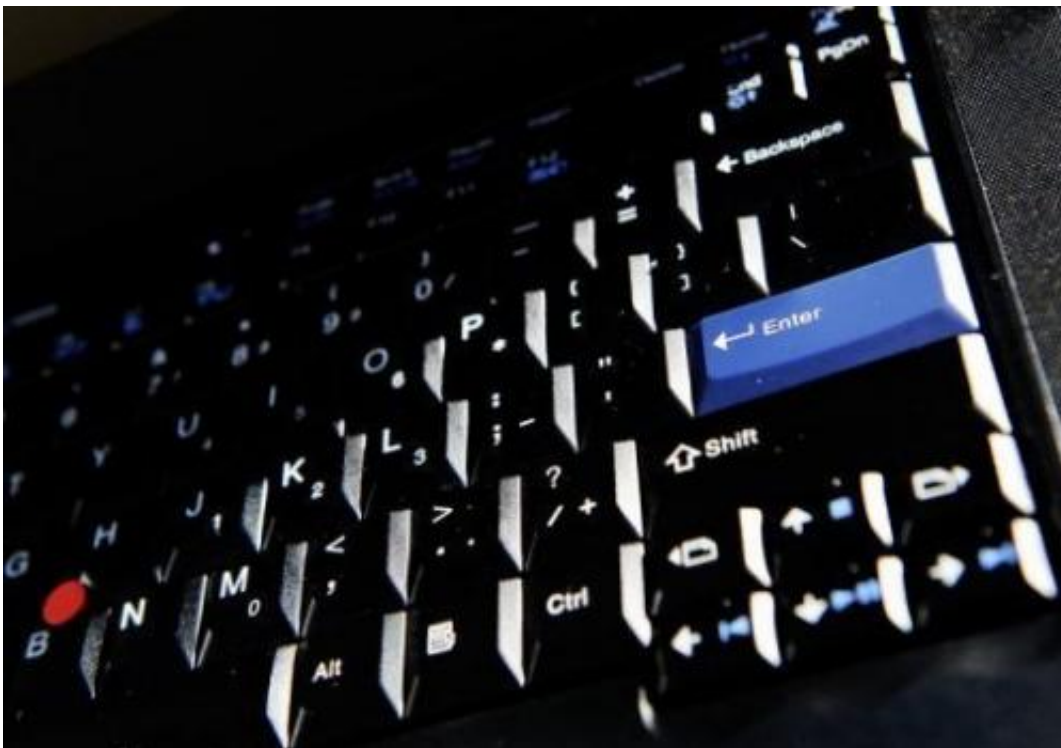


Online buzz grows over US Internet activist suicide

January 16 2013, by Rob Lever



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An online petition calling for the removal of the prosecutors in his case garnered more than 31,000 signatures Tuesday and some of Swartz's supporters blamed a 1986 computer crimes statute for his suicide.

Swartz, who was just 14 when he co-developed the RSS feeds that are now the norm for publishing frequent updates online and went on to help launch [social news](#) website Reddit, hanged himself in his New York apartment on Friday.

He was 26 and reported to have been battling depression.

He had been due to stand trial in April for allegedly breaking into a closet at the Massachusetts Institute of Technology to plug into the computer network and download millions of academic journal articles from the subscription-only JSTOR service.

Swartz had pleaded not guilty to charges of [computer fraud](#), wire fraud and other crimes carrying a maximum sentence of 35 years in prison and a \$1 million fine, charges dismissed after his death.

"Aaron Swartz faced a more severe prison term than killers, slave dealers and bank robbers," said Ian Millhiser of the Center for American Progress Action Fund.

"Whatever one thinks of Swartz's actions, which were likely illegal and probably should be illegal, it is difficult to justify treating him as if he were a more dangerous criminal than someone who flies into a rage and kills their own brother."

Marcia Hofmann, of the [Electronic Frontier Foundation](#), said that to honor Swartz, it would be best to fix a "draconian computer crime law."

"The government should never have thrown the book at Aaron for

accessing MIT's network and downloading scholarly research. However, some extremely problematic elements of the law made it possible," Hofmann wrote.

"But Aaron's tragedy also shines a spotlight on a couple of profound flaws of the Computer Fraud and Abuse Act... (whose) vague language, broad reach, and harsh punishments combine to create a powerful weapon for overeager prosecutors to unleash on people they don't like."

Marcy Wheeler, who writes a blog called "emptywheel," blamed the Department of Justice for being "ruthless against just about everyone who is not a Wall Street executive."

A separate petition to the White House with 23,000 signatures called for reform of the 1986 law.

A third petition calling for a posthumous pardon of Swartz generated mixed responses along with some 21,000 signatures.

"Pardoning Swartz also would allow the government, effectively, to pardon itself," said Robin Corey, a Brooklyn College political scientist.

"I want the death of Swartz, and the prosecution that helped produce it, to hang around the neck of the state for a very long time."

Danah Boyd, a Microsoft researcher who is a visiting scholar at Harvard Law School, said she was angry at the government's conduct.

"When the federal government went after him—and MIT sheepishly played along—they weren't treating him as a person who may or may not have done something stupid. He was an example," she said in a blog.

"Over the last few years, we've seen hackers demonized as anti-

democratic even though so many of them see themselves as contemporary freedom fighters."

As Swartz's funeral was held in Chicago Tuesday, his family and partner posted a comment on a memorial website saying his death was "not simply a personal tragedy. It is the product of a criminal justice system rife with intimidation and prosecutorial overreach."

Some reports said MIT refused to agree to a plea deal which would have reduced the potential for 35 years in prison to six months in jail.

MIT president L. Rafael Reif said he asked professor Hal Abelson to lead a "thorough analysis" of MIT's involvement in the JSTOR case.

But some legal experts said the government did not overstep its authority.

Orin Kerr, a professor at the George Washington University Law School who specializes in computer crime laws, said the charges against Swartz "were based on a fair reading of the law" and that "none of the charges involved aggressive readings of the law or any apparent prosecutorial overreach."

In a blog post he said "isn't going to be popular," Kerr wrote that "all of the charges were based on established case law" and "pretty much what any good federal prosecutor would have charged."

But Ted Frank, an adjunct fellow with the Manhattan Institute's Center for Legal Policy, said Kerr's analysis ignores "the 'hacker ethos' of MIT that encourages the sort of rebellious computer activity Swartz engaged in."

"Computer culture can look more sinister than it is to the humorless

outside of it," Frank said.

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