

United States vs. Aaron Swartz

A TIMELINE

This timeline provides a summary of events surrounding the prosecution of Aaron Swartz. It is intended to supplement your viewing of *The Internet's Own Boy* by providing some additional details connected with the case, and to complement the film by focusing on the sequence of events with little commentary or background about Swartz's private life.

2010 **DOWNLOADING**

SEPTEMBER Aaron Swartz is living part-time in Cambridge, Massachusetts, as a research fellow at



Harvard University's Edmond J. Safra Center for Ethics, where he is investigating the mechanisms of political corruption. While at Harvard, he is a regular visitor to

the nearby Massachusetts Institute of Technology (MIT) campus, where he had started his career as an Internet entrepreneur in 2005.

SEPTEMBER 24 Taking advantage of MIT's open access network, Swartz registers a laptop under the name "Gary Host" (client name "GHost_laptop") and uses it to run a program called "keepgrabbing.py," which automatically downloads articles



from JSTOR (Journal Storage), a non-profit digital library of academic journals, books, and primary sources. JSTOR charges a fee for access to its library, but as a subscribing institution, MIT provides access through its network for free.

SEPTEMBER 25 JSTOR blocks the IP address of "GHost_laptop" to stop the massive downloading.

SEPTEMBER 26 Swartz assigns a new IP address to the laptop and continues to download articles. By midday, JSTOR has blocked Swartz's new IP address and a range of related IP addresses, suspending JSTOR service for many other users at MIT. JSTOR notifies MIT.

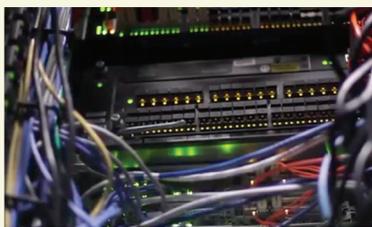
SEPTEMBER 27 MIT blocks the MAC (media access control) address hardwired into Swartz's laptop to ban "GHost_laptop" from its network. JSTOR restores full service to MIT.

OCTOBER 2 Swartz disguises ("spoofs") his laptop's MAC address to regain access to MIT's network.

OCTOBER 8 Swartz registers a second laptop on the MIT network under the name "Grace Host."

OCTOBER 9 Swartz's increased downloading prompts JSTOR to block the entire MIT network for three days.

NOVEMBER Changing tactics, Swartz connects the first laptop to a networking switch in a wiring closet on the MIT campus. He resumes downloading JSTOR articles, visiting the closet periodically to retrieve and replace external storage drives.



DECEMBER 26 JSTOR informs MIT that it has detected massive downloading again, but the message is not received until after the holiday break.

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ARREST

JANUARY 4 MIT personnel find Swartz's laptop in the closet and notify MIT Campus Police, who contact



a Cambridge Police Department detective who has worked with them on computer issues before. The detective arrives with a U.S. Secret Service special



agent who, like the detective, is a member of the New England Electronic Crimes Task Force. They recommend leaving the laptop in the closet in order to monitor whoever has put it

there. MIT connects a second computer to the network switch to gather data on the activity of Swartz's laptop and installs a video camera in the closet. Later that day, the camera catches Swartz entering the closet with what looks like a removable hard drive.

JANUARY 5 Based on the Secret Service agent's report, the Massachusetts U.S. Attorney's Office (USAO) opens a criminal investigation into the network breach at MIT.

JANUARY 6 Video footage shows Swartz entering the wiring closet with his face shielded by his biking helmet and removing his laptop. Later in the day, he is spotted biking near the MIT campus and arrested on charges of breaking and entering with intent to commit



a felony. In the meantime, Swartz had connected his laptop to the MIT network in another building, where it was discovered a few hours after his arrest.

INVESTIGATION

JANUARY 27 The USAO serves a grand jury subpoena to collect evidence at MIT and conducts a search of Swartz's apartment and his office at Harvard.

FEBRUARY - APRIL MIT provides documents in response to the USAO subpoena.

