

Aaron Swartz

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Aaron H. Swartz (November 8, 1986 – January 11, 2013) was an American computer programmer, writer, political organizer and Internet activist.

Swartz was a member of the RSS-DEV Working Group that co-authored the "RSS 1.0" specification of RSS,^[2] built the website framework web.py^[3] and created the architecture for the Open Library. In the early days of Reddit, Swartz's Infogami and Reddit merged; the merger agreement made Swartz an equal partner in the merged company.^[1] Swartz also focused on sociology, civic awareness and activism.^{[4][5]} In 2010 he joined the Harvard University Center for Ethics. He founded the online group Demand Progress (known for its campaign against the Stop Online Piracy Act) and later worked with U.S. and international activist groups Rootstrikers, and Avaaz. He also worked as a contributing editor to The Baffler.^[6]

On January 6, 2011, Swartz was arrested by federal authorities in connection with systematic downloading of academic journal articles from JSTOR.^{[7][8]} Swartz opposed JSTOR's practice of compensating publishers, rather than authors, out of the fees it charges for access to articles. Swartz contended that JSTOR's fees limited access to academic work produced at American colleges and universities.^{[9][10]}

On the morning of January 11, 2013, Swartz was found in his Crown Heights, Brooklyn apartment where he had hanged himself.^{[11][12][13]}

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Aaron Swartz



Aaron Swartz at a Creative Commons event on December 13, 2008

Born	Aaron H. Swartz ^[1] November 8, 1986 Chicago, Illinois, U.S.
Died	January 11, 2013 (aged 26) Crown Heights, Brooklyn, New York, U.S.
Cause of death	Suicide, by hanging
Occupation	Software developer, writer, Internet activist

Website

aaronsw.com (<http://www.aaronsw.com/>)

Life and works

Swartz was born in Chicago, Illinois, the son of Susan and Robert Swartz.^[14] His father founded a software company, and from an early age Swartz immersed himself in the study of computers, computing, the Internet and Internet culture.^[15] At age 13, he won the ArsDigita Prize, a competition for young people who create "useful, educational, and collaborative" non-commercial websites. The prize included a trip to Massachusetts Institute of Technology (MIT) and meetings with Internet notables. By age 14, Swartz was a member of the working group that authored the RSS 1.0 web syndication specification, a lesser-used offshoot of an earlier RSS version.^[16] Writing in Yahoo! News, Virginia Heffernan said of Swartz, "he agitated without cease—or compensation—for the free-culture movement."^[17] Swartz attended North Shore Country Day School, a small private school in Winnetka, Illinois.^[18]

W3C

Swartz served on the RDF Core working group at the World Wide Web Consortium (W3C),^[19] and authored RFC 3870, defining the RDF/XML content-type.^[20]

Infogami and Reddit

He later attended Stanford University, but he left after just one year.^[15] Instead he founded the software company Infogami, a startup that was funded by Y Combinator's first Summer Founders Program.^[21]

Through the Y Combinator program, Swartz started the wiki platform Infogami (later used to support the web.py and Open Library sites), but he felt he needed co-founders to proceed. Y-Combinator organizers suggested that Infogami merge with Reddit,^{[22][23]} which it did in November 2005.^{[22][24]} While Reddit initially found it difficult to make money from the project, the site later gained in popularity, with millions of users visiting it each month. In late 2006, after months of negotiations, Reddit was sold to Condé Nast Publications, owners of *Wired* magazine.^[15] Swartz moved with his company to San Francisco to work on *Wired*, but he grew unhappy with the set-up^[15] and in January 2007, he was asked to resign from his position.^[25] Swartz described himself as being ill and suffering from a constant depressed mood throughout 2007.^[26] In September 2007, Swartz joined with Simon Carstensen and launched Jottit. In 2010–11 he was a fellow at Harvard University's Edmond J. Safra Center for Ethics.^[27]

