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The Internet's Own Boy: The Story of Aaron Swartz

By Brian Knappenberger

[quote on screen]

A cofounder of the social, news and entertainment website Reddit has been found dead.

He certainly was a prodigy, although he never thought of himself like that.

He was totally unexcited about starting businesses and making money.

There's a profound sense of loss tonight in Highland Park, Aaron Swartz's hometown, as loved ones say goodbye to

one of the Internet's brightest lights.

Freedom, open access, and computer activists are mourning his loss.

"An astonishing intellect", if you talk to people who knew him.

He was killed by the government, and

MIT betrayed all of its basic principles.

They wanted to make an example out of him, okay?

Governments have an insatiable desire to control.

He was potentially facing 35 years in prison and a one million dollar fine.

Raising questions of prosecutorial zeal, and I would say even misconduct.

Have you looked into that particular matter and reached any conclusions?

Growing up, I slowly had this process of realizing that all the things around me that people had told me were just the natural way things were, the way things always would be, they weren't natural at all,

there were things that could be changed and there were things that more importantly were wrong and should change, and once I realized that, there was really no going back.

Welcome to story reading time.

The name of the book is "Paddington at the Fair".

Well, he was born in Highland Park and grew up here.

Aaron came from a family of three brothers, all extraordinarily bright.

"Oh, the box is tipping over..."

So we were all, you know,

not the best behaved children.

You know, three boys running around all the time, causing trouble.

"Hey, no, no no!"

Aaron!

What?

But I've come to the realization that Aaron learned how to learn at a very young age.

"One, two, three, four, five, six, seven, eight, nine, ten!"

- Knock, knock!

- Who's there?

- Aaron.

- Aaron who?

- Aaron Funnyman.

He knew what he wanted, and he always wanted to do it.

He always accomplished what he wanted.

His curiosity was endless.

"Here's a little picture of what the planets are. And each planet has a symbol."

"Mercury symbol, Venus symbol, Earth symbol, Mars symbol, Jupiter symbol."

One day he said to Susan, "What's this free family entertainment downtown Highland Park?"

"Free family entertainment downtown Highland Park."

He was three at the time.

She said, "What are you talking about?"

He said, "Look, it says here on the refrigerator,"

"Free family entertainment downtown Highland Park."

She was floored and astonished that he could read.

It's called "My Family Seder".

The Seder night is different from all other nights.

I remember once, we were at the University of Chicago Library.

I pulled a book off the shelf that was from like 1900,

and showed to him and said, "You know, this is really just an extraordinary place."

We all were curious children, but Aaron really

liked learning and really liked teaching.
"And we're going to learn the ABC backwards."
"Z, Y, X, W, V, U, T..."
I remember, he came home
from his first Algebra class.
He was like, "Noah, let me teach you algebra!"
And I'm like, "What is algebra?"
And he was always like that.
"Now let's press click button,
there! Now it's got that!"
"Now it's in pink!"
When he was about two or three years old,
and Bob introduced him to computers,
then he just took off like crazy on them.
(baby talk)
We all had computers, but Aaron really
took to them, really took to the Internet.
- Working at the computer?
- Nah...
"How come...Mommy,
why is nothing working?"
He started programming from
a really young age.
I remember the first program
that I wrote with him was in BASIC,
and it was a Star Wars trivia game.
He sat down with me in the basement,
where the computer was,
for hours, programming this game.
The problem that I kept having with him is
that there was nothing that I wanted done,
and to him, there
was always something to do,
always something that
programming could solve.
The way Aaron always saw it, is that
programming is magic.
You can accomplish these things
that normal humans can't.
Aaron made an ATM using like a Macintosh
and like a cardboard box.
One year for Halloween,
I didn't know what I wanted to be,
and he thought it would be really, really cool

if I dressed up like his new favorite computer,
which at the time was the original iMac.
I mean, he hated dressing up for Halloween
but he loved convincing other people
to dress up as things that he wanted to see.
"Host Aaron, stop!
Guys, come on, look at the camera!"
"Spiderman looks at the camera!"
He made this website called The Info,
where people can just fill in information.
I'm sure someone out there knows
all about gold, gold leafing...
Why they don't write about that on this website?
And then other people can come at a later point,
and read that information, and edit
the information if they thought it was bad.
Not too dissimilar from Wikipedia, right?
And this was before Wikipedia had begun,
and this was developed by a 12-year-old,
in his room, by himself, running on this
tiny server using ancient technology.
And one of the teachers responds,
"This is a terrible idea, you can't just
let anyone author the encyclopedia!"
"The whole reason we have scholars
is to write these books for us."
"How could you ever have such a terrible idea?"
Me and my other brother would be like,
"Oh, you know, yeah Wikipedia is cool, but..."
"we had that in our house, like, five years ago."
Aaron's website, theinfo.org,
wins a school competition
hosted by the Cambridge-based
web design firm ArsDigita.
We all went to Cambridge when
he won the ArsDigita prize
and we had no clue what Aaron was doing.
It was obvious that the prize
was really important.
Aaron soon became involved with
online programming communities,
then in the process of shaping
a new tool for the Web.
He comes up to me and is like, "Ben, there's this

really awesome thing that I'm working on."

"You need to hear about it!"

"Yeah, what is it?"

"It's this thing called RSS."

And he explains to me what RSS is.

I'm like, "Why is that useful, Aaron?"

"Is any site using it?"

Why would I want to use it?"

There was this mailing list for people who are working on RSS, and XML more generally,

and there was a person on it named

Aaron Swartz who was combative but very smart,

and who had lots of good ideas, and

he didn't ever come to the

face-to-face meetings, and they said,

"You know, when are you gonna come out

to one of these face-to-face meetings?"

And he said, "You know, I don't think

my mom would let me. I've just turned fourteen."

And so their first reaction was: "Well, this person,

this colleague we've been working with all year

was thirteen years old while we were

working with him, and he's only fourteen now."

And their second reaction was:

"Christ, we really want to meet him.

That's extraordinary!"

He was part of the committee that drafted RSS.

What he was doing was to help build

the plumbing for modern hypertext.

The piece that he was working on, RSS,

was a tool that you can use to get summaries

of things that are going on on other web pages.

Most commonly, you would use this for a blog.

You might have 10 or 20 people's blogs you wanna read.

You use their RSS feeds, these summaries of

what's going on on those other pages

to create a unified list of all the stuff that's going on.

Aaron was really young, but he understood

the technology and he saw that it was imperfect

and looked for ways to help make it better.

So his mom started bundling him on planes

in Chicago. We'd pick him up in San Francisco.

We'd introduce him to interesting people

to argue with, and we'd marvel at his horrific eating habits.

He only ate white food, only like steamed rice and not fried rice 'cause that wasn't sufficiently white and white bread, and so on...

and you kind of marveled at the quality of the debate emerging from this, what appeared to be a small boy's mouth, and you'd think, this is a kid that's really going to get somewhere if he doesn't die of scurvy.

Aaron, you're up!

I think the difference is that now you can't make companies like dotcoms.

You can't have companies that just sell dog food over the Internet, or sell dog food over cell phones. But there's still a lot of innovation going on.

I think that maybe if you don't see the innovation, maybe your head is in the sand.

He takes on this, like an alpha nerd personality, where he's sort of like, "I'm smarter than you, and because I'm smarter than you, I'm better than you, and I can tell you what to do."

It's an extension of, like, him being kind of like a twerp. So you aggregate all these computers together and now they're solving big problems like searching for aliens and trying to cure cancer.

I first met him on IRC, on Internet Relay Chat.

He didn't just write code, he also got people excited about solving problems he got.

He was a connector.

The free culture movement has had a lot of his energy.

I think Aaron was trying to make the world work. He was trying to fix it.

He had a very kind of strong personality that definitely ruffled feathers at times.

It wasn't necessarily the case that he was always comfortable in the world and the world wasn't always comfortable with him.

Aaron got into high school and was really just sick of school. He didn't like it. He didn't like any of the classes that were being taught. He didn't like the teachers.

Aaron really knew how to get information.

He was like, "I don't need to go to this teacher to learn how to do geometry.

I can just read the geometry book, and I don't need to go to this teacher to learn their version of American history, I have, like, three historical compilations here, I could just read them,

and I'm not interested in that. I'm interested in the Web."
I was very frustrated with school. I thought the teachers didn't know what they were talking about,
and they were domineering and controlling, and the homework was kind of a sham,
and it was all just like all about a way to pen students all together and force them to do busywork.
And, you know, I started reading books about the history of education and how this educational system was developed,
and, you know, alternatives to it and ways that people could actually learn things
as opposed to just regurgitating facts that teachers told them,
and that kind of led me down this path of questioning things, once I questioned the school I was in,
I questioned the society that built the school, I questioned the businesses that the schools were training people for,
I questioned the government that set up this whole structure.
One of the thing he was most passionate about was copyright, especially in those early days.
Copyright has always been something of a burden on the publishing industry and on readers,
but it wasn't an excessive burden. It was a reasonable institution to have in place
to make sure that people got paid.
What Aaron's generation experienced was the collision between this antique copyright system
and this amazing new thing we were trying to build--the Internet and the Web.
These things collided, and what we got was chaos.
He then met Harvard Law Professor Lawrence Lessig,
who was then challenging copyright law in the Supreme Court.
A young Aaron Swartz flew to Washington to listen to the Supreme Court hearings.
I am Aaron Swartz and I'm here to listen to the Eldred--to see the Eldred document.
Why did you fly out here from Chicago, and come all this way to see the Eldred argument?
That's a more difficult question...
I don't know. It's very exciting to see the Supreme Court,
especially in such a prestigious case as this one.
Lessig was also moving forward with a new way to define copyright on the Internet.
It was called Creative Commons.
So the simple idea of Creative Commons is to give people--creators--

a simple way to mark their creativity with the freedoms they intended to carry.

