

A Tribute to Aaron Swartz

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1 History of Copyright

Copyright was introduced for the first time in Great Britain in its modern form in 16th century. It came into existence after the invention of printing press. Its primary purpose was more of a censorship in terms of whether or not it can be printed and who and how many copies can be printed. The expansion of copyright and patents has increased with time and especially after the TRIPS arrangement which is part of the WTO negotiations. These have been introduced and/or expanded with a view to increase the profits of the corporations and to prevent the competitors from making progress based on the inventions in one corporation.

2 Do patents/copyrights help innovation

Is patenting/copyrighting a good policy? What is the claim for its existence? The basic claim of proponents of patent/copyright policy is that by allowing inventors to profit from their inventions, it promotes innovation. That in the absence of such incentives, innovation will be slow and/or die out altogether. On the other hand, the fact that we have to make payments to the innovator means that any progress in improving the innovation is limited to those who can afford to pay. If we take the case of the Indian academia, capable people who are able to get their papers accepted are sometimes unable to pay for the exorbitant registration fees and certainly are not in a position to travel to other countries and stay there. The problem is even more clearly seen in the pharmaceutical industry. While earlier, the patents were on the product and not on the process, many Indian companies such as Reddy's etc. were able to produce generic drugs that cost a fraction of the patented products. This is especially true of AIDS drugs that are extremely costly whereas generic drugs are very very cheap. Since most of the third world people earn \$2 and less a day, the fact that even generic drugs cost more than that per day does not help control these epidemics. The Brazilian govt. decided to bear the cost of the medication and used the Indian-produced generic drugs. Pharmaceutical companies tried to sue the Brazilian govt. since it was hurting their profits. Under TRIPS, the process itself is also patented and so it closes the doors on generic drugs to my knowledge or makes it extremely difficult to get around patents. This means that medicine is out of reach for most of humanity.

There have been three developments in the IT industry in parallel in this period: one is the development of monopolies such as Microsoft, Cisco which demand far more than the market price for their products which are patented, free software movement that produces free and gives away the software (catching on in H/W too nowadays) and companies like Google, Redhat etc. that use and/or market free software products to enhance their own profit margins.

3 Information as a Menace to Governments

When we come to information, the governments have always had a great incentive to keep the general public in ignorance of their actions and motivations. Many examples come to mind such as the invention of Gulf of Tonkin incident by the US govt. to garner public support for the Vietnam war, the false excuse of WMDs to invade Iraq (being replayed today in the context of Iran), the excuse of internal terrorism to invade and occupy the tribal lands in the heart of India to mine and extract maximum profits for various MNCs/National corporations and so on. In a democracy, a highly educated citizenry can be an obstacle to the government policies that obstruct justice, wage wars in our name and the emptying of the coffers and/or granting tax holidays or even more blatant scams such as the 2G wavelength auction etc. that we are talking about in India today. Hand-in-hand with the attempt to muzzle voices and attempts to hide information from the public has been the interesting development of legislation granting citizens the right to information. This has been largely possible due to peoples movements in all the countries starting from USA to India. However, the spirit of these acts is constantly violated by the countries through delays, refusal to part with information using national security as the excuse and redaction on documents delivered.

The most well-known organization which attempts to break down the barriers constructed by the Governments and corporations to ensure people have the information is Wikileaks. For this sin, Julian Assange, Bradley Manning and others are currently either in jail as in the case of the latter or virtually in jail as in the case of the former hiding in the Ecuadorian embassy in UK. There are other tall figures such as Richard Stallman who have been fighting copyright from a long time and who is the inventor of copyleft or what is called the GPL that allows people to freely copy and distribute and also obliges them to return to the public all changes done on top of the free products. Aaron Swartz is a child of this movement. Swartz invented RSS which allows people to subscribe to and get instant feed on the topics they are interested in to the locations they want to such as the mobile phones/email etc. He was also the founder of Reddit which eventually got acquired by the Wired magazine. He wasnt happy there and quit. He, along with many others in the free software movement and other organizations fought against the US proposed legislations SOPA/PIPA which would have shut down all web sites that were deemed to carry non-paid copyrighted material. These legislations were defeated soundly thanks to peoples movements and many organizations such as Wikipedia, one of the greatest children of the free software movement philosophy, that blanked out their web sites in protest. Still, despite this victory, I have seen some of the web sites

that used to carry free versions of books and other material have been closed down by US govt. order or have voluntarily withdrawn these services.

