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Federal Bureau of Investigation

Washington, D.C. 20535

February 14, 2013

Mr. John Greenewald Jr.

Subject: Swartz, Aaron H

FOIPA No. 1207117

Dear Mr. Greenewald:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Deletions have been made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. In addition, a deleted page information sheet was inserted in the file to indicate where pages were withheld entirely. The exemptions used to withhold information are marked below and explained on the enclosed Explanation of Exemptions:

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	(b)(7)(D)	(k)(2)
	(b)(7)(E)	(k)(3)
	(b)(7)(F)	(k)(4)
(b)(4)	(b)(8)	(k)(5)
(b)(5)	(b)(9)	(k)(6)
▽ (b)(6)		(k)(7)

200	Document(s) were k	ocated which originated with, or contained information concerning other Government
	agency(ies) [OGA].	This information has been:

referred to the OGA for review and direct response to you.

In accordance with standard FBI practice and pursuant to FOIA exemption (b)(7)(E) [5 U.S.C. § 552 (b)(7)(E)], this response neither confirms nor denies the existence of your subject's name on any watch lists.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S. C. § 552(c) (2006 & Supp. IV (2010). This

referred to the OGA for consultation. The FBI will correspond with you regarding this information when the consultation is finished.

response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You have the right to appeal any denials in this release. Appeals should be directed in writing to the Director, Office of Information Policy (OIP), U.S. Department of Justice,1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's eFOIA portal at http://www.justice.gov/oip/efoia-portal.html. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be easily identified.

The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown when ident, references usually contain information similar to the information processed in the main file(s). Because of our significant backlog, we have given priority to processing only the main investigative file(s). If you want the references, you must submit a separate request for them in writing, and they will be reviewed at a later date, as time and resources permit.

See additional information which follows.

Sincerely,

David M. Hardy Section Chief

Section Chief
Record/Information
Dissemination Section
Records Management Division

Enclosures (2)

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute(A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could be reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could be reasonably expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual:
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service he release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

FBI/DOJ

FEDERAL BUREAU OF INVESTIGATION

Precedence:	ROUTINE		Date	: 02/06/20	009
To: Chicago		Attn:	North RA	4	
	ngton Field -17 / NVRA ntact: SA				
Approved By:					b6
Drafted By:					b7C b7F
Case ID #: 28	88A-WF-238943	(Pending)			
	B(S); OURTS - VICTIM; UTER INTRUSION -	- OTHER			
Synopsis: To	o set lead to lo	ocate Aaron	Swartz.		
Enclosure(s)	: Attached is a	an	Report fo	r Swartz.	
Details: The	e U.S. Courts in	mplemented a	pilot pr	oject offer	ring

free access to federal court records through the PACER system at seventeen federal depository libraries. Library personnel maintain login and password security and provide access to users from computers within the library. PACER normally carries an eight cents per page fee, however, by accessing from one of the seventeen libraries, users may search and download data for free.

Between September 4, 2008 and September 22, 2008, PACER was accessed by computers from outside the library utilizing login information from two libraries participating in the pilot project. The Administrative Office of the U.S. Courts reported that the PACER system was being inundated with requests. One request was being made every three seconds.

The login information was compromised at the Sacramento County Public Law Library (SPLL) and the Seventh Circuit Court of Appeals Library (SCCA). The two accounts were responsible for downloading more than eighteen million pages with an approximate value of \$1.5 million.

UNCLASSIFIED

b7E

To: Chicago From: Washington Field Chicago From: Washington 288A-WF-238943, 02/06/2009

Re:

During the compromise, there was one continuous session with one log in and access was made every one to two seconds. The compromise took place during regular business hours. Data that was exfiltrated went to one of two Amazon IP addresses.

Investigation has determined that the Amazon IP address used to access the PACER system belongs to Aaron Swartz.

The following information was provided for the IP address:

Name:

Aaron Swartz

Address:

349 Marshman Avenue

Highland Park, IL 60035

Telephone:

847-432-8857

	A search in	and Swartz's personal webpage
confirmed	this information.	Swartz's social security account
number is	360-84-0493. The	telephone subscriber for telephone
number	is	

b7C

b6

b7E

NCIC report for Aaron Swartz was negative. A search for wages for Swartz at the Department of Labor was negative.

