



Google's Silicon Tower

Google-Funded Speakers Dominate Key 2016 Policy Conferences



Google Transparency Project

C A M P A I G N F O R
ACCOUNTABILITY

Introduction

Google's influence machine extends beyond its courtship of politicians and government officials. A new analysis by Campaign for Accountability shows academics and experts funded by Google have played a major role at academic and government conferences, debating some of the company's core issues, such as privacy and antitrust laws. Nearly all of them failed to disclose their financial ties to conference attendees.

CfA compiled information on participants at three major policy conferences held this year about privacy and antitrust issues that ostensibly were organized to "bring together a diverse group of stakeholders."¹ In fact, CfA found that many of the speakers at the conferences—arranged by the Federal Trade Commission (FTC), George Mason University (GMU), and Princeton University—had financial ties to Google.

Specifically:

- **More than half** of the speakers at the FTC's PrivacyCon (22 of 41) were funded by Google, either directly through grants or indirectly through their institutions.
- **More than half** of the research papers presented at PrivacyCon (11 of 19) had an author with financial ties to Google.² Only one disclosed the Google funding.³
- **Four of five speakers** at George Mason University's panel on the global antitrust investigations of Google received funding from Google.⁴
- **Five of seven** panelists at Princeton University's broadband privacy workshop received support from Google.⁵

A review of the conferences found that the Google-funded academics are playing an outsized role in the debate over the US government's policy on internet privacy, a rapidly evolving area and an existential issue for Google. They are also often at the epicenter of policy research on antitrust issues in the age of digital platforms, another issue in which Google has a major stake.

In some cases, researchers have received hundreds of thousands of dollars from Google and helped the US government formulate policies with significant implications for the company's bottom line. Lorrie Cranor, the FTC's chief technologist,⁶ for instance, has benefitted from nearly \$850,000 in funding from Google—including nearly \$350,000 in personal research awards and

¹ <https://www.ftc.gov/news-events/events-calendar/2016/01/privacycon>.

² The authors were funded either directly or through an institution with which the author is affiliated. Nine had an author that had been directly funded by Google.

³ Mathias Lecuyer, Riley Spahn, Yannis Spiliopoulos, Augustin Chaintreau, Roxana Geambasu, and Daniel Hsu, *Sunlight: Fine-grained Targeting Detection at Scale with Statistical Confidence*, available at https://www.ftc.gov/system/files/documents/public_comments/2015/10/00061-98105.pdf.

⁴ The speakers were funded either directly or through an institution with which they are affiliated.

⁵ *Id.*

⁶ <https://www.ftc.gov/about-ftc/biographies/lorrie-faith-cranor>.

\$400,000 shared with two other Carnegie Mellon researchers.⁷ Notably, the FTC’s previous chief technologist, Ed Felten, also received Google funding in 2010 for privacy research while at Princeton.⁸

Cranor played an important role at the FTC’s conference: She co-authored one of the papers accepted for submission at PrivacyCon and gave the closing remarks at the conference.⁹ She also co-authored, with a Google employee and others, a second paper that was submitted to the conference, though not accepted for presentation.¹⁰

Many of the researchers are respected in their field and there is no way to know for sure whether Google’s funding influenced their policy positions, or by how much. But the usual bulwark against such concerns — the requirement that academics disclose their funding so the public can gauge possible conflicts of interest — was absent from all-but-one of the papers presented.

Without such disclosure, the findings raise serious concerns that the researchers and watchdogs upon which users rely to protect their privacy are being influenced by Google’s funding.

At the FTC conference, many Google-funded academics adopted positions that were favorable to the company. Several argued against government regulation to protect users’ privacy, saying the technology sector could effectively police itself. Others were supportive of privacy positions that could help Google pursue new businesses.

Catherine Tucker, for example, cautioned that requiring “informed consent” — a medical standard requiring patients to affirmatively grant permission for a procedure based on a clear understanding of the possible consequences — may discourage patients from undergoing genetic testing.¹¹

The issue is important and timely for Google, which has launched several initiatives with government health agencies to begin collecting patients’ genetic data.¹² In one such initiative in the UK, the genetic data has been shared with Google using “implied consent” — a looser standard that does not require hospitals to seek patients’ express permission.¹³

⁷ <https://www.cmu.edu/epp/cvs/cranor-cv.pdf>.