So if copyright is all about "All Rights Reserved", then this is a kind of a "Some Rights Reserved" model.

I want a simple way to say to you, "Here's what you can do with my work, even if there are other things which you need to get my permission before you could do."

And Aaron's role was the computer part.

Like, how do you architect the licenses so they'll be simple and understandable

and expressed in a way so that machines can process it?

And people were like, "Why do you have this fifteen-year-old kid writing the specifications for Creative Commons?

Don't you think that's a huge mistake?"

And Larry is like, "The biggest mistake we would have done is not listening to this kid."

He barely is not even tall enough to even get over the podium, and it was this movable podium so it was this embarrassing thing, where once he put his screen up nobody could see his face.

When you come to our website here, and you go to "Choose License".

It gives you this list of options, it explains what it means, and you've got three simple questions:

"Do you want to require attribution?"

"Do you want to allow commercial uses of your work?"

"Do you want to allow modifications of your work?"

I was floored, just completely flabbergasted that these adults regarded him as an adult,

and Aaron stood up there in front of a whole audience full of people, and just started talking

about the platform that he'd created for Creative Commons,

and they were all listening to him, just...

I was sitting at the back, thinking: he's just a kid, why are they listening to him?

But they did...

Well, I don't think I comprehended it fully.

Though critics have said it does little to ensure artists get paid for their work,

the success of Creative Commons has been enormous.

Currently on the website Flickr alone, over 200 million people use some form of Creative Commons license.

He contributed through his technical abilities, and yet it was not simply a technical matter to him.

Aaron often wrote candidly in his personal blog:

I think deeply about things, and I want others to do likewise.

I work for ideas and learn from people. I don't like excluding people. I'm a perfectionist, but I won't let that get in the way of publication. Except for education and entertainment, I'm not going to waste my time on things that won't have an impact.

I try to be friends with everyone, but I hate it when you don't take me seriously.

I don't hold grudges, it's not productive, but I learn from my experience. I want to make the world a better place.

In 2004, Swartz leaves Highland Park and enrolls in Stanford University. He'd had ulcerative colitis which was very troubling, and we were concerned about him taking his medication.

He got hospitalized and he would take this cocktail of pills every day, and one of those pills was a steroid which stunted his growth, and made him feel different from any of the other students.

Aaron, I think, shows up at Stanford ready to do scholarship and finds himself in effectively a babysitting program for overachieving high-schoolers

who in four years are meant to become captains of industry and one-percenters

and I think it just made him bananas.

In 2005, after only one year of college,

Swartz was offered a spot at a new start-up incubation firm called Y Combinator, lead by Paul Graham.

He's like, "Hey, I have this idea for a a website."

And Paul Graham likes him enough, and says, "Yeah, sure."

So Aaron drops out of school, moves to this apartment...

So this used to be Aaron's apartment when he moved here.

I have vague memories of my father telling me how difficult it was to get a lease

'cause Aaron had no credit and he dropped out of college.

Aaron lived in what's now the livingroom and some of the posters are leftover from when Aaron lived here.

And then the library...there are more books, but a lot of them are Aaron's.

Aaron's Y Combinator site was called "infogami", a tool to build websites.

But infogami struggles to find users, and Swartz eventually

merges his company with another Y Combinator project in need of help.

It was a project headed by Steve Huffman and Alexis Ohanian, called "Reddit".

There we were, starting from almost nothing. No users, no money, no code, and growing day by day into a hugely popular website,

And it showed no signs of letting up.

First we had 1000 users, then 10000, then 20000 and on, and on...It was just incredible.

Reddit becomes huge and it's a real sort of geeky corner of the Internet.

There's a lot of humor, there's a lot of art, and there's just people who flock to the site, and make that site the main site they go to every morning to get their news.

reddit kind of just borders on chaos at some levels, so on the one hand it's a place where people discuss news of the day, technology, politics and issues, and yet there is a lot of kind of Not Safe For Work material, offensive material, there are some sub-reddits where trolls find a welcome home, and so, in that sense reddit has been kind of home to controversy, as well. It kind of sits on that edge of chaos.

reddit catches the attention of the corporate magazine giant Cond Nast, who makes an offer to buy the company.

Some large amount of money, large enough that my dad was getting bugged with questions

about like:

- Like a lot of money...

- Like a lot of money.

Like probably more than a million dollars, but I don't actually know.

- And he's how old at the time?

- 19, 20.

So it was in this apartment. They sat around on what predated these couches, hacking on Reddit, and when they sold Reddit they threw a giant party, and then all flew out to California the next day, and left the keys with me.

It was funny, you know, he'd just sold his start-up so we all presumed he was the richest person around

but he said, "Oh no, I'll take this tiny little shoebox-sized room. That's all I need."

It was barely larger than a closet.

The idea of him spending his money on fancy objects just seemed so implausible.

He explains it as, "I like living in apartments so I'm not going to spend a lot of money on a new place to live. I'm not gonna buy a mansion, and I like wearing jeans and a T-shirt, so I'm not going to spend any more money on clothes.

So it's really no big deal."

What is a big deal to Swartz is how traffic flows on the internet, and what commands our attention.

In the old system of broadcasting, you're fundamentally limited by the amount of space in the airwaves. You could only send out ten channels over the airwaves, television or even with cable, you had 500 channels. On the Internet, everybody can have a channel. Everyone can get a blog, or a MySpace page. Everyone has a way of expressing themselves. What you see now is not a question of who gets access to the airwaves, it's a question of who gets control over the ways you find people. You know, you start seeing power centralizing in sites like Google, these sort of gatekeepers that tell you where on the internet you want to go. The people who provide you your sources of news and information. So it's not only certain people have a license to speak, now everyone has a license to speak. It's a question of who gets heard. After he started working in San Francisco at Cond Nast, he comes into the office and they want to give him a computer with all this crap installed on it and say he can't install any new things on this computer, which to developers is outrageous. From the first day, he was complaining about all the stuff. "Gray walls, gray desks, gray noise. The first day I showed up here, I simply couldn't take it. By lunchtime, I had literally locked myself in a bathroom stall and started crying. I can't imagine staying sane with someone buzzing in my ear all day. Let alone getting any actual work done. Nobody else seems to get work done here either. Everybody's always coming into our room to hang out and chat, or invite us to play the new video game system that Wired is testing." He really had different aspirations that were politically-oriented, and Silicon Valley just doesn't really quite have that culture that orients technical activity for the purposes of political goals. Aaron hated working for a corporation. They all hate working for Cond Nast, but Aaron is the only one who is not going to take it.

And Aaron basically gets himself fired.
By not showing up to work, ever.
It was said to be a messy breakup.
Both Alexis Ohanian and Steve Huffman
declined to be interviewed for this film.
He rejected the business world. One of the really important things to
remember about
that choice when Aaron decided to leave start-up
culture is that he was also leaving behind
the things that had made him famous and well-loved, and he was at risk of
letting down fans.
He got to where he was supposed to be going, and had the self-awareness
and the orneriness to realize that he had climbed the mountain of shit to
pluck
the single rose and discovered that he'd lost his sense of smell,
and rather than sit there and insist that it wasn't as bad as it seemed,
and he did get the rose in any event,
he climbed back down again, which is pretty cool.
The way Aaron always saw it, is that
programming is magic--
you can accomplish these things that normal
humans can't, by being able to program.
So if you had magical powers, would you use
them for good, or to make you mountains of cash?
Swartz was inspired by one of the visionaries
he had met as a child.
The man who had invented the World Wide Web,
Tim Berners-Lee.
In the 1990s, Berners-Lee was arguably sitting on
one of the most lucrative inventions of
the 20th century,
but instead of profiting from the invention
of the World Wide Web, he gave it away for free.
It is the only reason the World Wide Web exists today.
Aaron is certainly deeply influenced by Tim.
Tim is certainly a very prominent early Internet genius, who doesn't in any
sense cash out.
He's not at all interested in how he's going to figure out how to make a
billion dollars.
People were saying, "Ah, there's money to be made there,"
so there would have been lots of little webs,
instead of one big one,
and one little web, and all sorts of webs doesn't work,
because you can't follow links from one to the other.