To: Chicago From: Washington Field Re: 288A-WF-238943, 02/06/2009

LEAD(s):

Set Lead 1: (Action)

CHICAGO

AT NORTH RA

Washington Field Office requests that the North RA attempt to locate AARON SWARTZ, his vehicles, drivers license information and picture, and others, at 349 Marshman Avenue, Highland Park, IL 60035. Since SWARTZ is the potential subject of an ongoing investigation, it is requested that SWARTZ not be approached by Agents.

_	Ιf	there	are	any	questions	or	concerns,	please	contact
SA [·
									рь b7С
••									b7F

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE		Dat	ce:	02/06/2	2009
To: Chicago	Attn:	SSA			
From: Washington Field CR-17 / NVRA Contact: SA					
Approved By:					b6
Drafted By:		-10			b7C b7F
Case ID #: 288A-WF-238943	(Pending)				
Title: UNSUB(S); US COURTS - VICTIM COMPUTER INTRUSION	•				
Synopsis: To set lead to 1	locate Aaron	Swartz.			b7E
Enclosure(s): Attached is	an	Report :	for S	wartz.	.D / E
Details: The U.S. Courts:					

free access to federal court records through the PACER system at seventeen federal depository libraries. Library personnel maintain login and password security and provide access to users from computers within the library. PACER normally carries an eight cents per page fee, however, by accessing from one of the seventeen libraries, users may search and download data for free.

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To: Chicago From: Washington Field Re: 288A-WF-238943, 02/06/2009

LEAD(s):

Set Lead 1: (Action)

CHICAGO

AT CHICAGO, ILLINOIS

Washington Field Office requests that Chicago attempt to locate AARON SWARTZ, his vehicles, drivers license information and picture, and others, at 349 Marshman Avenue, Highland Park, IL 60035. Since SWARTZ is the potential subject of an ongoing investigation, it is requested that SWARTZ not be approached by Agents.

If there are any questions or concerns, please contact b6 b7C b7F

property.

UNCLASSIFIED

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE Date: 02/24/2009
To: Washington Field Attn: CR-17 / NVRA
SA
From: Chicago North RA Contact: SA
Approved By:
Drafted By:
Case ID #: 288A-WF-238943
Title: UNSUB(S); US COURTS - VICTIM; COMPUTER INTRUSION - OTHER
Synopsis: Lead covered by Chicago North RA
Enclosure(s): Illinois DL/ID Image of Swartz and
Details: Attempted to locate AARON SWARTZ, his vehicles, drivers license information and picture, and others at 349 Marshman Avenue, Highland Park, IL 60035.
Successfully located drivers license photo for SWARTZ. Drove by address in an attempt to locate SWARTZ or vehicles related to the residence, but was unsuccessful. House is set on a deep lot, behind other houses on Marshman Avenue. This is a heavily wooded, dead-end street, with no other cars parked on the road making continued surveillance difficult to conduct without severely increasing the risk of discovery. However, drivers license and information lists address above. Other family members are listed as current residence and four vehicles are currently registered to who resides at above address. Illinois database checks for SWARTZ yielded negative

b6 b7C b7F

b7E

b7E

b6 b7C

Washington Field From: Chicago 288A-WF-238943, 02/24/2009 To:

Chicago considers this lead covered.

To: Washington Field From: Chicago Re: 288A-WF-238943, 02/24/2009

LEAD(s):

Set Lead 1: (Info)

WASHINGTON FIELD

AT WASHINGTON DC

Read and clear.

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 02/19/2009

AARON SWARTZ has a profile on the website LINKEDIN, at www.linkedin.com/in/aaronsw. SWARTZ is listed as a writer, hacker and activist based in the San Francisco Bay Area. SWARTZ's education includes Stanford University, Sociology, 2004. SWARTZ's experience includes the following:

Founder of watchdog.net 2008 - Present

Tech Lead at Open Library 2007 - Present

Co-founder of reddit November 2005 - January 2007

Metadata Advisor at Creative Commons 2002 - 2004

Member of RDF Core Working Group 1999 - 2000

Member of W3C 1999 - 2000

The website watchdog.net: the good government site with teeth states that "We're trying to build a hub for politics on the Internet". This plan includes pulling all information about politics, votes, lobbying records, and campaign finance reports together under one unified interface. SWARTZ posted blogs on 07/30/2008, 06/16/2008, 05/07/2008, 04/21/2008, 04/16/2008, 04/14/2008.

SWARTZ has a profile on the website FACEBOOK. His networks include Stanford '08 and Boston, MA. The picture used in his profile was also used in an article about SWARTZ in THE NEW YORK TIMES.

