

MIT: Handling of Swartz Case 'Prudent'

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ABSTRACT

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FULL TEXT

A Massachusetts Institute of Technology report concluded the university acted prudently in the way it handled its involvement with the government's prosecution of Internet activist Aaron Swartz, but criticized the school for taking a hands-off approach in his case.

MIT came under harsh scrutiny after Mr. Swartz hanged himself in January while he awaited trial on federal charges of alleged computer crimes.

Mr. Swartz, a 26-year-old advocate for making information freely available over the Internet, was accused of using MIT's computer system to download nearly five million articles from a paid database of academic journals.

Critics said that the university had furthered an overzealous prosecution of Mr. Swartz, whose death set off a round of soul searching at MIT over its actions and response to the situation.

MIT President Rafael Reif asked computer-science professor Hal Abelson to investigate MIT's handling of the events.

The long-awaited report released Tuesday found that MIT never sought federal prosecution, punishment or jail time for Mr. Swartz, nor did it oppose allowing him to enter into a plea bargain.

But it chided MIT for viewing itself as a neutral party in a case that involved issues at the heart of its role as a scientifically minded academic institution.

"We were not engaged," said Mr. Abelson, on a conference call following the report's release. "As a result, we as a community failed to live up to high standards that MIT has set for itself in the past."

The report said the university failed to consider Mr. Swartz's role as a contributor to Internet technology, what it called the "poorly drafted and questionable criminal law as applied to modern computing" under which he was charged, and that "the United States was pursuing an overtly aggressive prosecution."

The 182-page report said the university should consider inserting itself into the national debate over the Computer Fraud and Abuse Act, a law that critics say allows prosecutors to pursue tough sentences with too few limits.

It also said the school should consider beefing up its internal legal expertise on cybercrime matters and expressed concern that minor violations of the terms of service for its computer network could result in felony charges and create a chilling effect on important research.

"MIT's position may have been prudent but it did not duly take into account the wider background of policy issues in which MIT people have traditionally been passionate leaders," said the report.

Mr. Swartz's father, Robert, said the report showed MIT acted inappropriately. "We asked them on multiple occasions to advocate for dropping the case," he said in an interview. "They could have done more and they didn't."

He would like the university to make certain changes to prevent another similar tragedy, including support for reform of computer-crime laws and that MIT handle all allegations of computer hacking internally without referring them to outside authorities.

Taren Stinebrickner-Kauffman, the girlfriend who found Mr. Swartz hanged in their Brooklyn apartment, said MIT's behavior throughout the case was reprehensible and called the report a "whitewash."

In a cover note attached to the report, Mr. Reif said he is confident that the university's decisions "were reasonable, appropriate and made in good faith."

But he noted the report identified alternate paths the school could have taken, "including becoming more actively involved in the case."

Credit: By Spencer E. Ante

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