You had to have the critical masses--the thing was the entire planet, so it's not going to work unless the whole planet can get on board. I feel very strongly that it's not enough to just live in the world as it is, to just kind of take what you're given, and you know, follow the things that adults told you to do, and that your parents told you to do, and that society tells you to do. I think you should always be questioning. I take this very scientific attitude, that everything you've learned is just provisional, that it's always open to recantation or refutation or questioning, and I think the same applies to society. Once I realized that there were real serious problems--fundamental problems--that I could do something to address, I didn't see a way to forget that. I didn't see a way not to. We just started spending a lot of time, just kind of as friends. We would just talk, for hours, into the night. I definitely should have understood that he was flirting with me. I think to some degree, I was, like, this is a terrible idea, and impossible, and therefore I will pretend it is not happening. As my marriage was breaking down, and I was really stuck without anywhere to go, we became roommates, and I brought my daughter over. We moved in, and furnished the house, and it was really peaceful. My life had not been peaceful for a while, and really neither had his. We were extremely close from the beginning of our romantic relationship. We just...we were in constant contact. But we're both really difficult people to deal with. [laughs] In a very Ally McBeal discussion, he confessed he had a theme song, and I made him play it for me. It was "Extraordinary Machine" by Fiona Apple. I think it was just that sense of kind of being a little bit embattled that the song has, and it also had, like, this hopefulness to it. By foot it's a slow climb, but I'm good at being uncomfortable so I can't stop changing all the time. In many ways, Aaron was tremendously optimistic about life. Even when he didn't feel it, he could be tremendously optimistic about life.

Extraordinary machine

- What are you doing?

(Quinn) - Flicker has video now.

Swartz threw his energy into a string of new projects involving access to public information, including an accountability website called Watchdog.net,

and a project called The Open Library.

So, the Open Library Project is a website you can visit at openlibrary.org, and the idea is to be a huge wiki, an editable website with one page per book.

So for every book ever published, we want to have a web page about it that combines

all the information from publishers, from booksellers, from libraries, from readers

onto one site, and then gives you links where you can buy it, you can borrow it, or you can browse it.

I love libraries. I'm the kind of person who goes to a new city and immediately seeks out the library.

That's the dream of Open Library, is building this website where both you can leap

from book to book, from person to author, from subject to idea, go through this vast tree

of knowledge that's been embedded and lost in big physical libraries, that's hard to find,

that's not very well-accessible online. It's really important because books are our cultural legacy.

Books are the place people go to write things down, and to have all that swallowed up by one corporation is kind of scary.

How can you bring public access to the public domain?

It may sound obvious that you'd have public access to the public domain, but in fact it's not true. So the public domain should be free to all, but it's often locked up.

There's often guard cages. It's like having a national park but with a moat around it,

and gun turrets pointed out, in case somebody might want to actually come and enjoy the public domain.

One of the things Aaron was particularly interested in was bringing public access to the public domain.

This is one of the things that got him into so much trouble.

I had been trying to get access to federal court records in the United States.

What I discovered was a puzzling system called PACER.

Which stands for Public Access to Court Electronic Records.

I started Googling, and that's when I ran across Carl Malamud.

Access to legal materials in the United States is a ten billion dollar per year business.

PACER is just this incredible abomination of government services. It's ten cents a page, it's this most braindead code you've ever seen. You can't search it. You can't bookmark anything.

You've got to have a credit card, and these are public records.

U.S. district courts are very important; it's where a lot of our seminal litigation starts.

Civil rights cases, patent cases, all sorts of stuff. Journalists, students, citizens and lawyers

all need access to PACER, and it fights them every step of the way.

People without means can't see the law as readily as people that have that Gold American Express card.

It's a poll tax on access to justice.

You know, the law is the operating system of our democracy, and you have to pay to see it?

You know, that's not much of a democracy.

They make about 120 million dollars a year on the PACER system, and it doesn't cost anything near that, according to their own records. In fact, it's illegal.

The E-Government Act of 2002 states that the courts may charge only to the extent necessary,

in order to reimburse the costs of running PACER.

As the founder of Public.Resource.Org, Malamud wanted to protest the PACER charges.

He started a program called The PACER Recycling Project, where people could upload PACER documents they had already paid for to a free database so others could use them.

The PACER people were getting a lot of flack from Congress and others about public access,

and so they put together a system in 17 libraries across the country that was free PACER access.

You know, that's one library every 22,000 square miles, I believe, so it wasn't like really convenient.

I encouraged volunteers to join the so-called Thumb Drive Corps, and download docs from the public access libraries, upload them to the PACER recycling site.

People take a thumb drive into one of these libraries, and they download a bunch of documents,

and they send them to me. I mean, it was just a joke.

In fact, when you clicked on Thumb Drive Corps, there was a Wizard of Oz,

you know, the Munchkins singing, so a videoclip came up:
We represent the lollipop guild...
But of course, I get this phone calls from Steve Shultz and Aaron, saying,
"Gee, we'd like to join the Thumb Drive Corps."
Around that time, I ran into Aaron at a conference.
This is something that really has to be a collaboration between a lot of
different people.
So I approached him and I said,
"Hey, I am thinking about an intervention on the PACER problem."
Schultz had already developed a program that could automatically download
PACER documents
from the trial libraries.
Swartz wanted to take a look.
So, I showed him the code, and I didn't know what would come next,
but as it turns out, over the course of the next few hours at that
conference,
he was off sitting in a corner, improving my code, recruiting a friend of
his
that lived near one of these libraries to go into the library, and to begin
to test his improved code.
At which point the folks at the courts realized something is not going
quite according to plan.
And data started to come in, and come in, and come in
and soon there was 760 GB of PACER docs, about 20 million pages.
Using information retrieved from the trial libraries,
Swartz was conducting massive automated parallel downloading of the PACER
system.
He was able to acquire nearly 2.7 million Federal Court documents, almost
20 million pages of text.
Now, I'll grant you that 20 million pages had perhaps exceed the
expectations of the people
running the pilot access project, but surprising a bureaucrat isn't
illegal.
Aaron and Carl decided to go talk to The New York Times about what
happened.
They also caught the attention of the FBI, who began to stake out Swartz's
parents' house in Illinois.
And I get a tweet from his mother, saying, "Call me!!"
So, I think, like, what the hell's going on here?
And so, finally I get a hold of Aaron and, you know, Aaron's mother was
like, "Oh my God, FBI, FBI, FBI!"
An FBI agent drives down our home's driveway, trying to see if Aaron is in
his room.
I remember being home that day, and wondering why this car was driving down

our driveway,
and just driving back up. That's weird!
Like, five years later I read this FBI file, like, oh my goodness: that was
the FBI agent, in my driveway.
He was terrified. He was totally terrified.
He was way more terrified after the FBI actually called him up on the
phone,
and tried to sucker him into coming down to a coffee shop without a lawyer.
He said he went home and lay down on the bed and, you know, was shaking.
The downloading also uncovered massive privacy violations in the court
documents.
Ultimately, the courts were forced to change their policies as a result,
and the FBI closed their investigation without bringing charges.
To this day, I find it remarkable
that anybody, even at the most remote podunk field office of the FBI
thought that a fitting use for taxpayer dollars was investigating people
for criminal theft on the grounds that they had made the law public.
How can you call yourself a lawman,
and think that there could possibly be anything wrong in this whole world
with making the law public?
Aaron was willing to put himself at risk for the causes that he believed
in.
Bothered by wealth disparity, Swartz moves beyond technology, and into a
broader range of political causes.
I went into Congress, and I invited him to come and hang out and intern for
us for a while
so that he could learn the political process.
He was sort of learning about new community and new sets of skills and kind
of learning to hack politics.
It seems ridiculous that miners should have to hammer away until their
whole bodies are dripping with sweat
faced with the knowledge that if they dare to stop, they won't able to put
food on the table that night,
while I get to make larger and larger amounts of money each day just by
sitting and watching TV.
But apparently the world is ridiculous.
So, I co-founded a group called "The Progressive Change Campaign
Committee",
and what we try and do is we try to organize people over the Internet who
care about progressive politics
and moving the country toward a more progressive direction
to kind of come together, join our e-mail list, join our campaigns
and help us to get progressive candidates elected all across the country.
The group is responsible for igniting the grassroots effort behind the

campaign to elect Elizabeth Warren to the Senate.
He might have thought it was a dumb system but he came in and he said, "I need to learn this system, because it can be manipulated like any social system."
But his passion for knowledge and libraries didn't take a back seat.
Aaron began to take a closer look at institutions that publish academic journal articles.
By virtue of being students at a major U.S. university, I assume you have access to a wide variety of scholarly journals.
Pretty much every major university in the United States pays these sort of licensing fees to organizations like JSTOR and Thompson Isi to get access to scholarly journals that the rest of the world can't read.
These scholarly journals and articles are essentially the entire wealth of human knowledge online, and many have been paid for with taxpayer money or with government grants, but to read them, you often have to pay again handing over steep fees to publishers like Reed-Elsevier.
These licenses fees are so substantial that people who are studying in India, instead of studying in United States, don't have this kind of access. They are locked out from all of these journals.
They are locked out from our entire scientific legacy.
I mean, a lot of these journal articles, they go back to The Enlightenment. Every time someone has written down a scientific paper, it's been scanned, digitized, and put in these collections.
That is a legacy that has been brought to us by the history of people doing interesting work, the history of scientists.
It's a legacy that should belong to us as a commons, as a people, but instead, it has been locked up and put online by an handful of for-profit corporations who then try to get the maximum profit they can out of it.
So a researcher paid by the university or the people publishes a paper, and at the very, very last step of that process, after all the work is done, after all the original research is done--the thinking, the lab work, the analysis, after everything is done, at that last stage, then the researcher has to hand over his or her copyright to this multi-billion dollar company.
And it's sick. It's an entire economy built on volunteer labor, and then the publishers sit at the very top and scrape off the cream.
Talk about a scam. One publisher in Britain made a profit of three billion dollars last year.

