar-room soul-baring by Santiago and two of his drunken comrades.

In general, however, the film’s authenticity loses out as the result of a careless storyline, particularly relating to the details of Santiago’s losing and finding what’s left of his family (for example, he might have established that his wife and daughter were actually killed by the accident before fleeing the hospital!). Studies of individual penance and redemption, done in an abstract manner, are not going to prove that helpful in our day.

French filmmaker Bruno Dumont offers another disoriented work in *Flanders*. A rural farming community in northern France with a backward population sends its brutish youth off to a war in an unnamed Islamic country. Atrocities are perpetrated by the invading barbarians until the last of them returns home to find spiritual revival with an unhinged childhood friend.

Dumont showed some promise with *The Life of Jesus*, but since then has gone off the deep end (*Humanity*, *Twentynine Palms*). He may feel deeply and “spiritually” about things, but his mysticism and misanthropy—and utter misunderstanding of or indifference to social processes and history—makes his films more ridiculous than meaningful.



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