⁸ <https://research.googleblog.com/2010/02/announcing-googles-focused-research.html>; <https://www.ftc.gov/news-events/press-releases/2010/11/ftc-names-edward-w-felten-agencys-chief-technologist-eileen>.

⁹ <https://www.ftc.gov/news-events/events-calendar/2016/01/privacycon>.

¹⁰ Lorrie Faith Cranor, et. al., *A Design Space for Effective Privacy Notices*, available at <https://www.ftc.gov/policy/public-comments/2015/10/09/comment-00038>.

¹¹ Amalia R. Miller and Catherine Tucker, *Privacy Protection, Personalized Medicine and Genetic Testing*, July 19, 2015, available at https://www.ftc.gov/es/system/files/documents/public_comments/2015/09/00010-97509.pdf.

¹² Alistair Barr, *New Moonshot Project: the Human Body*, *The Wall Street Journal*, July 27, 2014, available at <http://www.wsj.com/articles/google-to-collect-data-to-define-healthy-human-1406246214>.

¹³ Subhajit Basu, *Should the NHS share patient data with Google's DeepMind?*, *Wired*, May 11, 2016, available at <http://www.wired.co.uk/article/nhs-deepmind-google-data-sharing>.

Tucker also suggested at the conference that technology companies could solve privacy problems by themselves, without the need for government regulation.¹⁴ She did not disclose to the audience that she had received more than \$150,000 from Google.¹⁵

James Cooper, an associate professor of law at George Mason University,¹⁶ participated in both the FTC's PrivacyCon and a GMU panel in February with two FTC officials titled "*Antitrust Lessons for Privacy Regulators*."¹⁷ Cooper's program at GMU has received at least \$762,000 in donations from Google and internal emails published by the media showed Google lobbyists trying to place an op-ed he wrote in newspapers and suggesting panelists for a conference he organized.¹⁸

Among the academics Google suggested: Catherine Tucker.¹⁹

The revelations did not deter FTC organizers from inviting him to their conference two months later. There, Cooper poured cold water on another researcher's findings that Google engaged in discriminatory user targeting, in violation of its own policies.²⁰ "Is there actually some sort of evidence of harm here?" Cooper asked, without disclosing his Google funding.²¹

Google has also funded another speaker invited to speak at the conference, Geoffrey Manne.²² There, he argued forcefully against FTC privacy regulation. "[M]erely identifying a problem isn't a sufficient basis for regulating to solve it, nor does the existence of a possible solution mean that that solution should be mandated," he said.²³

He did not disclose Google's funding to the audience.

Nick Feamster, another participant in several recent conferences, has received \$1.6 million in Google research awards.²⁴ Feamster co-authored a paper presented at the FTC's PrivacyCon²⁵

¹⁴ https://www.ftc.gov/system/files/documents/public_events/776191/2016.01.14_privacycon_final_transcript.pdf, (P. 245).

¹⁵ <http://cetucker.scripts.mit.edu/docs/cv.pdf>.

¹⁶ http://www.law.gmu.edu/faculty/directory/fulltime/cooper_jamesc.

¹⁷ <http://www.masonlec.org/events/event/317-george-mason-law-review-th-annual-antitrust-symposium-antitrust-interconnected-world>.

¹⁸ David Dayen, *Google's Insidious Shadow Lobbying: How the Internet Giant is Bankrolling Friendly Academics—and Skirting Federal Investigations*, *Salon*, November 24, 2015, available at

http://www.salon.com/2015/11/24/googles_insidious_shadow_lobbying_how_the_internet_giant_is_bankrolling_friendly_academics_and_skirting_federal_investigations/.

¹⁹ *Id.*

²⁰ https://www.ftc.gov/system/files/documents/public_events/776191/2016.01.14_privacycon_final_transcript.pdf, (P. 179-180).

²¹ Before joining GMU, Mr. Cooper worked at the FTC for several years, including serving as the acting director at the Office of Policy Planning. See <http://masonlec.org/about/498>.

²² Chris O'Brien, *Microsoft and Google battle for influence in the policy shadows*, *The Mercury News*, July 27, 2012, available at http://www.mercurynews.com/business/ci_21172515/obrien-microsoft-and-google-battle-influence-policy-shadows.

²³ https://www.ftc.gov/system/files/documents/videos/privacycon-part-5/ftc_privacycon_-_transcript_segment_5.pdf.

