

US attorney downplays vendetta against Internet pioneer Aaron Swartz

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21 January 2013

Carmen Ortiz, the Massachusetts US Attorney whose office led the prosecution against Internet activist Aaron Swartz, issued the government's first official response last Wednesday to the young man's suicide. The statement denied claims by Swartz's family and supporters that the US Attorney's prosecution was a repressive witch-hunt that ultimately drove Swartz to suicide earlier this month.

"I know that there is little I can say to abate the anger felt by those who believe that this office's prosecution of Mr. Swartz was unwarranted and somehow led to the tragic result of him taking his own life," wrote Ortiz, who then went on to absurdly assert that the government's actions were "appropriate in bringing and handling this case."

The suicide of Swartz on January 11 has provoked outrage at the government's legal campaign that led to the death of the Internet pioneer and activist. Nearly 1,000 people attended a memorial in the Great Hall of New York's Cooper Union on Saturday.

The outcry over Swartz's suicide reflects opposition not only to the witch-hunt against him, but also to the Obama administration's broader assault on democratic rights, including the persecution of Bradley Manning and Julian Assange.

In her statement, Ortiz begins on a note of cynical sympathy before moving on to fully defending her office's actions: "As a parent and a sister, I can only imagine the pain felt by the family and friends of Aaron Swartz." She then goes on to assert that "at no time did this office ever seek or ever tell Mr. Swartz's attorneys that it intended to seek maximum penalties under the law."

This is a subterfuge. The US government's strategy for prosecuting Swartz had been to bully him into pleading guilty by threatening to ruin his life with

decades in federal prison.

In July 2011, after issuing its original indictment, the federal prosecutor's office released a press statement that expressed the government's position from the start of the case.

"Aaron Swartz, 24, was charged in an indictment with wire fraud, computer fraud, unlawfully obtaining information from a protected computer, and recklessly damaging a protected computer. If convicted on these charges, 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 \$1 million."

In 2010, Swartz placed a laptop inside an unlocked wiring closet at the Massachusetts Institute of Technology, which allowed him to download millions of articles from JSTOR, a repository of scholarly articles, with the aim of reposting them for free on file-sharing services.

JSTOR detected the downloads and was able to identify Swartz, at which point it "secured from Mr. Swartz the content that was taken, and received confirmation that the content was not and would not be used, copied, transferred, or distributed," according to the organization.

In a July 19, 2011 Press Release, JSTOR made clear that the prosecution of Swartz was driven entirely by the US government. "The criminal investigation and today's indictment of Mr. Swartz has been directed by the United States Attorney's Office. It was the government's decision whether to prosecute, not JSTOR's. As noted previously, our interest was in securing the content. Once this was achieved, we had no interest in this becoming an ongoing legal matter."

In September 2012, the government added several more felony counts, bringing the total to 13 and extending the possible prison term to 50 years. Were a

judge to have followed Ortiz's sentencing recommendation, Swartz would have been in prison until the mid 2060s.

Now, in the wake of Swartz's suicide, Ortiz and the government are attempting to wash the blood from their hands, claiming that they were playing fair by offering Schwartz a plea bargain.

At the Saturday memorial, a close friend and collaborator of Swartz, Roy Singham, indicted the US government for its witch-hunt. "This was not suicide. It was murder by intimidation, bullying and torment," Singham said. "We must demand accountability for those who tormented Aaron."

Swartz's girlfriend, Taren Stinebrickner-Kauffman, explained that Swartz "faced a deeply dysfunctional criminal justice system. He was so scared, so desperate, and so tormented, and more than anything else just so weary, he could not take it another day." She added that the US Attorney's office was "hellbent on destroying Aaron's life."

Blame for the death of Swartz does not stop at Ortiz—a darling of the Democratic Party, who last year was mentioned by Massachusetts' Democratic governor and close Obama supporter Deval Patrick as a likely future candidate for the state's governorship. In the end, Swartz was the victim of the Obama administration's clampdown on domestic political opposition and the ongoing attack on democratic rights perpetrated by both parties.



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