Swartz was also the creator of the web.py Web application framework,^[28] and co-founded Demand Progress,^[27] a progressive advocacy group that organizes people via email and other media for "contacting Congress and other leaders, funding pressure tactics, and spreading the word" about targeted issues.^[29]

Stop Online Piracy Act (SOPA)

Swartz was significantly involved with a campaign to prevent the passing of the Stop Online Piracy Act (SOPA) bill that sought to monitor the Internet for copyright violations and would have made it easier for the U.S. government to shut down websites accused of violating copyright.^[30]

Following the defeat of the bill, Swartz was the keynote speaker at the F2C:Freedom to Connect 2012 event in Washington, D.C., on May 21, 2012. His speech was titled "How we stopped SOPA"^[31] and he informed the audience:

There's a battle going on right now, a battle to define everything that happens on the internet in terms of traditional things that the law understands... [Under SOPA], new technology, instead of



Swartz in 2002 (age 15) with Lawrence Lessig at the launch party for Creative Commons



Swartz in 2012 protesting against Stop Online Piracy Act (SOPA)

bringing us greater freedom, would have snuffed out fundamental rights we'd always taken for granted.^[30]

Swartz said SOPA was defeated by "the people themselves... We won this fight because everyone made themselves the hero of their own story. Everyone took it as their job to save this crucial freedom."^[31] He was referring to a series of protests against the bill by numerous websites which were described by the Electronic Frontier Foundation as the biggest in Internet history, with over 115 thousand sites altering their webpages.^[32]

In his speech Swartz also described how close the bill came to passing as a "bad dream". He added:

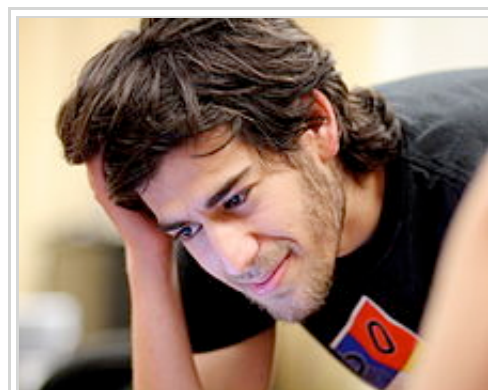
And it will happen again; sure, it will have another name, and maybe a different excuse, and probably do its damage in a different way, but make no mistake, the enemies of the freedom to connect have not disappeared. The fire in those politician's eyes has not been put out. There are a lot of people, a lot of powerful people, who wanna clamp down on the Internet.^[31]

Swartz also presented on this topic at an event organized by ThoughtWorks.^[33]

Wikipedia

Swartz volunteered as an editor at Wikipedia, and in 2006, he ran for the Wikimedia Foundation's Board of Directors, but he was unsuccessful. Also in 2006, Swartz wrote an analysis of how Wikipedia articles are written, and concluded that the bulk of the actual content comes from tens of thousands of occasional contributors, or "outsiders," each of whom may not make many other contributions to the site,^[34] while a core group of 500 to 1,000 regular editors tend to correct spelling and other formatting errors. According to Swartz: "The formatters aid the contributors, not the other way around."^[35]

His analysis contradicted that of Wikipedia co-founder Jimmy Wales, who believed the core group of regular editors were providing most of the content while thousands of others contributed to formatting issues. Swartz came to his conclusions by counting the total number of characters added by an editor to a particular article—while Wales counted the total number of edits. Swartz's analysis is described on his blog post and was part of his unsuccessful bid to be elected to Wikimedia's Board of Directors.^[35]



Swartz at 2009 Boston Wikipedia Meetup

Library of Congress

Around 2006, Swartz acquired the Library of Congress's complete bibliographic dataset: the library charged fees to access this, but as a government document, it was not copyright-protected within the USA. By posting the data in the Open Library, Swartz made it freely available.^[36]