I mean, what a racket!

JSTOR is just a very, very small player in that story but for some reason, JSTOR is the player that Aaron decided to confront. He'd gone to some conference around Open Access and Open Publishing, and I don't know who the person from JSTOR was, but I think they--at some point, Aaron asked the question, "How much would it cost to open up JSTOR in perpetuity?" And they gave some--I think it was two hundred million dollars, something that Aaron thought was totally ridiculous. Working on a fellowship at Harvard, he knew users on MIT's famously open and fast network next door had authorized access to the riches of JSTOR. Swartz saw an opportunity. You have a key to those gates, and with a little bit of shell script magic, you can get those journal articles.

On September 24, 2010, Swartz registered a newly purchased Acer laptop on the MIT network, under the name "Garry Host". The client name was registered as "GHost laptop". He doesn't hack JSTOR in the traditional sense of hacking. The JSTOR database was organized, so it was completely trivial to figure out how you could download all the articles in JSTOR, because it was basically numbered. It was basically slash slash slash...number article 444024 and -25 and -26. He wrote a Python script called keepgrabbing.pi, which was like, keeping grabbing one article after another. The next day, GHost laptop begins grabbing articles, but soon, the computer's IP address is blocked. For Swartz, it's barely a bump in the road.

He quickly reassigns his computer's IP address and keeps downloading. Well, JSTOR and MIT take a number of steps to try to interfere with this, when they notice that this is happening, and when the more modest steps don't work, then at a certain stage, JSTOR just cuts off MIT from having access to the JSTOR database.

So there's a kind of cat-and-mouse game around getting access to the JSTOR database.

Aaron, ultimately, obviously is the cat because he has more technical capability

than the JSTOR database people do in defending them.

Eventually, there was an unlocked supply closet in the basement of one of the buildings,

and he went, instead of going through WiFi, he went down there and he just

plugged his computer directly into the network and just left it there with an external hard drive downloading these articles to the computer.

Unknown to Swartz, his laptop and hard drive had been found by authorities. They didn't stop the downloads.

Instead, they installed a surveillance camera. They found the computer in this room in the basement of an MIT building. They could have unplugged it. They could have waited for the guy to come back and said,

"Dude, what are you doing, you know, cut it out. Who are you?"

They could have done all that kind of stuff, but they didn't. What they wanted to do was film it to gather evidence to make a case. That's the only reason you film something like that.

At first, the only person caught on the glitchy surveillance camera was using the closet as a place to store bottles and cans. But days later, it caught Swartz.

Swartz is replacing the hard drive. He takes it out of his backpack, leans out of frame for about five minutes, and then leaves.

And then they organized, like, a stakeout where, as he was biking home from MIT, these cops came out from either side of the road, or something like that, and started going after him.

He describes that he was pressed down and assaulted by the police. He tells me that they--it's unclear that they were police that were after him.

He thought that someone was trying to attack him. He does tell me they beat him up.

It was just devastating. The notion of any kind of criminal prosecution of anyone in our family or anything was so foreign and incomprehensible, I didn't know what to do.

Well, they execute search warrants at Aaron's house, his apartment in Cambridge, in his office at Harvard.

Two days before the arrest, the investigation had gone beyond JSTOR and the local Cambridge police.

It had been taken over by the United States Secret Service. The Secret Service began investigating computer and credit card fraud in 1984, but six weeks after the attack on 9/11, their role expanded.

[applause]

President Bush used The Patriot Act to establish a network of what they called "Electronic Crimes Task Forces".

The bill before me takes account of the new realities and dangers posed by modern terrorists.

According to the Secret Service, they are primarily engaged in activity with economic impact, organized criminal groups, or use of schemes involving new technology. The Secret Service turned Swartz's case over to the Boston U.S. Attorney's office.

There was a guy in the U.S. attorney's office who had the title: "Head of the Computer Crimes Division or Task Force"

I don't know what else he had going, but you're certainly not much of a "Computer Crimes Prosecutor" without a computer crime to prosecute, so he jumped on it, kept it for himself, didn't assign it to someone else within the office or the unit and that's Steve Heymann.

Prosecutor Stephen Heymann has been largely out of public view since the arrest of Aaron Swartz, but he can be seen here, in an episode of the television show "American Greed", filmed around the time of Aaron's arrest.

He is describing his previous case against the notorious hacker Alberto Gonzales, a case that garnered Heymann enormous press attention and accolades. Gonzales masterminded the theft of over a hundred million credit card and ATM numbers, the largest such fraud in history.

Here, Heymann, describing Gonzales, gives his view on the hacker mindset: These guys are driven by a lot of the same things that we're driven by. They have an ego, they like challenge, and of course they like money and everything you can get for money.

One of the suspects implicated in the Gonzales case was a young hacker named Jonathan James.

Believing Gonzales' crimes would be pinned on him, James committed suicide during the investigation.

In an early press release describing the government's position in the case of Aaron Swartz,

Heymann's boss, U.S. Attorney for the District of Massachusetts, Carmen Ortiz, said this:

"Stealing is stealing, whether you use a computer command or a crowbar, and whether you take documents, data, or dollars."

It is not true. It's obviously not true.

I'm not saying it's harmless,

and I'm not saying that we shouldn't criminalize stealing of information, but you got to be much more subtle

in trying to figure out exactly which kinds of harms are harmful here.

So the thing about a crowbar is, every time I break into a place with a

crowbar,
I do damage. There is no doubt about it.
But when Aaron writes a script that says
download download download, a hundred times in a second,
there's no obvious damage to anybody.
If he does that for the purpose of gathering an archive to do academic
research on it,
there is never any damage to anybody.
He wasn't stealing. He wasn't selling what he got or giving it away.
He was making a point, for as far as I could tell.
The arrest took its toll on Swartz.
He just wouldn't talk about it.
I mean, he was very stressed.
If you would thought that the FBI was going to come to your doorstep any
day,
anytime you went down the hall, even to do your laundry,
and they'd break in into your apartment 'cause you left the door unlocked,
like...I'd be pretty stressed,
and it was clear, and so Aaron was always sort of like in a dour mood.
He wouldn't give off any sensitive information about his whereabouts during
this time,
because he was so afraid that the FBI would be waiting for him.
It was a time of unprecedented social and political activism.
Time Magazine would later name, as their 2011 Person of the Year, "The
Protester".
There was a kind of hotbed of hacker activity going on.
WikiLeaks had released a trove of diplomatic cables,
Manning had been under arrest at the time,
it was unknown whether he was the source of the leak.
Anonymous, which is a kind of protest ensemble that
has a lot of hackers in its ranks,
were going on various sprees of sorts.
If you compare that to what he did,
this stuff should have been left behind for MIT and JSTOR to deal with,
in a kind of private, professional matter.
It should have never gotten the attention of the criminal system.
It just didn't belong there.
Before he was indicted, Swartz was offered a plea deal
that involved three months in prison, time in an halfway house,
and a year of home detention,
all without the use of a computer.
It was on the condition that Swartz plead guilty to a felony.