²⁴ <http://www.cs.princeton.edu/~feamster/cv/cv-jan2016.pdf>.

²⁵ <https://www.ftc.gov/news-events/events-calendar/2016/01/privacycon>.

and was a panelist at Princeton's broadband privacy workshop.²⁶ He did not disclose the significant funding from Google at either event.²⁷



These findings suggest that Google attempts to secure favorable government policies on issues important to its business by funding academics who support the company's issues and attend major conferences on relevant policy areas. That is in addition to Google's unfettered access to the White House and its practice of hiring government officials, two tactics recently explored by CfA's Google Transparency Project.²⁸

²⁶ <https://citp.princeton.edu/event/citpcdt-workshop-understanding-technical-aspects-of-broadband-privacy/>.

²⁷ Mr. Feamster disclosed the Google funding in his CV, but he did not disclose it in the paper submitted to the conference. *See Id.*

²⁸ <http://googletransparencyproject.org/>.

1. Federal Trade Commission's PrivacyCon, Jan. 14, 2016



Half of the panelists at the FTC's PrivacyCon were Google-funded. Only one disclosed the conflict.

On January 14, 2016, the Federal Trade Commission hosted PrivacyCon, billed as an effort to “bring together a diverse group of stakeholders...to discuss the latest research and trends related to consumer privacy and data security.”²⁹

The interest was not just academic. The conference responded to the FTC's desire to “inform policymaking with research,” according to Cranor,³⁰ and “help shine a light on privacy and security gaps,” according to FTC Chairwoman Edith Ramirez.

“Technology-savvy researchers can also increase transparency about algorithms underlying the services that consumers use,” Ramirez wrote when announcing the event.³¹

²⁹ <https://www.ftc.gov/news-events/events-calendar/2016/01/privacycon>.

³⁰ https://www.ftc.gov/system/files/documents/videos/privacycon-part-5/ftc_privacycon_-_transcript_segment_5.pdf.

³¹ Edith Ramirez, US Tech Policy Needs Real Tech Research Behind It, *Ars Technica*, August 28, 2015, available at <http://arstechnica.com/tech-policy/2015/08/op-ed-us-tech-policy-needs-real-tech-research-behind-it-ftc-chairwoman-says/>.

Unbeknownst to the audience, however, a large proportion of those researchers were funded by Google, a company that has a major stake in the outcome of the FTC’s policy deliberations, and whose conduct is policed by the agency.

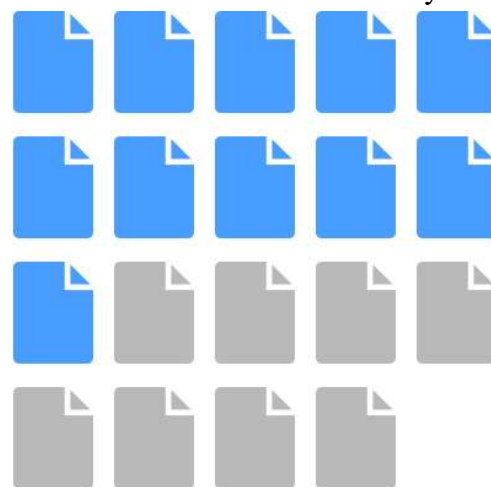
A review by Campaign for Accountability found:

- More than half the discussion panelists (22 of 41) received Google funding directly or indirectly through the universities or nonprofits where they work currently or have worked in the past.
- A majority of the studies accepted for presentation at PrivacyCon (11 of 19) were either funded directly by Google or authored by academics who have previously been funded directly by Google or employed by universities or trade associations that have been funded by Google.
- One study presented at the conference was co-authored by a Google employee.³²
- Only one of the studies’ authors disclosed their Google funding.³³

Nine of the research papers accepted by PrivacyCon had at least one author that has been directly funded by Google through initiatives like the Google Focused Research Grant or Google Faculty Research Awards programs. Another two received indirect support through their institutions.

