

# US government targets open access activist

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The prosecution of open access activist Aaron Swartz for downloading articles from a database of academic journals is part of a campaign by the US government to place increasing restrictions and controls on internet activity.

Aaron Swartz, a researcher at Harvard, was indicted by federal authorities on July 19 for allegedly using a Massachusetts Institute of Technology networking closet to access JSTOR and download 4.8 million articles. Swartz has pleaded not guilty to all charges and was released on \$100,000 bond.

After apprehension, JSTOR sought to immediately recover the documents. After receiving the hard drives containing the documents along with a promise from Swartz that they had not and would not be shared, JSTOR decided not to press charges.

The Department of Justice however, has decided to pursue criminal charges against Swartz, charging him with computer fraud, wire fraud, and unlawfully obtaining information from a protected computer. If convicted, he could face up to 35 years in prison.

Swartz is also being prosecuted by the District Attorney of Middlesex, where M.I.T is located, for breaking and entering and for breaking into a depository. It is not yet clear whether the networking closet was locked and if there were signs indicating that it was for authorized personal only. MIT spokesman Nate Nickerson declined to comment on the matter according to Wired website. According to the technology site techeye.net, however, "The room was open 24 hours a day to students and guests, and allows students and guests to use the service and its network for free. In short, Swartz did not break or enter anything."

Swartz, known for his involvement in the early development of the popular news aggregation site, Reddit, is an activist for open access to data and civil liberties. In 2008 he released his "Guerrilla Open

Access Manifesto" in which he stated, "We need to download scientific journals and upload them to file sharing networks."

In the statement announcing the charges, Carmen M. Ortiz, a United States attorney, said, "Stealing is stealing, whether you use a computer command or a crowbar, and whether you take documents, data or dollars. It is equally harmful to the victim whether you sell what you have stolen or give it away."

Many have spoken out in support of Swartz, including David Segal, executive director of Demand Progress, an advocacy organization Swartz founded. Segal says the persecution makes no sense, comparing it to "trying to put someone in jail for allegedly checking too many books out of the library."

Others, such as online activist Gregory Maxwell, have shown support for Swartz's actions as well. Maxwell released a 32-gigabyte collection of almost 19,000 documents from JSTOR to the Pirate Bay, a site which, in the past, has been accused of encouraging illegal downloading. Maxwell, another advocate for open access to knowledge, points to the fact that all of the documents were written before 1923 and should therefore be under public domain.

Maxwell purposefully signed his name to the document release in order to ensure that Swartz wasn't blamed. A statement, uploaded with the collection, says, "I've had these files for a long time, but I've been afraid that if I published them I would be subject to unjust legal harassment by those who profit from controlling access to these works. I now feel that I've been making the wrong decision."

Explaining the reasons for his action, Maxwell continues, "Academic publishing is an odd system – the authors are not paid for their writing, nor are the peer reviewers (they're just more unpaid academics), and in some fields even the journal editors are unpaid. Sometimes the authors must even pay the publishers.

And yet scientific publications are some of the most outrageously expensive pieces of literature you can buy. In the past, the high access fees supported the costly mechanical reproduction of niche paper journals, but online distribution has mostly made this function obsolete.”

JSTOR is provided by ITHAKA, a not for profit organization. It is used by almost 7,000 universities. A statement released by JSTOR regarding the case claims, “Our ultimate objective is to provide affordable access to scholarly content to anyone who needs it.” However they have often been criticized for charging prohibitively expensive amounts for access to the database. MIT alone pays \$50,000 dollars a year for access on top of a \$17,000 sign up cost.

Swartz also ran into trouble with the FBI in 2009 when he made close to 20 million pages of federal court decisions publicly available online. Typically costing 8 cents a page, Swartz took advantage of a free trial offered by the courts and the Government Printing Office to download as many documents as possible and make them available online. The service was quickly shut down and the FBI began an investigation, eventually finding no wrong-doing.

The government’s aggressive prosecution of Swartz, who by JSTOR’s own acknowledgement has done no harm to anyone, stands in sharp contrast to its refusal to prosecute any banks or executives responsible for an economic crisis that has caused devastation for millions of people.



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