

# EXHIBIT B

Federal Bureau of Investigation File of  
Aaron Swartz

(Rev. 05-01-2008)

UNCLASSIFIED

**FEDERAL BUREAU OF INVESTIGATION**

**Precedence:** ROUTINE

**Date:** 02/06/2009

**To:** Chicago

**Attn:** North RA

**From:** Washington Field

CR-17 / NVRA

**Contact:** SA [REDACTED]

**Approved By:** [REDACTED]

**Drafted By:** [REDACTED]

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**Case ID #:** 288A-WF-238943 (Pending)

**Title:** UNSUB(S);  
US COURTS - VICTIM;  
COMPUTER INTRUSION - OTHER

**Synopsis:** To set lead to locate Aaron Swartz.

**Enclosure(s):** Attached is an [REDACTED] Report for Swartz.

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**Details:** The U.S. Courts implemented a pilot project offering 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.

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

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 [redacted] and Swartz's personal webpage confirmed this information. Swartz's social security account number is 360-84-0493. The telephone subscriber for telephone number [redacted] is [redacted]

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

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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.

If there are any questions or concerns, please contact  
SA

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UNCLASSIFIED

(Rev. 05-01-2008)

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**FEDERAL BUREAU OF INVESTIGATION**

**Precedence:** ROUTINE

**Date:** 02/06/2009

**To:** Chicago

**Attn:** SSA [REDACTED]

**From:** Washington Field

CR-17 / NVRA

**Contact:** SA [REDACTED]

**Approved By:** [REDACTED]

**Drafted By:** [REDACTED]

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**Case ID #:** 288A-WF-238943 (Pending)

**Title:** UNSUB(S);  
US COURTS - VICTIM;  
COMPUTER INTRUSION - OTHER

**Synopsis:** To set lead to locate Aaron Swartz.

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**Enclosure(s):** Attached is an [REDACTED] Report for Swartz.

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

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

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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

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SA  If there are any questions or concerns, please contact

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(Rev. 05-01-2008)

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**FEDERAL BUREAU OF INVESTIGATION**

**Precedence:** ROUTINE

**Date:** 02/24/2009

**To:** Washington Field

**Attn:** CR-17 / NVRA

SA [REDACTED]

**From:** Chicago

North RA

**Contact:** SA [REDACTED]

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**Approved By:** [REDACTED]

**Drafted By:** [REDACTED]

**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 [REDACTED]  
[REDACTED]

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**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 [REDACTED] information lists address above. Other family members are listed as current residence and four vehicles are currently registered to [REDACTED] who resides at above address. Illinois database checks for SWARTZ yielded negative results. SWARTZ has no arrests, no registered vehicles or property.

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**UNCLASSIFIED**

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

Chicago considers this lead covered.

**UNCLASSIFIED**

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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.

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## 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](http://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](http://www.aaronsw.com), includes a section titled "Aaron Swartz: a lifetime of dubious accomplishments". In 2007, SWARTZ began working full-time as a

Investigation on 02/15/2009 at Manassas, VA

File # 288A-WF-238943

Date dictated

by SA

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FD-302a (Rev. 10-6-95)

288A-WF-238943

Continuation of FD-302 of SWARTZ's online profiles, On 02/15/2009, Page 2

member of the Long-Term Planning Committee for the Human Race  
(LTPCHR).

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## FEDERAL BUREAU OF INVESTIGATION

b6  
b7cDate 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.

Investigation on 02/17/2009 at Manassas, VA

File # 288A-WF-238943

Date dictated N/A

by SA [ ]

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FD-302a (Rev. 10-6-95)

288A-WF-238943

Continuation of FD-302 of [REDACTED], 02/17/2009, Page -2-

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b7C

SWARTZ received software that downloaded documents from the PACER database from [REDACTED] at the BERKMAN CENTER FOR INTERNET AND SOCIETY AT HARVARD. SWARTZ improved this software, saved it on a thumb drive, and had a friend in California take the thumb drive to one of the free libraries and upload the program.

When the PACER system was shut down with no notice, [REDACTED] told SWARTZ "You need to talk to a lawyer. I need to talk to a lawyer."

Lawyers told [REDACTED] and SWARTZ that they appeared to have broken no laws. At that point, [REDACTED] sent SWARTZ a text message saying "You should just lay low for a while."

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## 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".

Investigation on 03/09/2009 at Manassas, VAb6  
b7C  
b7FFile # 288A-WF-238943Date dictated N/Aby SA

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## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 03/23/2009

On March 10, 2009, [REDACTED] of THE ADMINISTRATIVE OFFICE OF THE US COURTS (US COURTS) provided the following information:

US COURTS was relying on the Notice written on the login page of the PACER webpage, [pacer.uscourts.gov](http://pacer.uscourts.gov), to advise users that unauthorized access to the PACER system is not allowed. When a user goes to the webpage and navigates to the login page, a Notice is shown at the bottom of the page that states "NOTICE: This is a Restricted Government web Site for official PACER use only. Unauthorized entry is prohibited and subject to prosecution under Title 18 of the U.S. Code. All activities and access attempts are logged."