Here we are:

about what the government's case is,
and we have to make this immense decision
where the lawyer is pushing you to do this,
the government is giving you a non-negotiable demand,
and you're told that your likelihood of prevailing is small,
so whether you're guilty or not, you're better off taking the deal.
Boston has its own Computer Crimes Division,
lots of lawyers, probably more lawyers than they need.
So, you know, you can imagine all sorts of cases that will be really hard
to prosecute,
because you've got some criminals in Russia,
or you've got some people inside of a corporation
that are gonna five hundred dollar lawyers or seven hundred dollar-an-hour
lawyers
sitting down against you, and then you've got this case with this kid,
which is pretty easy to prove that he did something,
and he's already marked himself as a troublemaker with the FBI,
so why not go as tough as you can against that guy?
It's good for you the prosecutor. It's good for the Republic,
'cause you're fighting all those terrorist types.
I was so scared.
I was so scared of having my computer seized.
I was so scared of going to jail because of my computer being seized.
I had confidential material from sources from my previous work on my
laptop,
and that is, above all, my priority--is to keep my sources safe.
I was so scared of what was going to happen to Ada.
Aaron told me that they'd offered him a deal,
and he finally just said that he would take it if I told him to,
and I say--I came real close to saying, "Take it."
He had these--he had developed, like, serious political aspirations
in the intervening time, between when, you know,
that moment when he ended that entrepreneurial start-up life,
and begun this new life that had come to this political activism,
and he just didn't believe that he could continue in his life with a
felony.
You know, he said to me one day, we were walking by the White House,
and he said to me, "They don't let felons work there."
And you know he really--he really wanted that to be his life.
He hadn't killed anybody. He hadn't hurt anybody.
He hadn't, like, stolen money.
He hadn't done anything that seemed felony-worthy, and...
there is this idea that there is no reason that he should be labelled a
felon,

and taken away his right to vote in many states for doing what he did. That's just outrageous. It makes sense for him to be maybe fined a bunch of money, or asked not to come back to MIT again. But to be a felon? To face jail time? Swartz turned down the plea deal. Heymann redoubled his efforts. Heymann continued to press us at all levels. Even with the physical evidence seized from Aaron's Acer computer harddrive and USB drive, the prosecutors needed evidence of his motives. Why was Aaron Swartz downloading articles from JSTOR, and just what did he plan to do with them? The government claim was that he was planning to publish these. We don't really know whether that was his real intention because Aaron also had a history of doing projects where he'd analyze giant data sets of articles in order to learn interesting things about them. The best evidence for that was that when he was at Stanford, he also downloaded the whole Westlaw legal database. In a project with Stanford law students, Swartz had downloaded the Westlaw legal database. He uncovered troubling connections between funders of legal research and favorable results. He did this amazing analysis of for-profit companies giving money to law professors who wrote law review articles which were then beneficial to, like, Exxon during an oil spill. So it was a very corrupt system of funding, you know, vanity research. Swartz had never released the Westlaw documents. In theory, he could have been doing the same thing about the JSTOR database. That would have been completely okay. If he were, on the other hand, intending to create a competitive service to JSTOR, like, we're going to set up our own, you know, access to the Harvard Law Review and charge, you know, money for it, then, okay, now it seems like criminal violation because you are commercially trying to exploit this material, but it's kind of crazy to imagine that that was what he was doing. So, but then there's the middle case: well, what if he was just trying to liberate it for all of the developing world? But depending on what he was doing, it creates a very different character to how the law should be thinking about it. The government was prosecuting him

as if this was like a commercial criminal violation,
like stealing a whole bunch of credit card records, that it was that kind
of crime.

I don't know what he was going to do with that database,
but I heard from a friend of his that Aaron had told him
that he was going to analyze the data for evidence of corporate funding of
climate change research
that led to biased results, and I totally believe that.
I was just told that Steve wanted to talk to me,
and I thought maybe this was a way I could get out of this,
just exit the situation,
and I didn't want to live in fear of having my computer seized.
I didn't want to live in fear of having to go to jail on a contempt of
court charge
if they tried to compel me to decrypt my computer.
When they came to me and said, "Steve wants to talk to you,"
that seemed reasonable.

They offered Norton what is know as a "Queen For A Day" letter or a
proffer.

It allowed prosecutors to ask questions about Aaron's case.
Norton would be given immunity from prosecution herself,
for any information she revealed during the meeting.
I didn't like it. I told my lawyers repeatedly
that I didn't...this seemed fishy, I didn't like this, I didn't want
immunity,
I didn't need immunity, I hadn't done anything,
but they were really, really stringent that there was--
they did not want me meeting the prosecutor without immunity.

[Interviewer] But just to be clear, this is a "Queen For A Day" deal, a
proffer.

Right, a proffer letter.

-In which you basically handed information to them in exchange for
protection from prosecution.

-So, it wasn't handing information over. It was--at least that's not how I
saw it--
it was just having a discussion, having an interview with them.

-Well, they're asking you questions...

-They're asking me questions.

-and they can ask about whatever they want...

-Right.

- and whatever they learn...

-I really...

-They can't have you prosecuted.

-Right, and I repeatedly tried to go in naked.

I repeatedly--I repeatedly tried to turn down the proffer letter.
I was ill. I was being pressured by my lawyers.
I was confused. I was not doing well by this point.
I was depressed, and I was scared, and I didn't understand the situation I was in.
I had no idea why I was in this situation.
I hadn't done anything interesting, much less wrong.
We went out of our minds.
Aaron was clearly very distraught about it. We were very distraught about it.
Aaron's attorneys were very distraught about it.
We tried to get Quinn to change attorneys.
I was very unused to being in a room with large men, well-armed, that are continually telling me I'm lying, and that I must have done something.
I told them that this thing that they were prosecuting wasn't a crime.
I told them that they were on the wrong side of history.
I used that phrase. I said, "You're on the wrong side of history."
And they looked bored. They didn't even look angry. They just looked bored, and it began to occur to me that we weren't having the same conversation.
I mean, I told them plenty of things about, you know, why people would download journal articles,
and eventually--I don't remember what was around it--
I mentioned that he'd done this blog post, the "Guerilla Open Access Manifesto".
This is the "Guerrilla Open Access Manifesto", supposedly written in July, 2008 in Italy.
"Information is power. But like all power, there are those who want to keep it for themselves."
"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."
"Meanwhile, those who have been locked out are not standing idly by."
"You have been sneaking through holes and climbing over fences, liberating the information locked up by the publishers and sharing them with your friends."
"But all of this action goes on in the dark, hidden underground."
"It's called stealing or piracy, as if sharing a wealth of knowledge were the moral equivalent of plundering a ship and murdering its crew."
"But sharing isn't immoral it's a moral imperative."
"Only those blinded by greed would refuse to let a friend make a copy."
"There's no justice in following unjust laws."

"It's time to come into the light and, in a grand tradition of civil disobedience,
declare our opposition to this private theft of public culture."
The Manifesto itself was allegedly written by four different people, and
also edited by Norton.
But it was Swartz who had signed his name to it.
When it's over, I go immediately to Aaron and tell him everything I can
remember about it,
and he gets very angry.
The things that I'd done shouldn't have added up that way.
I hadn't done anything wrong, and everything had gone wrong,
but I was never...
I'm still angry.
I'm still angry that you could try your best with these people to do the
right thing,
and they'd turn everything against you.
And they will hurt you with anything they can.
And in that moment, I regret that I said what I did.
But my much larger regret is that we have settled for this.
That we are okay with this.
That we are okay with the justice system,
a system that tries to game people into little traps so they can ruin our
lives.
So yeah, I wish I hadn't said that.
But I'm much, much angrier that this is where I am.
That this is what we, as a people, think is okay.
They used every method that I think they could think of
to get her to provide information which would be unhelpful to Aaron,
and helpful to the prosecution of Aaron,
but I don't think she had information that was helpful to the government.
Months go by, as Swartz's friends and family await a looming indictment.
In the meantime, Swartz was becoming a go-to expert on a series of internet
issues.
...a question to you then: Do you think that the internet is something
that should be considered a human right, and something that the government
cannot take away from you?
Yes, definitely, I mean this notion that national security is an excuse to
shut down the internet,
that's exactly what we heard in Egypt and Syria and all these other
countries,
and so, yeah, it's true, sites like WikiLeaks are going to be putting up
some embarrassing material
about what the U.S. government does, and people are going to be organizing
to protest about it,

and try and change their government. You know, and that's a good thing, that's what all these First Amendment Rights of free expression, of freedom of association are all about, and so the notion that we should try and shut those down I think, just goes against very basic American principles.

A principle, I think, is one that our Founding Fathers would have understood.

If the internet had been around back then, instead of putting "post offices" in the Constitution, they would have put "ISPs".

[RT interviewer] Well, it's definitely interesting to see how far... Swartz meets activist Taren Stinebrickner-Kauffman, and the two begin to date.

[Aaron] We need a massive global public outcry.

[Taren] If there's no massive global public outcry, it won't create any change.

-You know, four people in this city should cause a massive global public outcry.

-You know, we need a petition signer.

Without telling her specifics, he warned her he was involved in something he called simply "The Bad Thing".

And I had sort of crazy theories, like, that he was having an affair with Elizabeth Warren or something.

I speculated both Hillary Clinton and Elizabeth Warren, actually, but... So, sometime in probably late July, Aaron called me, and I happened to pick up, and he said, "The Bad Thing" might be in the news tomorrow.

Do you want me to tell you, or do you want to read about it in the news?" And I said, "Well, I want you to tell me."

Aaron said, "Well, I've been--I've been arrested for downloading too many academic journal articles, and they want to make an example out of me."

And I was like, "That's it? That's the big fuss? Really? It just doesn't sound like a very big deal."

On July 14, 2011, federal prosecutors indict Swartz on four felony counts. He gets indicted on the same day that two people in England who are part of LulzSec get arrested,

and a few other real hackers. And Aaron is just someone who kind of looks like a hacker,

enough that they can, you know, put his head on a stake and put it on the gates.