Investigations and prosecution

PACER

In 2008, Swartz downloaded, and released, approximately 20% of the Public Access to Court Electronic Records (PACER) database of United States federal court documents managed by the Administrative Office of the United States Courts.^[37]

PACER was charging 8 cents per page for information that Carl Malamud, who founded the nonprofit group Public.Resource.org, contended should be free, because government-produced documents are not covered by copyright.^{[37][38]} The fees were "...plowed back to the courts to finance technology, but the system [ran] a budget surplus of some \$150 million, according to court reports," reported the New York Times.^[37] PACER used technology that was "...designed in the bygone days of screechy telephone modems... put[ting] the nation's legal system behind a wall of cash and kludge."^[37] Malamud appealed to fellow activists, urging them to visit one of 17 libraries conducting a free trial of the PACER system, download court documents, and send them to him for public distribution.^{[37][38]}

After reading Malamud's call for action,^[37] Swartz visited the 7th U.S. Circuit Court of Appeals library in Chicago

and installed a Perl computer script.^[38] From September 4–20, 2008, it accessed approximately 18,000,000 documents and uploaded them to a cloud computing service.^[38] He donated the documents, amounting to 19,856,160 pages, to Malamud's public.resource.org.^[38]

On September 29, 2008,^[37] the GPO suspended the free trial, "pending an evaluation" of the program.^{[37][38]} Swartz's actions were subsequently investigated by the FBI.^{[37][38]} The case was closed after two months with no charges filed.^[38] Swartz learned the details of the investigation as a result of filing a Freedom of Information Act (FOIA) request with the FBI and described their response as the "usual mess of confusions that shows the FBI's lack of sense of humor."^[38] PACER still charges per page, but customers using Firefox have the option of donating documents into the public domain with a plug-in called RECAP.^[38]

JSTOR

In late 2010 and early 2011, Swartz downloaded about 4 million of JSTOR's collection of academic journal articles – which provides a limited number of articles to students and researchers free of charge. Swartz was a faculty member at Harvard University which provided him with a JSTOR account. Over the course of a few weeks, he downloaded the documents from a network wiring closet at the Massachusetts Institute of Technology and, in the process, crashed some of JSTOR's servers.^{[39][40][41]}

In 2011, the New York Times wrote of the case: "A respected Harvard researcher who also is an Internet folk hero has been arrested in Boston on charges related to computer hacking, which are based on allegations that he downloaded articles that he was entitled to get free."^[42]

On July 19, 2011, a grand jury indictment was unsealed, charging Swartz with wire fraud, computer fraud, unlawfully obtaining information from a protected computer and recklessly damaging a protected computer.^[43] According to the indictment, Swartz surreptitiously attached a laptop to MIT's computer network, which allowed him to "rapidly download an extraordinary volume of articles from JSTOR."^[44] Prosecutors in the case said Swartz acted with the intention of making the papers available on P2P file-sharing sites.^[45]

Swartz surrendered to authorities, pleading not guilty on all counts, and was released on US\$100,000 unsecured bail.^[46] After his arrest, JSTOR put out a statement saying it would not pursue civil litigation against him,^{[40][46]} while MIT did not comment on the proceedings.^[47] Prosecution of the case continued, with charges of wire fraud and computer fraud, carrying a potential prison term of up to 35 years and a fine of up to \$1 million.^{[48][49]} One of Swartz's lawyers revealed prosecutors told him two days before Swartz's death that "Swartz would have to spend six months in prison and plead guilty to [all] 13 charges if he wanted to avoid going to trial."^[50] After Swartz's death, his attorney Marty Weinberg told press that he "nearly negotiated a plea bargain in which Swartz would not serve any time", but that bargain failed because "JSTOR signed off on it, but MIT would not."^[51]

Assistant U.S. Attorneys Stephen P. Heymann and Scott L. Garland^{[41][52][53]} pursued the criminal case against Swartz under US Attorney Carmen Ortiz. The case tested the reach of the Computer Fraud and Abuse Act, which was passed in 1984 to enhance the government's ability to prosecute hackers who accessed computers to steal information or to disrupt or destroy computer functionality.^[54]