When asked to clarify how a user knows what constitutes unauthorized access and how a user would have known that they had to be in one of the seventeen libraries to access PACER, [REDACTED] had [REDACTED] prepare a response.

[REDACTED] provided the following information:

AARON SWARTZ would have known his access was unauthorized because it was with a password that did not belong to him.

Library patrons did not sign up for accounts. One login and password were provided to each Federal Depository Library. Each library agreed to not share the password with any organization or individual user. Verification forms were signed by Depository Coordinators at each library and included statements regarding login and password security.

The Seventh Circuit Court of Appeals in Chicago had a one hour time limit on their public access computer and the computer was completely logged off after each session by a staff member.

[PACER homepage and login page print-outs, emails from [REDACTED] and [REDACTED] and Federal Depository Library/PACER Verification Forms are attached.]

Investigation on 03/10/2009 at Manassas, VA

File # 288A-WF-238943

Date dictated N/A

by SA [REDACTED]

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## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 04/14/2009

On 04/14/2009, SA [REDACTED] called (847) 432-8857 in an attempt to speak to AARON SWARTZ. A female answered the telephone and stated that SWARTZ was not available at that telephone number any longer and that SWARTZ did not have another number where he could be reached. SA [REDACTED] left a message for SWARTZ to return her call and the female stated that she would email that message to SWARTZ.

SWARTZ called SA [REDACTED] and left a message on her voicemail stating he could be reached at (847) 877-8895. This number is a T-Mobile cellular number and returned negative results [REDACTED] b7E

SA [REDACTED] spoke to SWARTZ, at telephone number (847) 877-8895, and explained that the FBI is looking for information on how SWARTZ was able to compromise the PACER system so that the US COURTS could implement repairs to the system and get PACER running again. SWARTZ stated that he would have to talk to his attorney first and would call SA [REDACTED] back at a later time.

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Investigation on 04/14/2009 at Manassas, VAFile # 288A-WF-238943Date dictated N/A

by SA [REDACTED]

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## FEDERAL BUREAU OF INVESTIGATION

b6  
b7C  
b7FDate of transcription 04/15/2009

On 04/15/2009, SA [redacted] returned a telephone call to [redacted] who had left a voicemail message for SA [redacted] telephone number is [redacted] and his email address is [redacted]

[redacted] asked if the FBI had an official investigation open or if this was just information gathering. SA [redacted] responded that there was an open investigation. [redacted] asked if he needed an attorney and SA [redacted] responded that she could not advise him on that matter. SA [redacted] told [redacted] that AARON SWARTZ was told in a conversation yesterday that we are looking for information into how the compromise occurred so that the US COURTS can get PACER operational again. [redacted] responded with "I can not tell you how Aaron did it." [redacted] was a [redacted] 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

by

SA [redacted]

FD-302 (Rev. 10-6-95)

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## FEDERAL BUREAU OF INVESTIGATION

b6  
b7C  
b7FDate of transcription 04/16/2009

On 04/16/2009, SA [ ] returned a telephone call to [ ] in Boston, MA. [ ] wanted assurance that if SWARTZ was interviewed, what he said would not be used to jeopardize him. SA [ ] explained that assurance could not be given but that we were in an information gathering phase. [ ] refused the interview without the assurance.

Investigation on 04/16/2009 at Manassas, VAFile # 288A-WF-238943Date dictated N/A

by SA [ ]

(Rev. 05-01-2008)

UNCLASSIFIED

**FEDERAL BUREAU OF INVESTIGATION**

**Precedence:** ROUTINE

**Date:** 04/20/2009

**To:** Cyber

**Attn:** CIU-1/SSA [REDACTED]  
SSA [REDACTED]

Washington Field

**From:** Washington Field  
CR-17 / NVRA  
**Contact:** SA [REDACTED]

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**Approved By:** [REDACTED]

**Drafted By:** [REDACTED]

**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 the Amazon IP address used to access the PACER system belongs to Aaron Swartz. Swartz refused an interview with the FBI. [REDACTED]

[REDACTED] Swartz on his website [pacer.resource.org](http://pacer.resource.org), was interview by the FBI on April 15, 2009. Both Swartz and [REDACTED] were interviewed by the New York Times, regarding the compromise of the PACER system.

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

CCIPS Attorney [REDACTED] closed the office's case.  
Based on the CCIPS closing, Washington Field is closing this case  
as of this communication.

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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.

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