Aaron went to surrender, and they arrested him.

They then strip searched him,

took away his shoelaces, took away his belt, and left him in solitary

confinement.

The District of Massachusetts United States Attorney's office released a statement

saying, "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 one million dollars." He is released on one hundred thousand dollars bail.

The same day, the primary victim in the case, JSTOR, formally drops all charges against Swartz, and declines to pursue the case. JSTOR--they weren't our friends; they weren't helpful or friendly to us, but they also were just kind of like, "We're not part of this." JSTOR, and their parent company, ITHAKA, also sidestepped requests to talk with this film.

But at the time, they released a statement saying,

"It was the government's decision whether to prosecute, not JSTOR's." And so it's our belief that, with that, the case will be over.

That we should be able to get Steve Heymann to drop the case, or settle it in some rational way.

And the government refused.

[Narrator] Why?

Well, because I think they wanted to make an example out of Aaron, and they said they wanted--the reason why they wouldn't move on requiring a felony conviction and jail time was that they wanted to use this case as a case for deterrence. They told us that.

[Interviewer] They told you that?

- Yes.

-This was going to be an example?

-Yes.

-He was going to be made an example?

- Yes.

Steve Heymann said that.

Deterring who? There's other people out there running around logging onto JSTOR,

and downloading the articles to make a political statement? I mean, who are they deterring?

It would be easier to understand the Obama administration's posture of supposedly being for deterrence if this was an administration that, for instance, prosecuted arguably the biggest economic crime that this country has seen in the last hundred years.

The crimes that were committed that led to the financial crisis on Wall Street.

When you start deploying

the non-controversial idea of deterrence
only selectively
you stop making a dispassionate analysis of law-breaking
and you started deciding to deploy law enforcement resources
specifically on the basis of political ideology,
and that's not just undemocratic, it's supposed to be un-American.
Prosecutor Stephen Heymann later reportedly told MIT's outside counsel
that the straw that broke the camel's back
was a press release sent out by an organization Swartz founded called
"Demand Progress".

According to the MIT account, Heymann reacted to the short statement of
support,
calling it a "wild internet campaign" and a "foolish move"
that moved the case from a human one-on-one level to an institutional
level.

That was a poisonous combination: a prosecutor who didn't want to lose
face,
who had a political career in the offing, maybe, and didn't want to have
this come back and haunt them.

You spend how many tax dollars arresting someone for taking too many books
out of the library,
and then got your ass handed to you in court? No way!

I then moved to try to put as much pressure on MIT in various ways to get
them
to go to the government, and request the government to stop the
prosecution.

[Interviewer] What was MIT's reaction to that?
There doesn't seem to be any reaction from MIT at that point.
MIT doesn't defend Aaron
which, to people inside of the MIT community, seems outrageous,
because MIT is a place that encourages hacking in the biggest sense of the
word.

At MIT, the idea of going and running around on roofs and tunnels that you
weren't allowed to be in
was not only a rite of passage, it was part of the MIT tour,
and lockpicking was a winter course at MIT.
They had the moral authority to stop it in its tracks.
MIT never stood up and took a position of saying to the Feds, "Don't do
this."
"We don't want you to do this. You're overreacting. This is too strong."
...that I'm aware of.

They acted kind of like any corporation would. They sort of--they helped
the government,
they didn't help us, unless they felt they had to, and they never tried to

stop it.

MIT declined repeated requests to comment,

but they later released a report saying they attempted to maintain a position of neutrality,

and believed Heymann and the U.S. Attorney's office did not care what MIT thought or said about the case.

MIT's behaviour seemed really at odds with the MIT ethos.

You could argue that MIT turned a blind eye, and that was okay for them to do,

but taking that stance--taking that neutral stance, in and of itself--was taking a pro-prosecutor stance.

If you look at Steve Jobs and Steve Wozniak,

they started by selling a Blue Box, which was a thing designed to defraud the phone company.

If you look at Bill Gates and Paul Allen,

they initially started their business by using computer time at Harvard, which was pretty clearly against the rules.

The difference between Aaron and the people I just mentioned

is that Aaron wanted to make the world a better place, he didn't just want to make money.

Swartz continues to be outspoken on a variety of internet issues.

You know, the reason the internet works is because of the competitive marketplace of ideas,

and what we need to be focusing on is getting more information about our government, more accessibility,

more discussion, more debate, but instead it seems like what congress is focused on is shutting things down.

Aaron thought he could change the world just by explaining the world very clearly to people.

[RT interviewer] Flame can literally control your computer, and make it spy on you.

Welcome, Aaron. Good to have you back on the show here.

You know, just like spies used to in olden days, put microphones and tap what people were saying,

now they're using computers to do the same things.

[Narrator] Swartz's political activity continues,

his attention turning to a bill moving through Congress designed to curb online piracy.

It was called "SOPA".

Activists like Peter Eckersley saw it as an enormous overreach, threatening the technical integrity of the Internet itself.

[Eckersley] And one of the first things I did was to call Aaron.

And I said, "Can we do a big online campaign against this?"

"This isn't a bill about copyright."

"It's not?"

"No," he said, "it's a bill about the freedom to connect."

Now I was listening.

And he thought about it for a while, and then said, "Yes."

And he went and founded Demand Progress.

Demand Progress is an online activism organization, we've got around a million and a half members now, but started in the fall of 2010.

Aaron was one of the most prominent people in a community of people who helped lead organizing around social justice issues at the federal level in this country.

SOPA was the bill that was intended to curtail online piracy of music and movies,

but what it did was basically take a sledgehammer to a problem that needed a scalpel.

If passed, the law would allow a company to cut off finances to entire websites without due process,

or even to force Google to exclude their links.

All they needed was a single claim of copyright infringement.

It pitted the titans of traditional media against a new and now far more sophisticated remix culture.

It makes everyone who runs a website into a policeman,

and if they don't do their job of making sure that nobody on their site uses it for anything

that's even potentially illegal, the entire site can get shut down without even so much as a trial.

This was over the top, I mean, this was a catastrophe.

This bill poses a serious threat to speech and civil liberties for all who use the internet.

There were only a handful of us who said, "Look, we're not for piracy either,

but it makes no sense to destroy the architecture of the internet,

the domain name system and so much that makes it free and open in the name of fighting piracy,

and Aaron got that right away.

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 I realized that day, talking to Peter, that I couldn't let that happen.

When SOPA was introduced in October, 2011, it was considered inevitable.

Our strategy, when it first came out, was to hopefully slow the bill down,

maybe weaken it a little bit but, even we didn't think that we would be able to stop this bill. Having worked in Washington, what you learn is that, typically in Washington, the legislative fights are fights between different sets of corporate monied interests. They're all duking it out to pass legislation, and the fights that are the closest are when you have one set of corporate interests against another set of corporate interests, and they're financially equally matched in terms of campaign contributions and lobbying. Those are the closest ones. The ones that aren't even fights, typically, are ones where all the money is on one side, all the corporations are on one side, and it's just millions of people on the other side. I haven't seen anything like PIPA and SOPA in all my time in public service. There were more than forty United States senators on that bill as co-sponsors, so they were already a long, long way to getting the sixty votes to have it clear all the procedural hoops. Even I began to doubt myself. It was a rough period. Swartz and Demand Progress were able to marshal enormous support using traditional outreach, combined with commonly used voiceover IP, to make it very easy for people to call Congress. I've never met anybody else who was able to operate at his level both on the technological side and on the campaign strategy side. Millions of people contacted Congress and signed anti-SOPA petitions. Congress was caught off guard. There was just something about watching those clueless members of Congress debate the bill, watching them insist they could regulate the internet, and a bunch of nerds couldn't possibly stop them. I am not a nerd. I'm just not enough of a nerd... Maybe we oughta ask some nerds what this thing really does. [laughter] Let's have a hearing, bring in the nerds... [laughter] Really? [laughter] "Nerds"? [laughter]

You know, I think, actually the word you're looking for is "experts"...

[laughter]

to enlighten you so your laws don't backfire [audience laughter and applause]

and break the internet.

We use the term "geek" but we're allowed to use that because we are geeks. The fact that it got as far as it did, without them talking to any technical experts,

reflects the fact that there is a problem in this town.

I'm looking for somebody to come before this body, and testify in a hearing and say, "This is why they're wrong."

There used to be an office that provided science and technology advice, and members could go to them and say, "Help me understand X,Y,Z."

And Gingrich killed it. He said it was a waste of money.

Ever since then, Congress has plunged into the Dark Ages.

I don't think anybody really thought that SOPA could be beaten, including Aaron.

It was worth trying, but it didn't seem winnable,

and I remember, maybe a few months later, I remember him just turning to me and being like,

"I think we might win this."

And I was like, "That would be amazing."

Calls to Congress continue.

When the domain hosting site Go Daddy becomes a supporter of the bill, tens of thousands of users transferred their domain names in protest.

Within a week, a humbled Go Daddy reverses their position on SOPA.