Shortly before Swartz's death, JSTOR announced that it would make "more than 4.5 million articles" available to the public for free^[55] — the service was capped at three articles every two weeks, readable online only, with some downloadable for a fee.^{[56][57]} This announcement did not affect the prosecution, ongoing before his death.^[citation needed]

Commentary on the case

U.S. Attorney Ortiz asserted after the 2011 indictment, "stealing is stealing, whether you use a computer command or a crowbar, and whether you take documents, data or dollars,"^[58] and that "if convicted on these charges, Swartz faces up to 35 years in prison, to be followed by three years of supervised release, restitution, forfeiture and a fine of up to \$1 million."^[58] In January 2013, after Swartz's death, she then said, "... this office's conduct was appropriate in bringing and handling this case. ... this office sought an appropriate sentence that matched the alleged conduct – a sentence that we would recommend to the judge of six months in a low security setting. ... At no time did this office ever seek – or ever tell Mr. Swartz's attorneys that it intended to seek – maximum penalties under the law."^{[59][60]}

Tim Wu, professor at the Columbia Law School wrote in the *The New Yorker*, "The prosecutors forgot that, as public officials, their job isn't to try and win at all costs but to use the awesome power of criminal law to protect the public from actual harm."^[61]

George Washington University law professor and computer crime specialist Orin Kerr wrote on the legal blog *Volokh Conspiracy*, "I think the charges against Swartz were based on a fair reading of the law. ... once the decision to charge the case had been made, the charges brought here were pretty much what any good federal prosecutor would have charged."^{[62][63][64]}

In response, James Boyle professor of law at the Duke University School of Law wrote "I think that much of the rest of Orin's argument is - very uncharacteristically - rather one-sided. I think that in his descriptions of the facts, the issues surrounding prosecutorial discretion, and even sometimes of the law he tends to stress evidence against Aaron and to minimize or ignore facts," he added, "we shouldn't base prosecutorial decisions on the fact that Aaron knew smart and famous people who can wax eloquent about his virtues."^[65]

MSNBC contributor Chris Hayes criticized the prosecutorial rationale, saying "at the time of his death Aaron was being prosecuted by the federal government and threatened with up to 35 years in prison and \$1 million in fines for the crime of - and I'm not exaggerating here - downloading too many free articles from the online database of scholarly work JSTOR."^[66] In July 2011, David Segal of Demand Progress, a group Swartz co-founded, said "This makes no sense. It's like trying to put someone in jail for allegedly checking too many books out of the library."^{[67][68][69]}

On January 12, 2013, Alex Stamos, a computer forensics investigator employed by the Swartz legal defense team, posted a summary online of the expert testimony he had been prepared to present in the JSTOR case, concluding, "I know a criminal hack when I see it, and Aaron's downloading of journal articles from an unlocked closet is not an offense worth 35 years in jail,"^[70] the maximum length of incarceration that might have been imposed had Swartz lost at trial.

Death

On the morning of January 11, 2013, Swartz was found dead in his Crown Heights, Brooklyn, apartment by his girlfriend.^{[71][13][72][73]} A spokeswoman for New York's Medical Examiner reported that he had hanged himself.^{[13][72][73][74][75]} No suicide note was found.^[76]

The family and partner of Swartz created a memorial Web site on which they issued a statement, saying, "He used his prodigious skills as a programmer and technologist not to enrich himself but to make the Internet and the world a fairer, better place."^[77]

Swartz was eulogized by his friend and sometime attorney, Lawrence Lessig, who called Swartz's prosecution an abuse of proportionality, saying further

For remember, we live in a world where the architects of the financial crisis regularly dine at the White House - and where even those brought to 'justice' never even have to admit any wrongdoing, let alone be labeled felons. In that world, the question this government needs to answer is why it was so necessary that Aaron Swartz be labeled a felon.^[75]