4 The Actions of Aaron Swartz

Swartz protested against the control of information and specifically against making people pay for information that is partly or totally funded with public money. Thus, he hacked into the court documents that the US govt. was asking people to pay per page to access and gave access to them freely online. He was investigated by the FBI for this though no charges were brought against him. Similarly, he hacked into the website of JSTOR, the non-profit organization, which sold academic papers to non-academic users. The money collected went to the publishers and not to the authors. Swartz downloaded millions of papers from JSTOR to his laptop. In this attempt, he connected his laptop into a wiring cabinet in MIT. JSTOR and MIT brought cases against him which were pursued with great vigor by the prosecutors Carmen Ortiz and others. JSTOR eventually dropped the charges against Swartz and also started making the articles available freely to all users. However, MIT did not withdraw nor did it comment on the continuing prosecution of Swartz. The prosecutors have been asking for a \$1 million fine and 35 years in prison. This is despite the fact that as a Harvard fellow, Swartz was an authorized user of JSTOR. Since he never made these articles available online and had returned them to JSTOR, he had not violated any law other than an agreement with JSTOR. He is guilty, at most, of trespassing in MIT. However, the prosecutors had slapped as many as THIRTEEN charges against him and booked him on felony charges. He was to be tried in a criminal court whereas such cases are usually tried in civilian courts in USA.

What made US govt. go after Swartz in this fashion? We can only speculate. There have been rumors of Swartz also helping Wikileaks and anyone connected with it is being harassed to the maximum by the US govt. in an attempt to muzzle the voices of the people. Secondly, there is an attempt to make an example of a high profile activist in an attempt to cow down other activists, to create fear amongst people. So, Aaron Swartz, who could have earned millions or billions like Mark Zuckerberg and celebrated by Hollywood, is instead hounded to death since he chose to benefit society with his skills rather than exploit society to become rich beyond dreams. More and more activists are coming under the radar of various governments in this fashion. We have heard of many RTI activists being done to death in this country in a crude fashion. USA, being more civilized, does it in a subtle fashion. The bottomline is the same, however. To silence the people and make them accept the status quo.

5 Current US Policy about the Internet

(Adm. Michael McConnell, Bush's former Director of National Intelligence and a past and current executive with Booz Allen, a firm representing numerous corporate contractors which profit enormously each time the government expands its "cyber-

security” activities.) McConnell advocated that “we” - meaning “the government and the private sector” - “need to develop an early-warning system to monitor cyberspace” and that “we need to reengineer the Internet to make attribution, geolocation, intelligence analysis and impact assessment - who did it, from where, why and what was the result - more manageable.” As Wired’s Ryan Singel wrote: “He’s talking about changing the internet to make everything anyone does on the net traceable and geo-located so the National Security Agency can pinpoint users and their computers for retaliation.”

Last June, the New York Times’ David Sanger reported what most of the world had already suspected: “From his first months in office, President Obama secretly ordered increasingly sophisticated attacks on the computer systems that run Iran’s main nuclear enrichment facilities, significantly expanding America’s first sustained use of cyberweapons.” In fact, Obama “decided to accelerate the attacks . . . even after an element of the program accidentally became public in the summer of 2010 because of a programming error that allowed it to escape Iran’s Natanz plant and sent it around the world on the Internet.”

(Source: Published on Monday, January 28, 2013 by The Guardian - Pentagon’s New Massive Expansion of ‘Cyber-Security’ Unit is About Everything Except Defense : Glenn Greenwald)

<http://www.commondreams.org/view/2013/01/28-5>)