When the congress people that supported the record and movie industries, realized that there was this backlash, they kind of scaled the bill back a little bit.

You could see the curve happening. You could see that our arguments were starting to resonate.

It was like Aaron had been striking a match and it was being blown out, striking another one, and it was being blown out, and finally he'd managed to catch enough kindling that the flame actually caught,

and then it turned into this roaring blaze.

On January 16, 2012, the White House issued a statement saying they didn't support the bill.

And then this happened:

I'm a big believer that we should be dealing with issues of piracy, and we should deal with them in a serious way, but this bill is not the right bill.

When Jimmy Wales put his support toward blacking out Wikipedia, the number five most popular website in the world,

this is a website that's seven percent of all of the clicks on anywhere on the internet.

Wikipedia went black.

Reddit went black.

Craigslist went black.

The phone lines on Capitol Hill flat out melted.

Members of Congress started rushing to issue statements retracting their support for the bill

that they were promoting just a couple days ago.

Within 24 hours, the number of opponents of SOPA in Congress went from this...

to this.

To see congressmen and senators slowly flip sides throughout the day of the blackout

was pretty unbelievable.

There was like a hundred representative swing.

And that was when, as hard as it was for me to believe, after all this, we had won.

The thing that everyone said was impossible,

that some of the biggest companies in the world had written off as kind of a pipedream,

had happened.

We did it.

We won.

This is a historic week in internet politics--maybe American politics.

The thing that we heard from people in Washington, D.C., from the staffers on Capitol Hill was:

they received more emails and more phone calls on SOPA Blackout Day than they'd ever received about anything.

I think that was an extremely exciting moment.

This was the moment when the internet had grown up, politically.

It was exhilarating because it's hard to believe it actually happened.

It's hard to believe a bill with so much financial power behind it didn't simply sail through the Congress.

And not only did not sail through, it didn't pass at all.

It's easy sometimes to feel like you're powerless,

like when you come out on the streets and you march and you yell and nobody hears you.

But I'm here to tell you today, you are powerful.

[Crowd cheers]

So, yeah, maybe sometimes you feel like you're not being listened to, but I'm here to tell you that you are.

You are being listened to. You are making a difference.

You can stop this bill if you don't stop fighting.

[Crowd cheers]

Stop PIPA.

Stop SOPA.

[Crowd cheers]

Some of the biggest internet companies, to put it frankly, would benefit from a world in which their little competitors could get censored.

We can't let that happen.

For him, it was more important to be sure that you made a small change than to play a small part in a big change.

But SOPA was like playing a major part in a major change, and so for him, it was kind of this proof of concept

like, "Okay, what I want to do with my life is change the world."

"I think about it in this really scientific way of measuring my impact, and this shows that it's possible."

"The thing that I want to do with my life is possible."

"I have proved that I can do it,

that I, Aaron Swartz, can change the world."

For a guy who never really thought he had done much--which was Aaron--was one of the few moments where you could really see

that he felt like he had done something good,

feeling like here is his maybe one and only victory lap.

Everyone said there was no way we could stop SOPA.

We stopped it.

This is three outrageously good victories, and the year isn't even over yet.

I mean, if there's a time to be positive, it's now.

You know, he wins at SOPA a year after he's arrested.

It's not unambiguously happy moments. There's a lot going on.

He's so attuned towards participating in the political process, you can't stop him.

The list of organizations Swartz founded or co-founded is enormous, and years before Edward Snowden would expose widespread internet surveillance,

Swartz was already concerned.

It is shocking to think that the accountability is so lax

that they don't even have sort of basic statistics about how big the spying program is.

And if the answer is: "Oh, we're spying on so many people we can't possibly even count them"

then that's an awful lot of people.

It'd be one thing if they said, "Look, we know the number of telephones we're spying on,

we don't know exactly how many real people that corresponds to."

but they just came back and said, "We can't give you a number at all."

That's pretty--I mean, that's scary, is what it is.
And they put incredible pressure on him, took away all of the money he had made.
They, you know, threatened to take away his physical freedom.
Why'd they do it, you know? I mean, well, why are they going after whistleblowers?
You know, why are they going after people who tell the truth about all sorts of things, I mean, from the banks, to war, to just sort of government transparency.
So secrecy serves those who are already in power, and we are living in an era of secrecy that coincides with an era where the government is doing, also, a lot of things that are probably illegal and unconstitutional.
So, those two things are not coincidences.
It's very clear that this technology has been developed not for small countries overseas, but right here, for use in the United States, by the U.S. government.
The problem with the spying program is it's this sort of long, slow expansion, you know, going back to the Nixon administration, right, obviously it became big after 9/11 under George W. Bush, and Obama has continued to expand it, and the problems have slowly grown worse and worse, but there's never been this moment you can point to and say, "Okay, we need to galvanize opposition today because today is when it matters..."
The prosecution, in my estimation of Aaron Swartz, was about sending a particular, laserlike message to a group of people that the Obama administration sees as politically threatening, and that is, essentially, the hacker, the information, and the democracy activist community, and the message that the Obama administration wanted to send to that particular community was, in my estimation, "We know you have the ability to make trouble for the establishment, and so we are going to try to make an example out of Aaron Swartz to scare as many of you as possible into not making that trouble." And the government said, "Oh, the legal opinions we're using to legalize the spying program are also classified, so we can't even tell you which laws we're using to spy on you." You know, every time they can say, "Oh, this is another instance of cyberwar.
The cybercriminals are attacking us again. We're all in danger. We're all

under threat."

They use those as excuses to push through more and more dangerous laws.

[Interviewer] And so just to follow--personally, how do you feel the fight is going?

It's up to you!

-I know. It's just that we gotta, you know...

You know, there's sort of these two polarizing perspectives, right, everything is great, the internet has created all this freedom and liberty, and everything's going to be fantastic

or everything is terrible,

the internet has created all these tools for cracking down and spying, and controlling what we say.

And the thing is, both are true, right?

The internet has done both, and both are kind of amazing and astonishing and which one will win out in the long run is up to us.

It doesn't make sense to say, "Oh, one is doing better than the other." You know, they're both true.

And it's up to us which ones we emphasize and which ones we take advantage of

because they're both there, and they're both always going to be there.

On September 12, 2012, federal prosecutors filed a superseding indictment against Swartz,

adding additional counts of wire fraud, unauthorized access to a computer, and computer fraud.

Now, instead of four felony counts, Swartz was facing thirteen.

The prosecution's leverage had dramatically increased, as did Swartz's potential jail time and fines.

They filed a separate indictment to add more charges,

and they had a theory about why this conduct constituted a number of federal crimes,

and that a very significant sentence could attach to it under the law.

That theory, and much of the prosecution's case against Swartz involved a law created originally in 1986.

It is called the "Computer Fraud and Abuse Act".

The Computer Fraud and Abuse Act

was inspired by the movie "War Games" with Matthew Broderick--great movie.

[Broderick] I have you now.

In this movie, a kid gets the ability, through the magic of computer networks

to launch a nuclear attack.

[missiles firing up]

You know, that's not actually possible, and it certainly wasn't possible in the '80s

but apparently this movie scared Congress enough to

pass the original Computer Fraud and Abuse Act.

This is a law that's just behind the times, for example, it penalizes a terms of service kind of arrangement. You can have something like eHarmony or Match.com, and somebody sort of inflates their own personal characteristics,

and all of a sudden, depending on the jurisdiction and the prosecutors, they could be in a whole host of troubles.

We all know what "Terms of Use" are.

Most people don't read them, but not abiding by their terms could mean you are committing a felony.

The website Terms of Service often say things like:

"Be nice to each other", or "Don't do anything that's improper."

The idea that the Criminal Law has anything to say about these kinds of violations,

I think strikes most people as crazy.

The examples get even more "crazy":

Until it was changed in March of 2013, the Terms of Use on the website of Hearst's Seventeen magazine

said you had to be eighteen in order to read it.

I would say that the way the CFAA has been interpreted by the Justice Department,

we are probably all breaking the law.

Vague and prone to misuse, the CFAA has become a one-size-fits-all hammer for a wide range of computer-related disputes.

Though not the only factor in his case,

eleven of the thirteen charges against Swartz involved the Computer Fraud and Abuse Act.

The question "Why?" hangs over much of the story of Aaron Swartz.

Just what was motivating the government, and what would their case have been?

The Department of Justice declined requests for answers,

but Professor Orin Kerr is a former prosecutor who has studied the case.

So, I think I come about this case from a different direction than other people on a number of reasons:

I was a federal prosecutor at the Justice Department for three years before I started teaching. The government came forward

with an indictment based on what crimes they thought were committed, just as a purely lawyer's matter, looking at the precedents, looking at the statute,

looking at the history, looking at the cases that are out there so far, I think it was a fair indictment based on that.

You can debate whether they should have charged this case.

There's just a lot of disagreement. Some people are on the Open Access side, some people are not.

