

# TWO DAYS BEFORE MIT AND CAMBRIDGE COPS ARRESTED AARON SWARTZ, SECRET SERVICE TOOK OVER THE INVESTIGATION

The public story of Aaron Swartz' now-tragic two year fight with the Federal government usually starts with his July 19, 2011 arrest.

But that's not when he was first arrested for accessing a closet at MIT in which he had a netbook downloading huge quantities of scholarly journals. He was first arrested on January 6, 2011 by MIT and Cambridge, MA cops.

According to a suppression motion in his case, however two days before Aaron was arrested, the Secret Service took over the investigation.

On the morning of January 4, 2011, at approximately 8:00 am, MIT personnel located the netbook being used for the downloads and decided to leave it in place and institute a packet capture of the network traffic to and from the netbook.<sup>4</sup> Timeline at 6. This was accomplished using the laptop of Dave Newman, MIT Senior Network Engineer, which was connected to the netbook and intercepted the communications coming to and from it. Id. Later that day, beginning at 11:00 am, the Secret Service assumed control of the investigation. [my emphasis]

In fact, in one of the most recent developments in discovery in Aaron's case, the government belatedly turned over an email showing Secret Service agent Michael Pickett offering to take possession of the hardware seized from Aaron

“anytime after it has been processed for prints or whenever you [Assistant US Attorney Stephen Heymann] feel it is appropriate.” Another newly disclosed document shows the Pickett accompanied the local cops as they moved the hardware they had seized from Aaron around.

According to the Secret Service, they get involved in investigations with:

- Significant economic or community impact
- Participation of organized criminal groups involving multiple districts or transnational organizations
- Use of schemes involving new technology

Downloading scholarly articles is none of those things.

A lot of people are justifiably furious with US Attorney Carmen Ortiz and AUSA Heymann’s conduct on this case.

But the involvement of the Secret Service just as it evolved from a local breaking and entry case into the excessive charges ultimately charged makes it clear that this was a nationally directed effort to take down Swartz.

MIT’s President Rafael Reif has expressed sadness about Aaron’s death and promised an investigation into the university’s treatment of Aaron. I want to know whether MIT—which is dependent on federal grants for much of its funding—brought in the Secret Service.