SWARTZ's personal webpage, www.aaronsw.com, includes a section titled "Aaron Swartz: a lifetime of dubious accomplishments". In 2007, SWARTZ began working full-time as a

Investi	gation on	02/15/2009	_at	Manassas,	VA			
File #	288A-1	WF-238943				Date dictated		-
by	SA						b6 b7C b7F	

288A-WF-238943

Continuation of FD-302 of	SWARTZ's	online	profiles	, On	02/15/2009	, Page	2
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member of the Long-Term Planning Committee for the Human Race (LTPCHR).

by

FEDERAL BUREAU OF INVESTIGATION

	Date of transcription 02/19/2009
	On February 17, 2008, SA received an email from Administrative Office of the US Courts, with links to two published articles regarding the compromise of the PACER system.
	On February 12, 2009, published an article in THE NEW YORK TIMES titled "An Effort to Upgrade a Court Archive System to Free and Easy". For the article, interviewed and AARON SWARTZ regarding the compromise of the PACER system.
	The following information is found in the article:
	urged fellow activists to go to the seventeen libraries offering the free trial, download as many court documents as they could, and send them to him for republication on the Web.
	SWARTZ read appeal and downloaded an estimated twenty percent (20%) of the PACER database.
	a Government Printing Office official, told librarians that the security of the PACER service was compromised and the FBI was conducting an investigation.
	Lawyers for and SWARTZ told them they had broken no laws.
	On February 13, 2009, and published an article in The LEDE, NOTES ON THE NEWS, FROM THE NEW YORK TIMES titled "Steal These Federal Records - Okay, Not Literally".
	The following information is found in the article:
	published an online manifesto about freeing PACER documents, where he called for a Thumb Drive Corps to go to libraries with small thumb drives, plug them into computers, download as many court documents as they could, and send them to so that he can translate them into a format that GOOGLE's search software can read.
Investig	gation on 02/17/2009 at Manassas, VA
File #	288A-WF-238943 Date dictated N/A
bv	SA

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

b7c b7F

288A-WF-238943

Continuation of FD-302 of		, 0 2/17/2009	, Page
			Ъ6 Ъ70
INTERNET saved it	SWARTZ received software database from AND SOCIETY AT HARVARD. Son a thumb drive, and had the to one of the free librate.	at the BERKMAN CEN GWARTZ improved this so a friend in California	ents from NTER FOR oftware, a take the
to a lawy	When the PACER system was cold SWARTZ "You need to ta yer."		
	Lawyers told and and sen no laws. At that point aying "You should just lay		

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 03/09/2009

AARON SWARTZ posted a weblog titled "NYT Personals" at http://www.aaronsw.com/weblog. In the weblog, SWARTZ quotes the NEW YORK TIMES article in which he was interviewed. SWARTZ also posts "Want to meet the man behind the headlines? Want to have the F.B.I. open up a file on you as well? Interested in some kind of bizarre celebrity product endorsement? I'm available in Boston and New York all this month".

Investig	gation on	03/09/2009	at	Manassas	, VA				b6 b7C
File #	288A-V	WF-238943				Date dictated	N/A		b7F -
by	SA								-

b6

b7c b7F

FEDERAL BUREAU OF INVESTIGATION

	Date of transcription 0	3/23/2009
	On March 10, 2009, of THE ADMIN OFFICE OF THE US COURTS (US COURTS) provided the following information:	
	US COURTS was relying on the Notice written on page of the PACER webpage, pacer.uscourts.gov, to advise unauthorized access to the PACER system is not allowed. user goes to the webpage and navigates to the login page, is shown at the bottom of the page that states "NOTICE: TRESTRICTED GOVERNMENT WED Site for official PACER use only Unauthorized entry is prohibited and subject to prosecution title 18 of the U.S. Code. All activities and access attalogged."	users that When a a Notice his is a y on under
	When asked to clarify how a user knows what corunauthorized access and how a user would have known that to be in one of the seventeen libraries to access PACER, had, prepare a resp	they had
	provided the following information:	
	AARON SWARTZ would have known his access was unbecause it was with a password that did not belong to him	
	Library patrons did not sign up for accounts. and password were provided to each Federal Depository Like Each library agreed to not share the password with any or individual user. Verification forms were signed by De Coordinators at each library and included statements regalogin and password security.	rary. ganization pository
	The Seventh Circuit Court of Appeals in Chicago hour time limit on their public access computer and the was completely logged off after each session by a staff of	computer
	[PACER homepage and login page print-outs, email and and Federal Depository Library/PACER Verification Forms are attached.]	
Investi	stigation on 03/10/2009 at Manassas, VA	
File #	# 288A-WF-238943 Date dictated N/A	
by _	SA	