I think the government took Swartz's "Guerilla Open Access Manifesto" very seriously,
and I think they saw him as somebody who was committed, as a moral imperative,
to breaking the law, to overcome a law that Swartz saw as unjust,
and in a democracy, if you think a law is unjust, there are ways of changing that law.

There's going to Congress as Swartz did so masterfully with SOPA,
or you can violate that law in a way to try to nullify that law,
and I think what was driving the prosecution was the sense that Swartz was committed,
not just to breaking the law, but to really making sure that law was nullified.

That everyone would have access to the database in a way that you couldn't put the toothpaste back into the tube.

It would be done, and Swartz's side would win.

There's a big disagreement in society as to whether that is an unjust law, and ultimately, that is a decision for the American people to make, working through Congress.

And then the second problem is, I think, we're still trying to figure out: What's the line between less serious offences and more serious offences? We're now entering this different environment of computers and computer misuse,

and we don't yet have a really strong sense of exactly what these lines are because we're just working that out.

This is a poor use of prosecutorial discretion.

The hammer that the Justice Department has to scare people with just gets bigger and bigger and bigger,
and so most people just--you know, you can't roll the dice with your life like that.

Should we tap somebody's phone? Should we film them?

Should we turn somebody and get them to testify against these other people? That's how federal agents and prosecutors think.

They build cases. They make cases.

Swartz was caught in the gears of a brutal criminal justice system that could not turn back,

a machine that has made America the country with the highest rate of incarceration in the world.

We have, in this country, allowed ourselves to be captured by the politics of fear and anger,

and anything we're afraid of, like the future of the internet and access, and anything we're angry about, instinctively creates a criminal justice intervention,

and we've used jail, prison, and punishment to resolve a whole host of

problems

that, historically, were never seen as criminal justice problems. The impulse to threaten, indict, prosecute, which is part of what has created this debate and controversy over online access and information on the internet,

is very consistent with what we've seen in other areas.

The one difference is that the people who are usually targeted and victimized

by these kinds of criminal and carceral responses are typically poor and minority.

Swartz's isolation from friends and family increased.

He had basically stopped working on anything else, and the case was, in fact, taking over sort of his whole life.

One of Aaron's lawyers apparently told the prosecutors that he was emotionally vulnerable,

and that that was something they really needed to keep in mind so that they knew that.

It was weighing on him very heavily.

He did not like having his actions and his movements restricted in any way, and the threat of jail, which they pounded him with a lot, was terrifying to him.

Completely exhausted his financial resources,

and it cost us a lot of money also, and he raised a substantial amount of money,

so it was, you know, it was in the millions of dollars.

[Interviewer] The legal defence?

- Yes.

-Was in millions?

- Yes.

I think he didn't want to be a burden to people.

I think that was a factor like, "I have my normal life,

and then I have this shitty thing I have to deal with,

and I try to keep the two of them as separate as possible,

but they were just beginning to blur together and everything was becoming shitty."

Swartz faced a tough choice that was only getting tougher:

Do you admit guilt and move on with your life,

or do you fight a broken system?

With his legal case, the answer was simple:

He rejects a final plea deal and a trial date is set.

Aaron was resolute that he didn't want to knuckle under and accept something

that he didn't believe was fair, but I also think he was scared.

I don't think they would have convicted Aaron.

I think we would have walked him out of that courthouse, and I would have given him a big hug,
and we would have walked across that little river in Boston, and gone and had a couple of beers.

I really thought that we were right. I thought that we were going to win the case.

I thought that we could win the case.

He didn't talk about it very much, but you could see the enormous pain that he was going through.

[song]

No time in his childhood did Aaron have any severe mood swings or depressive episodes or anything that I would describe as "severe depression"

and it's possible, you know, he was depressed. People get depressed.

[music]

Very early in our relationship, three or four weeks in or something, I remember him saying to me that I was a lot stronger than he was.

You know, he was brittle in a lot of ways.

Things were a lot harder for him than for a lot of people.

That was part of his brilliance, too.

I think he probably had something like clinical depression in his early twenties.

I don't think he did when I was with him.

He wasn't a "joyful" person, but that's different from being depressed.

He was just under such enormous pressure for two years straight.

He just didn't want to do it anymore.

He was just--I just think it was too much.

[song]

I got a phone call late at night.

I could tell something was wrong, and then I called, and I realized what had happened.

A co-founder of the social news and entertainment website "Reddit" has been found dead.

Police say twenty-six-year-old Aaron Swartz killed himself yesterday in his Brooklyn apartment.

I just thought, we've lost one of the most creative minds of our generation.

I was like, the whole world fell apart at that moment.

It was one of the hardest nights of my life.

I just kept screaming, "I can't hear you! What did you say? I can't hear you!"

I can't. That's it.

[Interviewer] Okay.

Yeah, none of it made any sense,
and really still doesn't.

I was so frustrated, angry.

[exhales]

You know, I tried to explain it to my kids.

My three-year-old told me that the doctors would fix him.

I've known lots of people that have died, but I've never lost anybody like
this,

because everybody feels, and I do too, there is so much we could have--more
to do like...

I just didn't know he was there. I didn't know this was what he was
suffering and...

He was part of me.

And I just wanted it to not be real, and then...

and then I just looked at his Wikipedia page and I saw the end date:
"to 2013".

[quote on screen]

My first thought was: what if nobody even notices?

You know, because it wasn't clear to me how salient he was.

I had never seen anything quite like the outpouring I saw.

The Net just lit up.

Everyone was trying to explain it in their own way, but I've never seen
people grieve on Twitter before.

People were visibly grieving online.

He was the internet's own boy,

and the old world killed him.

We are standing in the middle of a time when great injustice is not
touched.

Architects of the financial meltdown have dinner with the president,
regularly.

In the middle of that time, the idea that this is what the government had
to prosecute,

It just seems absurd, if it weren't tragic.

The question is:

to make the world a better place,
and how can we further that legacy?

That's the only question one could ask.

All over the world there are starting to be hack-a-thons, gatherings,
Aaron Swartz has, in some sense, brought the best out of us, in trying to
say:

How do we fix this?

He was, in my humble opinion, one of the true extraordinary revolutionaries
that this country has produced.

I don't know whether Aaron was defeated or victorious,
but we are certainly shaped by the hand of the things that he wrestled
with.

When we turn armed agents of the law on citizens trying to increase access
to knowledge,
we've broken the rule of law--we've desecrated the temple of justice.
Aaron Swartz was not a criminal.

[applause]

Change does not roll in on the wheels of inevitability,
it comes through continuous struggle.

Aaron really could do magic,
and I'm dedicated to making sure that his magic doesn't end with his death.
He believed that he could change the world, and he was right.

Out of the last week, and out of today, phoenixes are already rising.

[applause]

Since Swartz's death, Representative Zoe Lofgren and Senator Ron Wyden
have introduced legislation that would reform the Computer Fraud and Abuse
Act--

the outdated law that formed the majority of the charges against Swartz.
It's called "Aaron's Law".

Aaron believed that you literally ought to be asking yourself all of the
time:

What is the most important thing I could be working on in the world right
now?

And if you're not working on that, why aren't you?

[Protesters] This is what democracy looks like!

[crowd chants] We are the people too!

Internet freedom's under attack, what do we do?

Stand up, fight back!

Internet freedom's under attack, what do we do?

Hey, hey! Ho, ho! NROC has got to go!

I wish we could change the past, but we cannot.

But we can change the future and we must.

We must do so for Aaron, we must do so for ourselves.

We must do so to make our world a better place, a more humane place,
a place where justice works, and access to knowledge becomes a human right.

[applause]

So there was a kid, back in February, from Baltimore, fourteen years old,
who had access to JSTOR, and he'd been spalunking through JSTOR after
reading something,

and he figured out a way to do early tests for pancreatic cancer,
and pancreatic cancer kills the shit out of you because we detect it way
too late

by the time we detect it, it's already too late to do anything about it,

and he sent emails off to the entire oncology department at Johns Hopkins, you know hundreds of them, and every--

- [Interviewer] Did you say fourteen years old?

- Fourteen-year-old kid, yeah, and most of them ignored it but one of them sent him an email back,

and said this is not an entirely stupid idea, why don't you come on over?

This kid worked evenings and weekends with this researcher, and in February I heard him on the news

just a couple of weeks after Aaron died, when Aaron was in the news a lot.. Sorry...

and he said the reason he was on the news was 'cause they'd done it. They were shipping

an early test for pancreatic cancer that was going to save lives,

and he said, "This is why what Aaron did was so important."

Because you never know, right? This truth of the universe is not only something

that policymakers use to figure out, you know, what the speed limit should be.

It's where the thing that's gonna keep your kid from dying of pancreatic cancer comes from,

and without access, the person who might come up with the thing that's got your number on it,

may never find that answer.

He slept so well, he didn't fall out of [baby talk], not even when he dreamed he was back on the spacecraft.

[Aaron's dad] Very good, Aaron. Very good. Yay, Aaron!

Okay, now it's song time.

AARON SWARTZ, 1986-2013

[credits]

[the end]