An incredible soul transcript

**AMY GOODMAN:** We spend today’s broadcast remembering the life and work of cyber-activist, computer programmer, social justice activist and writer, Aaron Swartz. At the age of 14, he co-developed the Really Simple Syndication, or RSS, web protocol, the key component of much of the web’s entire publishing infrastructure. By the time he was 19, he had co-founded a company that would merge with Reddit, now one of the world’s most popular sites. He also helped develop the architecture for the Creative Commons licensing system and built the online architecture for the Open Library. Aaron Swartz committed suicide on Friday. He hanged himself in his Brooklyn apartment. He was 26 years old.

His death occurred just weeks before he was to go on trial for using computers at MIT—that’s the Massachusetts Institute of Technology—to download millions of copyrighted academic articles from JSTOR, a subscription database of scholarly papers. JSTOR declined to press charges, but prosecutors moved the case forward. Aaron Swartz faced up to 35 years in prison and a million dollars in fines for allegedly violating the Computer Fraud and Abuse Act. When the case first came to light, the United States attorney for the District of Massachusetts, Carmen Ortiz, said, quote, “Stealing is stealing whether you use a computer command or a crowbar, and whether you take documents, data or dollars.”

In a statement, Swartz’s family criticized federal prosecutors pursuing the case against him. They said, quote, “Aaron’s death is not simply a personal tragedy. It is the product of a criminal justice system rife with intimidation and prosecutorial overreach. Decisions made by officials in the Massachusetts U.S. Attorney’s office and at MIT contributed to his death,” they said. On Sunday, MIT President Rafael Reif said the university will conduct an internal investigation into the school’s role in Swartz’s death.

Aaron Swartz was a longtime champion of an open Internet. Last year, he helped organize a grassroots movement to defeat a House bill called SOPA, the Stop Online Piracy Act, and a Senate bill called PIPA, the PROTECT IP Act. During a speech he delivered last May in Washington D.C., he explained the challenges he saw the Internet facing.

**AARON SWARTZ:** There’s a battle going on right now, a battle to define everything that happens on the Internet in terms of traditional things that the law understands. Is sharing a video on BitTorrent like shoplifting from a movie store? Or is it like loaning a videotape to a friend? Is reloading a webpage over and over again like a peaceful virtual sit-in or a violent smashing of shop windows? Is the freedom to connect like freedom of speech or like the freedom to murder?

**AMY GOODMAN:** Later in the broadcast, we’ll play that full speech. That was Aaron Swartz speaking in May of last year. Well, he took his own life on Friday. A funeral will be held in Chicago on Tuesday.

For more, we now go to Cambridge, Massachusetts, to Harvard Kennedy School of Government to speak with Harvard Law School Professor Lawrence Lessig, the director of the Edmond J. Safra Center for Ethics at Harvard. He knew Aaron for 12 years. He was a friend and mentor. Lawrence Lessig is a founding board member of Creative Commons.

Welcome to Democracy Now!, Professor Lessig. Tell us about Aaron.

**LAWRENCE LESSIG:** Well, thank you. Thank you, Amy, for having me here to talk about this incredible, incredible soul.

You know, I think the thing to remember about Aaron is that from the youngest age, from the age of 12, his work has been—his work was dedicated solely to making the world a better place for the ideas that he had. He started with the idea that maybe we needed to make the Internet easier to share information, so that’s what led to RSS. And then, with Creative Commons, it was: How do we license people to make the freedom to share legally protected? And then, after that, it was with the public library: How do we make books available? And when that wasn’t enough, he started pushing in the social activist and progressive space, first with working with Stephanie Taylor and Adam Green at the Progressive Change Campaign Committee, and then with his own Demand Progress with David Segal. In all of these areas, what he was doing was advancing ideals. He was an idealist who believed we had to live up to something better, and he was an incredible soul, an incredible soul who inspired millions who now weep, as we’ve seen across the Internet, in outrage and devastation that he would have been driven to the cliff that he stepped over.

**AMY GOODMAN:** Can you explain what the case against Aaron was? Explain what happened.

**LAWRENCE LESSIG:** Well, I have to be very careful, because when Aaron was arrested, he came to me, and I—there was a period of time where I acted as his lawyer. So, I know more about the case than I’m able to talk about.

But here’s what was alleged. Aaron was stopped as he left MIT. He had a computer in his possession, which there was tape that indicated that he had connected the computer to a server—to a closet in MIT, and the allegation was he had downloaded a significant portion of JSTOR. Now, JSTOR is a nonprofit website that has been for—since about 1996, has been trying to build an archive of online—giving online access to academic journal articles, you know, like the Harvard Law Review or journal articles from geography from the 1900s. It’s an extraordinary library of information. And the claim was Aaron had downloaded a significant portion of that. And the question, the obvious question that was in everybody’s mind, was: Why? What was he doing this for? And so, the Cambridge police arrested Aaron.