APRIL 13 Federal prosecutors interview Swartz's girlfriend, Quinn Norton, a writer for *Wired* magazine,



Quinn Norton

who makes them aware of the "Guerrilla Open Access Manifesto," a 2008 web posting attributed to Swartz that stated: "We need to

download scientific journals and upload them to file sharing networks....With enough of us, around the world, we'll not just send a strong message opposing the privatization of knowledge — we'll make it a thing of the past."

MAY 6 The USAO lead prosecutor informs MIT that Swartz has rejected a plea bargain and will likely be indicted on felony charges.

JUNE 3 JSTOR and Swartz reach a settlement.

JUNE 13 MIT notifies Swartz's defense team that MIT is taking no position on whether Swartz should be prosecuted.

JUNE 24 The USAO serves a second grand jury subpoena on MIT, which provides documents in response to the subpoena in early July.

JULY 14 The USAO issues an indictment charging Swartz with four felonies, including wire fraud, computer fraud, unlawfully obtaining information from a protected computer, and recklessly damaging a protected computer.

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JULY 19 Swartz voluntarily appears in federal court, where he is arraigned and pleads not guilty. He is released on \$100,000 bail.

JSTOR issues a statement disclaiming any responsibility for Swartz's prosecution, saying that once they had "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," they "had no interest in this becoming an ongoing legal matter."¹



U.S. Attorney Carmen Diaz

The USOA issues a press release in which U.S. Attorney Carmen Diaz states, "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."²

Demand Progress, a political advocacy group that Swartz co-founded, posts a petition to rally support for Swartz.³

THE SOPA CAMPAIGN

OCTOBER 26 The Stop Online Piracy Act (SOPA) is introduced in the House of Representatives with strong support.

NOVEMBER Swartz begins to take a leading role in organizing grassroots opposition to SOPA.



NOVEMBER 16 As the House Judiciary Committee holds meetings on SOPA, opponents stage a day of protest, "American Censorship Day," during which one million people contact Congress and two million sign online petitions.

DECEMBER 22 Opponents of SOPA launch a protest campaign against GoDaddy.com, which has expressed support for the new law. GoDaddy begins losing customers and by December 29 has reversed its position on SOPA.

2012

JANUARY 14 Legislators supporting SOPA modify the proposed law to remove some elements that have drawn criticism.



JANUARY 16 The White House expresses opposition to SOPA.

JANUARY 17 Wikipedia announces that it will black out its website as a symbol of its opposition to SOPA. Google plans to censor its logo.

JANUARY 18 The Day the Internet Went Dark. Wikipedia, Google, and other major websites protest SOPA by censoring their services.

JANUARY 19 Congressional support for SOPA drops from 80 to 63 members overnight, while congressional opponents increase from 31 to 122.⁴

JANUARY 20 Congress tables SOPA, effectively killing the proposed law.

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MAY 21 Swartz is the keynote speaker at the F2C:Freedom to Connect 2012 event in Washington, D.C., delivering a speech called, "How We Stopped SOPA."



PREPARING FOR TRIAL

AUGUST 9 MIT informs the USAO lead prosecutor that MIT does not want Swartz to serve jail time. The prosecutor responds that he needs to consider "the general deterrence of others" in addition to the views of the victims in this case, JSTOR and MIT.⁵

SEPTEMBER 12 The USAO files a superseding indictment against Swartz that increases the number of felony counts from four to thirteen and raises the maximum penalty on all counts from 35 to as much as 95 years in prison.

SEPTEMBER 24 Swartz is arraigned on the superseding indictment and pleads not guilty to all counts.

SEPTEMBER 28 Swartz's defense team informs MIT that they plan to file motions to suppress evidence that will include allegations that MIT unlawfully collected or produced information against Swartz. They ask MIT to meet with the USAO and express support for Swartz.



Defense Attorney Elliot Peters

OCTOBER 5 Swartz's defense team files five motions to suppress evidence and one motion to dismiss the charges against Swartz.

