



What is Aaron Swartz's legacy?

We examine the principles behind the digital activist's advocacy for internet freedom and what drove him over the edge.

January 15th, 2013

Aaron Swartz began computer programming at the age of 12. By the time he was 14 he had co-authored the RSS internet syndication standard which allows internet users to aggregate content that interests them.

"The system of laws that were [designed] for the analogue world written in the 1970s literally didn't make sense in a digital world, not because copyright didn't make sense, copyright is important but the way that copyright is implemented in a digital infrastructure doesn't make sense, so in the end it needed to be updated. But there were people, forces ... [who] were not interested in updating copyright because they benefit from the arcane system, and the US government has become a vigilant prosecutor in the name of this system. So that's what I think was at stake in this prosecution that ultimately drove him to despair."

-Lawrence Lessig, a professor at Harvard Law School

He dropped out of Stanford University after a year, founded an internet startup company called Infogami which eventually merged with Reddit, a social news and entertainment website. Reddit was later sold to the magazine publisher, Conde Naste.

That venture made Swartz rich. He then focused his energy on campaigning for internet freedom, co-founding the advocacy group Demand Progress.

He helped organise the successful campaign against the Stop Online Privacy Act (SOPA) which sought to monitor the internet for copyright violations and shut down websites.

In 2011, Swartz was charged with computer fraud after being accused of illegally downloading some four million articles from the academic website JSTOR, using the network of the Massachusetts Institute of Technology.

Prosecutors alleged he aimed to make the articles freely available using peer-to-peer websites.

Had he been found guilty he could have faced 35 years in jail and paid up to \$1m in fines.

Swartz committed suicide in New York on Friday. He had long struggled with depression.

His parents and partner released a statement that read, in part: "Aaron's death is not simply a personal tragedy. It is the product of a criminal justice system rife with intimidation and prosecutorial overreach. Decision made by officials in the Massachusetts US Attorney's office and at MIT contributed to his death. The US Attorney's office pursued an exceptionally harsh array of charges, to punish an alleged crime that had no victims. Meanwhile, unlike J-STOR, MIT refused to stand up for Aaron and its own community's most cherished principles."

Rafael Reif, the president of MIT, announced an inquiry into MIT's role and issued a statement of sympathy: "I want to express very clearly that I and all of us at MIT are extremely saddened by the death of this promising young man who touched the lives of so many. It pains me to think that MIT played any role in a series of events that have ended in tragedy ... Now is a time for everyone involved to reflect on their actions, and that includes all of us at MIT."

Underlying Swartz's work was a passionate belief that vigilance was needed to ensure that the internet remained open to all and that restrictions were not quietly passed that would have a huge impact on all of our access to information.

"One of the underlying problems is you have the Computer Fraud and Abuse Act that was passed in the 1980s and we know a lot more about how the online world works now than we did then, and this statute doesn't really give us very much clarity about what constitutes "computer hacking" ... as a result the prosecutors, as a practical matter, have a great deal of discretion."

- Tim Lee, an adjunct scholar at the Cato Institute

Speaking at a SOPA campaign, Swartz had said: "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. Is sharing a video on Bit Torrent like shoplifting from a movie store? Or is it like loaning a videotape to a friend? Is reloading a webpage over and over again like a peaceful virtual sit-in or a violent smashing of shop windows? Is the freedom to connect like freedom of speech or like the freedom to murder? This bill would be a huge, potentially permanent, loss. If we lost the ability to communicate with each other over the internet, it would be a change to the Bill of Rights. The freedoms guaranteed in our constitution, the freedoms our country had been built on, would be suddenly deleted. New technology, instead of bringing us greater freedom, would have snuffed out fundamental rights we'd always taken for granted.

"... And it will happen again. Sure, it will have yet 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 politicians' eyes hasn't been put out. There are a lot of people, a lot of powerful people, who want to clamp down on the internet. And to be honest, there aren't a whole lot who have a vested interest in protecting it from all of that. Even some of the biggest companies, some of the biggest internet companies to put it frankly, would benefit from a world in which their little competitors could get censored."

Inside Story Americas examines the principles of Swartz's advocacy and why he is receiving a lot of coverage.

Joining the discussion with presenter Shihab Rattansi are guests: Lawrence Lessig, a professor at Harvard Law School and a friend of Swartz; Tim Lee, a technology writer and adjunct scholar at the Cato Institute; and Maria Bustillos who covers technology for theawl.com.

"It's very important to make a distinction between Swartz's activism with respect to copyright. He was not looking for people who are rights holders not be able to get paid, he wasn't one of these people who thought there should be no such thing as copyright. He wanted to liberate public access documents that we pay for as taxpayers like in research institutions and elsewhere that should be free for people to access and use."

Maria Bustillos, a writer and journalist

Charges against Aaron Swartz:

He was indicted in June 2011. The government accused him of breaking into a cupboard containing computer wiring at the Massachusetts Institute of Technology (MIT)
The indictment claims that he configured a laptop to access the MIT's computer network, and then downloaded four million articles from JSTOR, an archive of scientific journals and academic papers

He was accused of wire fraud, computer fraud, illegally obtaining information and recklessly damaging a protected computer

The charges could have resulted in up to 35 years in prison and a \$1m fine