JSTOR said, “We don’t want to prosecute. We don’t want to civilly prosecute. We don’t want you to criminally prosecute.” But MIT was not as clear. And the federal government—remember, at the time, there was the Bradley Manning and the WikiLeaks issue going on. The federal government thought it was really important to make—make an example. And so, they brought this incredibly ridiculous prosecution that had multiple—you know, I think it was something like more than—more than a dozen counts claiming felony violations against Aaron, threatening, you know, scores of years in prison. But, you know, it’s not the theoretical claims about what he might have gotten; it was the practical burden that for the last two years, you know, his wealth was bled dry as he had to negotiate to try to finally settle this matter, because the government was not going to stop before he admitted that he was a felon, which I think, you know, in a world where the architects of the financial crisis dine regularly at the White House, it’s ridiculous to think Aaron Swartz was a felon.

**AMY GOODMAN:** What was the scene where he was arrested? He was riding his bicycle?

**LAWRENCE LESSIG:** Yeah. You know, this is part of the incredibly ridiculous propaganda that the government put out. They released these, you know, badly taken—because it was basically just a security camera—images of Aaron and suggested that what Aaron was doing was hiding his face and he was trying to evade—to evade detection. All he was doing was walking out of MIT with his bike helmet attached to his backpack. And the image was, you know, just of the guy who had just previously been in MIT, using their network, leaving.

Now, you know, we have to keep this in context. MIT, for most of its history, has been a celebrator of open access to information. Indeed, the policy of MIT, at least most people thought, allowed anybody who was on the campus to have access to information on the campus. MIT houses Richard Stallman, the founder of the free software movement, who has celebrated and defended MIT many, many times for their beliefs. And so, you know, a lot of people just wondered, what was MIT doing here?

Now, you know, I think we have to—we have to say—I criticized MIT very strongly in a [blog post](http://lessig.tumblr.com/post/40347463044/prosecutor-as-bully) that I posted called “Prosecutor as Bully,” because of what they did before Aaron died, because of their refusal to recognize the craziness of what the federal government was doing and to stop it by saying, “We don’t prosecution here, and you should stop prosecution.” MIT should have done that, and they didn’t. But what MIT has done on Sunday, I think, is extraordinarily important. By appointing Hal Abelson, who I think is the best possible person in the world to look at what MIT did and to report back about whether it was right or wrong, I think MIT has taken an important step to acknowledge—to acknowledge the wrong in what happened here. And we’ll see what Hal Abelson says when he looks at it and reports back.

**AMY GOODMAN:** We’re going to go to break, and when we come back, we’re going to read that statement of MIT and also the statement of JSTOR, that didn’t want Aaron Swartz prosecuted, the company, the nonprofit, that ran this document archive that he was downloading, that ultimately is releasing it all to the public anyway. And we’ll read the comments of his parents. Ultimately today, we’ll play the speech that Aaron Swartz gave last year about freedom to connect. This is Democracy Now! Back in a moment.

[break]

**AMY GOODMAN:** We are doing today’s broadcast about the suicide of Aaron Swartz, a 26-year-old cyber-activist, social justice activist, co-founder of Reddit. He developed RSS when he was 14 years old. Our guest today is Harvard Law Professor Lawrence Lessig, his mentor, his friend for many years, speaking to us from Harvard. I’m Amy Godman.

Over the weekend, Aaron’s family released this statement. They said, quote, “Aaron’s death is not simply a personal tragedy. It is the product of a criminal justice system rife with intimidation and prosecutorial overreach. Decisions made by officials in the Massachusetts U.S. Attorney’s office and at MIT contributed to his death.”

MIT also released a statement, and I’d like to read that here. On Sunday, we reached out to MIT for comment. This is part of the statement the MIT president, Rafael Reif, sent to the MIT community regarding Aaron’s death. He wrote, quote, “I will not attempt to summarize here the complex events of the past two years. Now is a time for everyone involved to reflect on their actions, and that includes all of us at MIT. I have asked Professor Hal Abelson to lead a thorough analysis of MIT’s involvement from the time that we first perceived unusual activity on our network in fall 2010 up to the present. I have asked that this analysis describe the options MIT had and the decisions MIT made, in order to understand and to learn from the actions MIT took. I will share the report with the MIT community when I receive it.”

I also want to read the statement of JSTOR. That’s the nonprofit that is the archive of all of the documents that Aaron was downloading. Over the weekend, JSTOR expressed deep condolences to the Swartz family and maintained the case had been instigated by the U.S. attorney’s office. They wrote, quote, “The case is one that we ourselves had regretted being drawn into from the outset, since JSTOR’s mission is to foster widespread access to the world’s body of scholarly knowledge. At the same time, as one of the largest archives of scholarly literature in the world, we must be careful stewards of the information entrusted to us by the owners and creators of that content. To that end, Aaron returned the data he had in his possession and JSTOR settled any civil claims we might have had against him in June 2011.”

