

Justice for Aaron Swartz (1/13/2013)

Aaron Swartz, who committed suicide on Friday, was by all accounts a remarkable person. But he was by no means a radical. In his brief role as an organizer with the Progressive Change Campaign Committee, he was among those who were convinced that with sufficient pressure from its activist base, the Obama administration would eventually reveal its deeply obscured roots in traditional New Deal/Great Society liberalism.

It hardly needs to be said that those of us who argued against him at the time, as I did, take no pleasure in having been proven right in the years since. The most tragic indication came two years ago when the Obama justice department charged Swartz himself with a 12 count violation of the 1986 Computer Fraud and Abuse Act for his attempt to acquire, via the MIT server, the JSTOR scholarly archive and make it available to the general public.

A small, delicate and bookish 26 year old, the prospect of a lengthy prison term, according to friends, terrified him and this, compounded by a history of depression, was, according to a statement released by this family, a primary reason for his suicide.

This was, of course, an almost unspeakable tragedy for those who knew him.

For them there is an understandable tendency to focus on Swartz's extraordinary life and accomplishments and a reluctance to point fingers at those who are responsible.

Those of us who only know of Swartz's work in passing shouldn't feel any compunction about doing so, and there is plenty of blame to go around.

Most conspicuously, there is the Obama administration, and its deep pocket contributors in the high tech, publishing and entertainment industries who have attempted to make what they call the "theft" and what Swartz regarded as the liberation of intellectual property a crime meriting the most severe punishment. A ridiculously disproportionate 35 year sentence was being aggressively pursued by Massachusetts Federal Attorney,

Carmen Ortiz who likely viewed the prosecution as an opportunity to raise her profile within the party. The strategy seemed to be working: Massachusetts Governor and close friend of Obama Deval Patrick mentioned her as a likely successor.

It should be our job to ensure that Ms. Ortiz's cynical calculation will not pay off. A petition demanding her removal from office is being circulated and should be signed, though this is a bare minimum. Demonstrations at her office should become routine and her public appearances should be greeted with conspicuous displays of opposition. Should she receive the nomination for governor, or any other position in the future, those honoring Schwartz's memory should pledge to nominate, finance, and actively support a third party candidate who can benefit from the legitimate outrage at Ortiz exercise in prosecutorial over-reach and extreme Democratic Party triangulation.

The other target, MIT, is not used to having the light of publicity affixed to it, but it is well deserved. As the Swartz's family notes, by filing charges when the primary victim JSTOR refused to do so, MIT's acquiescence was required for the federal prosecution to proceed.

Although MIT enjoys a near pristine reputation as America's premier scientific and technical institution, it has more than a few skeletons in its closet due to its having been for years a leading beneficiary of federal government contracts, much of this tied to the development and production of costly, destabilizing and unnecessary weapons systems.

Complementing this flow of cash is the revolving door connecting its faculty with high level positions in industry and the federal government. MIT Professors such as CIA director John Deutch, Treasury Secretary Lawrence Summers and National Security Advisor Walt Rostow, among many others, have been leading figures within the Washington establishment.

The presence of these naturally raises suspicions with respect to the Obama Justice Department having influenced MIT's decision to pursue prosecution. While this is necessarily a matter of speculation, it is difficult to see what MIT gained, since its own intellectual property was not being compromised. Furthermore, the climate at

the institute, particularly within higher technology circles has historically promoted a culture of openness and sharing of ideas. The prosecution seriously if not fatally undermined this culture and this is what the Swartz's family meant by MIT failing "to stand up for . . . its community's most cherished principles."

MIT faculty, particularly those in fields such as computer science and software engineering where Swartz made, at a very young age, substantial contributions should demand an explanation for the administration's catastrophic and tragic decision to move forward with the prosecution. And it should demand to the release of all communications with federal officials relating to the Swartz case, should they exist.

Doing so would serve justice and, ultimately, the best interests of MIT as an institution.

It is the least which the MIT community can do to honor Swartz's memory.