SA

bу

FEDERAL BUREAU OF INVESTIGATION

			Date of trans	cription 04/	14/2009
attempt to and stated any longer could be r	On 04/14/2009, speak to AARON that SWARTZ was and that SWART reached. SA	SWARTZ. A s not availa Z did not ha left	uble at that t eve another no a message for	red the to telephone imber whe SWARTZ	elephone number re he to return
voicemail number is	SWARTZ called S stating he coul a T-Mobile cell	d be reached	and left a me l at (847) 877 and returned	7-8895.	This
how SWARTZ COURTS cou again. SW	SA sp and explained to was able to could implement re WARTZ stated that would call SA	hat the FBI mpromise the pairs to the the would he	PACER system and of	or inform m so that get PACER to his at	ation on the US running
				*	
		•			
	.*.				
Investigation on 04/	/14/2009 at Mar	nassas, VA			•
File # 288A-WF-23	38943		Date dictated N	I/A	

by

FEDERAL BUREAU OF INVESTIGATION

b6 b7C b7F

Date of transcription 04/15/2009 On 04/15/2009, SA returned a telephone call to who had left a voicemail message for SA and his email address and his email address asked if the FBI had an official investigation open or if this was just information gathering. SA responded that there was an open investigation. Asked if he needed an attorney and SA responded that she could not advise him on that matter. SA told that AARON SWARTZ was told in a conversation yesterday that we are looking for information into how the compromise occurred so that the IS COURTS can get PACER operational again. responded with "I can not tell you how Aaron did it." was a and and understands the security system of PACER and can speak to that. Investigation on 04/15/2009 at Manassas, VA File # 288A-WF-238943 Date dictated N/A	File # 288A					
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On 04/15/2009, SA returned a telephone call to who had left a voicemail message for SA	is]			
				OTCCMENT INC.	and his em	ail address
		0n_04/1!	5/2009, SAL			one call to

Investigation on

SA

File # 288A-WF-238943

04/16/2009

FEDERAL BUREAU OF INVESTIGATION

				Date of transcription	04/16/2009
On	04/16/200	9, SA	retu	rned a telep	hone call to
Boston, MA. what he said explained th information	want would not at assuran gathering	ed assurant be used to	ce that if o jeopardi ot be give	SWARTZ was ze him. SA	in Interviewed, e were in an
the assurance	e.				
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This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

N/A

Date dictated

at Manassas, VA

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE	Date: 04/20/2009			
To: Cyber Attn:	CIU-1/SSA			
	SSA			
Washington Field				
From: Washington Field CR-17 / NVRA Contact: SA	b6 b7C b7F			
Approved By:				
Drafted By:				
Case ID #: 288A-WF-238943 (Closed)				
Title: UNSUB(S); US COURTS - VICTIM; COMPUTER INTRUSION - OTHER				
Synopsis: To close case.				
Details: For background, the U.S. Courts implemented a pilot project offering free access to federal court records through the PACER system at seventeen federal depository libraries. From September 4 - 22, 2008, PACER was accessed by computers from outside the library utilizing login information from two libraries participating in the pilot project. The login information was compromised at the Sacramento County Public Law Library and the Seventh Circuit Court of Appeals Library. The two accounts were responsible for downloading more than eighteen million pages with an approximate value of \$1.5 million.				
Investigation determined that used to access the PACER system belongs				
refused an interview with the FBI.	ite pacer.resource.org,			
was interview by the FBI on April 15, 2	009. Both Swartz and			
were interviewed by the New Yor				

UNCLASSIFIED

b6 b7C

To: Cyber From: Washington Field Re: 288A-WF-238943, 04/20/2009

CCIPS Attorney closed the office's case.

Based on the CCIPS closing, Washington Field is closing this case as of this communication.

b6

b7C

To: Cyber From: Washington Field Re: 288A-WF-238943, 04/20/2009

LEAD(s):

Set Lead 1: (Info)

CYBER

AT CIU-1

Read and clear.

FEDERAL BUREAU OF INVESTIGATION FOIPA DELETED PAGE INFORMATION SHEET

Serial Description ~ COVER SHEET

Total Deleted Page(s) ~ 2 Page 1 ~ Duplicate Page 2 ~ Duplicate