And now I want to play a comment of Aaron Swartz himself about JSTOR, about these documents. This was a comment made by Aaron Swartz at the University of Illinois at Urbana-Champaign in October of 2010. He spoke about JSTOR.

**AARON SWARTZ:** I am going to give you one example of something not as big as saving Congress, but something important that you can do right here at your own school. It just requires you willing to get your shoes a little bit muddy. By virtue of being students at a major U.S. university, I assume that 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 Thomson and ISI to get access to scholarly journals that the rest of the world can’t read. And these licensing fees are substantial. And they’re so substantial that people who are studying in India, instead of studying in the United States, don’t have this kind of access. They’re locked out from all of these journals. They’re 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 and 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’s been locked up and put online by a handful of for-profit corporations who then try and get the maximum profit they can out of it. Now, there are people, good people, trying to change this with the open access movement. So, all journals, going forward, they’re encouraging them to publish their work as open access, so open on the Internet, available for download by everybody, available for free copying, and perhaps even modification with attribution and notice.

**AMY GOODMAN:** That was Aaron Swartz speaking, University of Illinois, Urbana-Champaign, October 2010, about JSTOR. That was before he was arrested. Professor Lawrence Lessig, the significance of what Aaron was dedicating his life to, before we move on to the speech that he gave last year to play in full?

**LAWRENCE LESSIG:** Yeah, he was dedicating his life to building a world, a nation at least, but a world that was as idealistic as he was. And he was impatient with us, and he was disappointed with us, with all of us, as we moved through this fight. And he—as he grew impatient, he called on people to do more. And it is incredibly hard for all of us who were close to him to accept the recognition that maybe if we had done more, maybe if we had done more, this wouldn’t have seemed so bleak to him, maybe if we had stopped this prosecution.

I received an email from JSTOR four days before Aaron died, from the president of JSTOR, announcing, celebrating that JSTOR was going to release all of these journal articles to anybody around the world who wanted access—exactly what Aaron was fighting for. And I didn’t have time to send it to Aaron; I was on—I was traveling. But I looked forward to seeing him again—I had just seen him the week before—and celebrating that this is what had happened. So, all of us think there are a thousand things we could have done, a thousand things we could have done, and we have to do, because Aaron Swartz is now an icon, an ideal. He is what we will be fighting for, all of us, for the rest of our lives.

**AMY GOODMAN:** Professor Lessig, on November 27, 2007, Aaron [blogged](http://www.aaronsw.com/weblog/verysick) about his depressed mood. He said, “Surely there have been times when you’ve been sad. Perhaps a loved one has abandoned you or a plan has gone horribly awry. Your face falls. Perhaps you cry. You feel worthless. You wonder whether it’s worth going on. Everything you think about seems bleak—the things you’ve done, the things you hope to do, the people around you. You want to lie in bed and keep the lights off. Depressed mood is like that, only it doesn’t come for any reason and it doesn’t go for any either.” What about Aaron’s state of mind, how he kept up his spirits, especially during this very, very difficult time, also struggling with depression?

**LAWRENCE LESSIG:** Yeah, Aaron was depressed. He was rationally depressed. You know, he was losing everything, because his government was overreaching in the most ridiculous way to persecute him, not just because of this, but because of what he had done before, liberating government documents that were supposed to be in the public domain. Of course he was depressed. He wasn’t depressed because he had no loving parents—he did have loving parents who did everything they could for him—or because he didn’t have loving friends. Every time you saw Aaron, he was surrounded by five or 10 different people who loved and respected and worked with him. He was depressed because he was increasingly recognizing that the idealism he brought to this fight maybe wasn’t enough. When he saw all of his wealth gone, and he recognized his parents were going to have to mortgage their house so he could afford a lawyer to fight a government that treated him as if he were a 9/11 terrorist, as if what he was doing was threatening the infrastructure of the United States, when he saw that and he recognized how—how incredibly difficult that fight was going to be, of course he was depressed.

Now, you know, I’m not a psychiatrist. I don’t know whether there was something wrong with him because of—you know, beyond the rational reason he had to be depressed, but I don’t—I don’t—I don’t have patience for people who want to say, “Oh, this was just a crazy person; this was just a person with a psychological problem who killed himself.” No. This was somebody—this was somebody who was pushed to the edge by what I think of as a kind of bullying by our government. A bullying by our government. And just as we hold people responsible when their bullying leads to tragedy, I hope Carmen Ortiz does what MIT did and hold—

**AMY GOODMAN:** The U.S. attorney.

**LAWRENCE LESSIG:** The U.S. attorney—and lead an investigation, ask somebody independent to look at what happened here and explain to America: Is this what the United States government is?