The last days of Aaron Swartz

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The following was originally published on Jan13, 2012 on http://bibliocracy-now.tumblr.com/ and the Information Policy Committee's blog, followed by publication on BCLA's website on Jan. 14.

Note – this piece is both a eulogy of sorts and a set of practical recommendations for information professionals and academics. If you are already familiar with Aaron's life and work and are interested in what you can do to further his legacy, you may wish to skip ahead to Where do we go from here?

Sometime this past Friday, Aaron Swartz departed this life in despair.

At only 26 years of age, he found himself facing up to 50 years in prison and $4m in fines for his radical belief that information – especially information produced by governments and by scholarly effort – should be freely accessible to all regardless of their wealth or social status. The production of such information was subsidised heavily by the public purse, he reasoned, and its ultimate purpose was ostensibly to serve the public good. Why, then, should citizens pay for the privilege of accessing information their taxes had paid to produce in the first place?

It was an idea so dangerous that the US Attorney's office was prosecuting him on no fewer than 13 felony charges including wire fraud, computer fraud, and recklessly damaging a protected computer.

His crime, if one were to look beyond the calculated hysteria cultivated by the prosecution, was essentially that of downloading JSTOR articles on a university campus. Many of the articles were out of copyright, and JSTOR itself has since provided limited free access to much of its content. The prosecution went to elaborate lengths to portray Aaron as a dangerous anarchist, a glorified car thief, a monster. "Stealing is stealing", they shrieked, "whether you use a computer command or a crowbar".

Never mind that JSTOR, the alleged victim of the crime, refused to bring charges against Aaron for what they only characterised as a "misuse of our database". Indeed, in the days since his death, they have stated that they "regretted being drawn into [the case] from the outset". Never mind that MIT, on whose network the alleged crimes occurred, was at best ambivalent about legal action against him and

has now opened an investigation into its level of complicity with prosecutors. No, it is increasingly clear that Aaron Swartz found himself on trial not for his actions but for his ideas.

To illustrate this, we might contrast the zeal of Aaron's prosecution with a US Justice Department announcement - on the very day of his death - that a major international bank would avoid any US criminal prosecution whatsoever for financially abetting "known terror groups, Mexican drug cartels, and rogue governments such as Iran" in what even strait-laced ABC News described as "…one of the clearest cases of criminal money laundering in recent history". It would seem that in some cases, stealing isn't stealing after all.

As this news was being broadcast to a weary world, Aaron Swartz hung himself from the rafters of his New York apartment. His ideas, and the price society demanded of him for having them, must have seemed too much to bear. In a moving statement his family characterised his death as far more than personal tragedy, calling it "the product of a criminal justice system rife with intimidation and prosecutorial overreach" and refusing to exempt the US Attorney's Office and MIT from culpability in his suicide. Whatever the circumstances, his long personal struggle with depression – and oppression – were at an end.

His ideas were not.

Let us honour him, then, by speaking of those ideas, and of the remarkable mind which defended them so eloquently and so fiercely for so many years.

Remembering Aaron

Aaron Swartz was a culture hero in the truest sense of the word. In spite of his tender years, he was a mythical ancestor to not only the Open Access and Creative Commons movements but also to much of the technology which underlies the way we use the web every day. At the age of 14, he co-authored an early specification of the now-universal web feed technology RSS; his other contributions to XML are too numerous and significant to even name. He was instrumental in developing and promoting Reddit, one of the most influential and acclaimed

information sharing websites in the history of the internet. He pioneered the development of musicbrainz.org, an early database for sharing metadata about music, and he effectively built the web.py protocol from scratch.

He had a passionate belief that the products of the world's knowledge should be shared with all its citizens. He is described by Brewster Kahle, founder of the Internet Archive (where he worked for a time), as the "architect and first coder" of the groundbreaking OpenLibrary.org, which sought "…to open the world of books to the Internet generation". Even his contributions to (and analysis of) Wikipedia itself are now legendary. That this should be so is a testament to his longstanding involvement with open online encyclopedia efforts – he won the now-defunct ArsDigita prize for his work on an early example, the Info Network, when he was only 13.

In his later years he became a fierce activist for intellectual freedom and information policy in the public good. He had a ferocious genius for politics, co-founding Demand Progress as a framework for exerting pressure on elected officials to oppose internet censorship. He will long be remembered for his central role in promoting and coordinating opposition to the punitive internet-censorship law SOPA, an effort so successful that an insider recently recalled that "…the feedback was absolutely deafening…it was unlike anything I had ever seen, and most congressional staffers I worked with had seen," adding that members of congress fearfully ask themselves "is this the next SOPA?" whenever the spectre of internet-related legislation rears its head.

His stunts were the stuff of internet myth. In 2009 he made use of free trial subscriptions to PACER, the US Federal Government's database of court records, to download approximately 20 per cent of its content and share it freely online. Even the New York Times acknowledged that PACER was "…cumbersome, arcane and not free[…]everything that Google is not"; Swartz was so profoundly repulsed by the idea that citizens needed to pay to access the records of their own legal system that he sought to redress the balance himself. The FBI sought a way to prosecute him, but came up empty. Then, in 2010, he entered an unlocked closet on the campus of MIT and used an elegant little Python script to download several million articles from JSTOR, during which effort MIT had him arrested. Brewster Kahle found this astonishing in and of itself:

"When I was at MIT, if someone went to hack the system, say by downloading databases to play with

them, might be called a hero, get a degree, and start a company – but they called the cops on him. Cops. MIT used to protect us when we transgressed the traditional."

