Cato's Timothy Lee's conflict of interest with regard to Aaron Swartz?

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3 Comments

So, let's walk through this *interesting* defense-via-faint-damnation of Aaron Swartz by Timothy B Lee.

- Timothy B. Lee's article, summed up, is as follows: *Aaron Swartz was right to hack into JSTOR and take all those articles without paying for them, but he went about being right very, very stupidly by physically breaking into things while downloading other people's articles.* [Somebody on Twitter made the objection that double-quotes suggest a direct quote, instead of me just summing up Lee in a mean and vicious manner. Being magnanimous in victory and all that, I'll be nice and 'fix' it. - ML] This is a standard telecommie (one of my readers at MoeLane.com prefers 'infosocialist,' which works too) defense; which is… interesting.
- Well, who is Timothy B. Lee? Well, his Forbes profile says that, among other things, he's an adjunct scholar at the Cato Institute.
- And when you go over to Timothy Lee's Cato Institute profile, it notes there (but **not** on his website's disclosure statement) that Lee "was the co-author of RECAP, a software project that promotes public access to federal court records."
- What's RECAP? "RECAP is an extension (or "add on") for the Firefox web browser that improves the PACER experience while helping PACER users build a free and open repository of public court records." "PACER" stands for the "Public Access to Court Electronic Records:" obviously, it's a government site.
- Back in 2009, Aaron Swartz came to the FBI's attention when he script-kiddied a Chicago Circuit Court Library computer to take advantage of a free trial offered by PACER to download somewhere between 18 and 20 million pages of court documents. This only ended when PACER was forced to shut down free access entirely.
- If this sounds a good deal like what happened with MIT/JSTOR – tampering with computers, unauthorized access, mass downloads – well, that's because it is, except that no charges were filed back then by the feds.
- Anyway, Swartz donated those documents to Carl Malamud's public.resource.org. And **who** is Carl Malamud?
- Why, Carl Malamud is a guy that provided RECAP with a good number of its seed documents. In fact, it is because of Malamud and the Swartz download –

according to fellow-RECAP creator Steve Schultze, at least – that RECAP was created in 2009.

- Carl Malamud went on to be the guy that funded Timothy B. Lee's graduate work for 2010-2011.

So. Timothy Lee writes as spirited an ideological defense as he can manage for Aaron Swartz, a guy who broke into MIT and abused their networks, and nowhere does he mention that there are direct professional and academic ties between him and Swartz, as well as a rather strong indirect **financial** tie through Carl Malamud. In other words… without Swartz's habit of breaking into other people's computer networks with a vacuum cleaner, Timothy Lee would have had a completely different college and post-graduate career; which means probably a less remunerative one, give **this** economy.