Author Cory Doctorow wrote: "Aaron had an unbeatable combination of political insight, technical skill, and intelligence about people and issues. I think he could have revolutionized American (and worldwide) politics. His legacy may still yet do so."^[78]

Swartz's funeral services were held on January 15, 2013, at Central Avenue Synagogue in Highland Park, Illinois. Tim Berners-Lee, the creator of the World Wide Web and perhaps Swartz's most admired role-model, delivered a eulogy at the service.^{[79][80]} Memorial events were scheduled for January 18 in Cambridge, Massachusetts,^[81] January 19 in New York City,^{[82][83]} and January 24 in San Francisco.^[84]

Aftermath

Family response and criticism

On January 12, Swartz's family and partner issued a statement, criticizing the prosecutors and MIT.^[77]

After Mitch Kapor posted the statement on Twitter, Carmen Ortiz's husband, Tom Dolan, replied, criticizing the Swartz family: "Truly incredible that in their own son's obit they blame others for his death and make no mention of the 6-month offer."^[85] This comment triggered a backlash of criticisms including one from Charles Pierce,

Aaron's death is not simply a personal tragedy, it is the product of a criminal justice system rife with intimidation and prosecutorial overreach

political blogger for *Esquire*, "And the glibness with which her husband and her defenders toss off a 'mere' six months in federal prison, low-security or not, is a further indication that something is seriously out of whack with the way our prosecutors think these days."^[86]

Andy Good, Swartz's initial lawyer, told columnist Kevin Cullen of *The Boston Globe*, "The thing that galls me is that I told Heymann the kid was a suicide risk, his reaction was a standard reaction in that office, not unique to Steve. He said, 'Fine, we'll lock him up.' I'm not saying they made Aaron kill himself. Aaron might have done this anyway. I'm saying they were aware of the risk, and they were heedless."^[87]

Swartz's father, an intellectual property consultant to MIT's computer lab, was reportedly "outraged by the university's handling of the matter, believing that it deviated from MIT's usual procedures".^[30] Speaking at his son's funeral, Robert Swartz said: "He [Aaron] was killed by the government, and MIT betrayed all of its basic principles."^[88]

Public comment on the prosecution and the law

The Huffington Post reported that "Ortiz has faced significant backlash for pursuing the case against Swartz, including a petition to the White House to have her fired".^{[89][90]} Other news outlets have reported similarly.^{[91][92][93]}

Kelly Caine, a professor at Clemson University who studies people's attitudes toward technology and privacy said Swartz "was doing this not to hurt anybody, not for personal gain, but because he believed that information should be free and open, and he felt it would help a lot of people."^[30]

Chris Soghoian, a technologist and policy analyst with the American Civil Liberties Union, said: "Existing laws don't recognise the distinction between two types of computer crimes: malicious crimes committed for profit, such as the large-scale theft of bank data or corporate secrets; and cases where hackers break into systems to prove their skillfulness or spread information that they think should be available to the public."^[30]

Technology writer Verena Dobnik wrote that "His case highlights society's uncertain, evolving view of how to treat people who break into computer systems and share data not to enrich themselves, but to make it available to others."^[30]

Open Access

In 2002, Swartz stated that when he died he wanted all the contents of his hard drives made publicly available.^[94]

A long-time supporter of Open Access, Swartz once wrote

The world's entire scientific and cultural heritage, published over centuries in books and journals, is increasingly being digitized and locked up by a handful of private corporations. Want to read the papers featuring the most famous results of the sciences? You'll need to send enormous amounts to publishers like Reed Elsevier. There are those struggling to change this. The Open Access Movement has fought valiantly to ensure that scientists do not sign their copyrights away but instead ensure their work is published on the Internet, under terms that allow anyone to access it. ^[95]