Not this time - Swartz was not so fortunate with JSTOR as he had been with PACER. Although JSTOR itself publicly exonerated him, MIT were not courageous enough to do so before it was too late. Although MIT did not explicitly press charges, their failure to speak on his behalf essentially gave the U.S. Attorney's office all the excuse they needed to prosecute Aaron on behalf of the corporate interests who ultimately author much of the United States' – and the world's – information policy.

The rest, as they say, is history.

Where do we go from here?

Aaron has left us –academics, librarians, archivists, information architects and citizens all – with a daunting legacy. We might argue that he did more in his 26 years to advocate for the principles we hold dear – such those enshrined in the ALA's "principles for a networked world" or the CLA's "Statement on Intellectual Freedom" than we have ever dared to undertake or even imagine possible. His life and works challenge all of us to consider to what degree we are serious about breaking down the walls which separate knowledge from the people who might use it to do great things. These walls are built of ignorance, of greed, of cowardice, of the desire to control who may and who may not know.

It is our firm hope that this tragic event will galvanize the resolve of the people who work in fields which deal with the generation, stewardship, preservation, and transmission of information. Where we have fallen short, let us strive to improve. Where we have succeeded, let us build on that legacy. Above all, let us be less willing to shy from the challenging aspects of our work at the level of policy and advocacy – our voices are desperately needed. We no longer have the luxury of silence, and whispering position statements is simply not enough.

Hesitating to engage with the emerging issues around information policy is not enough.

Standing on the sidelines – whether out of ignorance or out of a misguided desire for self-preservation in the face of a difficult funding climate – is most emphatically not enough.

Aaron Swartz deserved better of us. Our users, students, and patrons deserve better of us. And we deserve better of ourselves. We need advocacy *and* implementation, both at the level of professional culture and individual action.

A few suggestions:

- Educate yourself about **information policy issues** – in the last year the library community at large has been deafeningly silent on a number of absolutely crucial measures under debate which adversely affect the informational rights of our users. SOPA is the easy example. What about FIPA, C-11, C-30, TPP – and beyond? If you've never heard of any of these, now is the time to get educated. Following on from this…

- **TAKE A STAND** on political issues affecting access to information, literacy, intellectual freedom, and education. Don't rely on tried-and-true cop-outs like "this doesn't affect my work" or "I can't see how I can make a difference". High level information policy decisions affect *all* of us – as citizens, scholars, and human beings. Aaron saw this, and he did what he could – whatever he could – to stand up for what he felt was right. Which takes us to:

- **Don't be afraid** to have feelings about what is right and wrong, and don't be afraid to stand up for them. Attempts to disenfranchise and intimidate people should not be tolerated – silence is acquiescence at best and endorsement at worst. Get involved in conversations and advocacy around these issues on Twitter, on Facebook, on Reddit, on your blog, in the press…everywhere. Advocate to your users, to your colleagues, to your friends, to your Board, to your elected officials. Advocate to everyone who will listen - and sometimes even to the people who won't!

- If you work at a **public library**, stand up enthusiastically for reference services as a crucial component of the library's mission. Recent trends towards diminishing the role of reference in a digital age are often misguided and, at their worst, result not only in further alienation of our user base but a significant diminution of our efforts to help ensure a level playing field for all users.

- If you work at an **academic institution**, lobby enthusiastically on behalf of Open Access journals and in support of robust – and binding – requirements for making the products of faculty and student research freely available through institutional repositories. Don't be afraid to stand up to bullying from copyright and publishing cabals. If somebody tries to sell your institution garbage while insisting it's lemonade, tell them so – and tell everybody else who will listen.

- If you work in the **archives**, push for an increased focus on generating standards-compliant descriptions of your holdings and uploading those descriptions to provincial, national, and international databases such as MemoryBC and ArchivesCanada. Where such portals do not exist, lobby for their creation – or build them yourself.

- If you **are an academic**, commit to publication in Open Access journals wherever possible and make the case – loudly – for Open Access supporting tenure. The more people adopt it, the more powerful it becomes; be part of that progress! Consider sharing your works publicly on your own website and on twitter using the hashtag #pdftribute. If you don't have a website, think about creating one.

- If you work in **programming**, **information architecture**, or **systems**, commit wherever possible to authoring and using open source code shared freely under open FSF-approved licences such as the GPL. Lobby enthusiastically for open source software wherever and whenever you can – your ILS, your archival management software, your office software, even your operating system. Linux is a great place to start. If we learned to use it, you can too.

- If you work in **government** – encourage Open Government and Open Data initiatives, public access to records schedules that describe the universe of records of current and recent government actions and decisions, and timely transfer of records with long-term value to the government archives.

- **Wherever you work**, advertise your services widely, prominently, and in plain language – especially on the institution's website. Make sure users understand how you can help them address their information needs in ways that are relevant to their lives.

Onward.