OCTOBER 26 MIT notifies Swartz's defense team that it is willing to attend a meeting with the USAO.

NOVEMBER 6 Swartz's defense team informs MIT that Swartz no longer seeks MIT to meet with the USAO.

NOVEMBER 16 The government files its opposition to the motions to suppress, which includes several photographs of Swartz entering the wiring closet.

DECEMBER 7 Swartz's defense asks to delay his trial from February to June. They also file responses to the government's reply to the motions to suppress evidence.

DECEMBER 14 The Court schedules a hearing on the previously filed motions to dismiss and suppress for January 25, 2013.

2013

JANUARY 9 The USAO rejects a plea bargain that would have kept Swartz out of prison.



Assistant U.S. Attorney Stephen Heymann

JANUARY 11 Swartz's defense team files a supplemental motion to its motions to suppress evidence which cites a recently produced email between the USAO lead prosecutor, Assistant U.S. Attorney Stephen Heymann, and the Secret Service special agent who was present at the initial investigation of Swartz's laptop, that would have helped suppress illegally acquired

evidence.

The same day, Aaron Swartz commits suicide in Brooklyn, New York.

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AFTERMATH

JANUARY 12 Swartz's supporters launch petitions to remove U.S. Attorney Carmen Ortiz from office and to fire Assistant U.S. Attorney Stephen Heymann.



JANUARY 14 The USAO dismisses the case against Aaron Swartz.

JANUARY 16 U.S. Attorney Carmen Ortiz issues a statement defending the USAO: "...this office's conduct was appropriate in bringing and handling this case. The prosecutors recognized that there was no evidence against Mr. Swartz indicating that he committed his acts for personal financial gain...in the discussions with his counsel about a resolution of the case this office sought an appropriate sentence that matched the alleged conduct. 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."⁶

JANUARY 22 MIT appoints computer science Professor Harold Ableson to review the university's conduct in the Swartz case.

JANUARY 28 U.S. Representatives Darrell Issa, chair of the House Committee on Oversight and Government Reform, and Elijah Cummings, ranking member of the committee, issue a letter to U.S. Attorney General Eric Holder questioning the Massachusetts USAO's handling of the Swartz case.



Rep. Darrell Issa

FEBRUARY 22 An Associate Deputy Attorney General briefs congressional staffers on the Swartz case. According to press reports, staffers were told that Swartz's "Guerrilla Open Access Manifesto" influenced the prosecution's decision-making.⁷

MARCH 6 Attorney General Eric Holder testifies before the Senate Judiciary Committee that the Swartz case was "a good use of prosecutorial discretion."



Attorney General Eric Holder

¹ JSTOR, *Misuse Incident and Criminal Case* at <http://about.jstor.org/news/jstor-statement-misuse-incident-and-criminal-case>
² *Alleged Hacker Charged with Stealing Over Four Million Documents from MIT Network* (July 19, 2011) at www.justice.gov/usao/ma/news/2011/July/SwartzAaronPR.html
³ Demand Progress, *Show Your Support For Aaron* at http://act.demandprogress.org/sign/support_aaron/
⁴ *SOPA Protests Sway Congress* (January 19, 2012) at <http://techcrunch.com/2012/01/19/sopa-opponents-supporters/>
⁵ *Report to the President: MIT and the Prosecution of Aaron Swartz*, page 68, <http://swartz-report.mit.edu/docs/report-to-the-president.pdf>
⁶ *Statement by U.S. Attorney Carmen Ortiz Regarding the Death of Aaron Swartz* (January 16, 2013) at www.justice.gov/usao/ma/news/2013/January/StatementreSwartz.html
⁷ Ryan J. Reilly, "Aaron Swartz Prosecutors Weighed 'Guerrilla' Manifesto, Justice Official Tells Congressional Committee," *The Huffington Post* (February 22, 2013) at www.huffingtonpost.com/2013/02/22/aaron-swartz-prosecutors_n_2735675.html