Supporters of Swartz responded to news of his death with an effort called *#pdftribute*^[96] to promote Open Access.^{[97][98]} Scholars posted links to their works, accompanied by the hashtag *#PDFtribute*.^[99]

Petition to the Obama White House

After Swartz's death, more than 42,000 people signed an online petition^[100] to the White House calling for the removal of U.S. Attorney Carmen Ortiz, "for overreach in the case of Aaron Swartz."^[101]

Congress and "Aaron's Law"

Several members of the U.S. House of Representatives — Rep. Darrell Issa, Rep. Jared Polis, and Rep. Zoe Lofgren — all on the House Judiciary Committee, raised questions about the government's handling of the case. Rep. Lofgren called it "pretty outrageous".^[102] She then introduced a bill, *Aaron's Law*, to exclude terms of service violations from the 1984 Computer Fraud and Abuse Act and from the wire fraud statute.^[103] Lawrence

prosecutorial overreach. Decisions made by officials in the Massachusetts U.S. Attorney's office and at MIT contributed to his death.

Statement by family and partner of Aaron Swartz^[77]

Lessig wrote of the bill, "This is a critically important change... The CFAA was the hook for the government's bullying... This law would remove that hook. In a single line: no longer would it be a felony to breach a contract."^[104] Polis called the charges against Swartz "ridiculous and trumped up", while referring to Swartz as a "martyr".^[102] Issa, who chairs the House Oversight Committee, announced that he is investigating the Justice Department's actions in prosecuting Swartz's case.^{[102][105]}

Massachusetts Senator Elizabeth Warren issued a statement saying "Aaron made remarkable contributions to our world, and his advocacy for Internet freedom, social justice, and Wall Street reform demonstrated both the power of his ideas and the depth of his commitment. The world is a poorer place without Aaron."^[105] Sen. John Cornyn published a "sharply-worded" letter^[106] to US Attorney General Eric Holder asking "On what basis did the U.S. Attorney for the District of Massachusetts conclude that her office's conduct was "appropriate?" and "Was the prosecution of Mr. Swartz in any way retaliation for his exercise of his rights as a citizen under the Freedom of Information Act?"^{[107][108]}

Anonymous' MIT hack

Members of Anonymous hacked the Massachusetts Institute of Technology Web domain and replaced the title page with a tribute to Swartz, calling on members of the internet community to use Aaron's death as a rallying moment for the open access movement. The banner included a list of demands for improvements in the US copyright system, and included an essay attributed to Aaron, entitled *Guerilla Open Access Manifesto*.^[109]

MIT investigation

MIT appointed professor Hal Abelson to lead an internal investigation of the school's choices and role in the prosecution.^[110]

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Notes

^ Swartz is regularly attributed as a co-founder of Reddit, but the title is the source of controversy. After the merger of Infogami and Reddit, Swartz was an equal owner of parent company Not a Bug, Inc. along with Reddit co-founders Steve Huffman and Alexis Ohanian. Swartz was referred to as "co-founder" in the press, by investor/advisor Paul Graham (who recommended the merger), and in early comments by Ohanian.^[111] By mid-2011, when *Wired* wrote a piece on Swartz's court case, Ohanian said he preferred to describe Swartz as a 'co-owner' rather than co-founder.^[24] *Wired* used the latter title, commenting: "For lack of an accurate term for someone who joins a company early—but after launch—and who gets paid largely in equity, we use the term co-founder in this story."^[24]

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External links

- Official website (<http://www.aaronsw.com/>)
- @aaronsw (<https://twitter.com/aaronsw>) on Twitter
- "Official statement from the family and partner of Aaron Swartz" (<http://rememberaaronsw.tumblr.com/post/40372208044/official-statement-from-the-family-and-partner-of-aaron>) , *Remember Aaron Swartz*, Tumblr, <http://rememberaaronsw.tumblr.com/post/40372208044/official-statement-from-the-family-and-partner-of-aaron>.
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