Google doesn’t disclose the amount granted to the researchers it directly funds and, for the most part, neither do the academics. However, one PrivacyCon submission came from a researcher who had received an award of nearly \$80,000.³⁴

Three Google-award recipients who presented at the conference were Alessandro Acquisti, a professor of information technology and public policy at Carnegie Mellon University, Norman Sadeh, and Lorrie Cranor, Carnegie Mellon professors of computer science. In January 2016, Cranor became the FTC’s chief technologist.³⁵



The authors of **11** of the 19 papers presented at PrivacyCon received Google support

³² Soeul Son, Daehyeok Kim, and Vitaly Shmatikov, *What Mobile Ads Know About Mobile Users*, available at https://www.ftc.gov/system/files/documents/public_comments/2015/09/00006-97209.pdf.

³³ *Id.*

³⁴ https://roxanageambasu.github.io/public/geambasu_cv.pdf.

³⁵ Andrea Peterson, *The FTC is Getting a New Chief Technologies: Carnegie Mellon’s Lorrie Cranor*, *The Washington Post*, December 3, 2015, available at <https://www.washingtonpost.com/news/the-switch/wp/2015/12/03/the-ftc-is-getting-a-new-chief-technologist-carnegie-mellons-lorrie-cranor/>.



Alessandro Acquisti, part of a trio that got \$400,000 from Google, speaking at PrivacyCon

Acquisti, Sadeh and Cranor were part of a trio at CMU that received a \$400,000 focused research award from Google for work on internet privacy.³⁶ Acquisti presented a paper entitled “*Who Benefits from Targeted Advertising?*” while Sadeh presented a paper, co-authored with Acquisti, entitled “*To Deny or Not to Deny: A Personalized Privacy Assistant for Mobile App Permissions.*”³⁷

Neither disclosed their Google funding.³⁸

In all, Acquisti was either the primary author or co-author of four papers accepted for submission by PrivacyCon³⁹ while Sadeh was the primary or co-author of three papers accepted for submission.⁴⁰ Cranor gave the conference’s closing remarks and was a co-author of one paper accepted for submission.⁴¹

She also submitted a proposal to present a paper co-authored by a Google employee.⁴²

Since 2010, Google has made grants totaling almost \$850,000 to Cranor and her colleagues.⁴³ In addition to a \$70,000 “unrestricted gift” and a \$400,000 Google research grant shared with Acquisti and Sadeh, Cranor received a \$178,920 “unrestricted gift” from Google in 2011 as part of the company’s Google Buzz settlement. Under the terms of the so-called *cy pres* settlement, Google was able to direct its funds to groups and individuals selected by the company.⁴⁴

At PrivacyCon, Acquisti argued that technology companies could adopt “privacy-enhancing technologies” (PETs) to avoid government regulation. “[P]rivate sector firms...may be proactive in deploying PETs, anticipating otherwise regulatory intervention so that they can still do much of what they’re doing now, but in a more privacy-preserving manner,” he said. “I do believe that

³⁶ Sabrina Porter, Focused Research Awards Grant Professors \$2 Million for Study, *The Tartan*, February 15, 2010, available at <https://thetartan.org/2010/2/15/news/researchawards>.

³⁷ Veronica Marotta, Kaifu Zhang, and Alessandro Acquisti, Who Benefits from Targeted Advertising, available at https://www.ftc.gov/system/files/documents/public_comments/2015/10/00037-100312.pdf; Norman Sadeh, Alessandro Acquisti, et. al., To Deny, or Not to Deny: A Personalized Privacy Assistant for Mobile App Permissions, available at https://www.ftc.gov/system/files/documents/public_events/776191/nsadeh_paper.pdf.

³⁸ The authors of the papers did not disclose the funding in the papers. *See Id.*

³⁹ Norman Sadeh, Alessandro Acquisti, et. al., Towards Usable Privacy Policies: Semi-automatically Extracting Data Practices from Websites' Privacy Policies, available at <https://cups.cs.cmu.edu/soups/2014/posters/soups2014-posters-paper20.pdf>; Alessandro Acquisti, et. al., Expecting the Unexpected: Understanding Mismatched Privacy Expectations Online, available at https://www.ftc.gov/system/files/documents/public_comments/2015/10/00081-99936.pdf; Who Benefits from Targeted Advertising; To Deny, or Not to Deny: A Personalized Privacy Assistant for Mobile App Permissions.

⁴⁰ Towards Usable Privacy Policies: Semi-automatically Extracting Data Practices from Websites' Privacy Policies; To Deny, or Not to Deny: A Personalized Privacy Assistant for Mobile App Permissions; Expecting the Unexpected: Understanding Mismatched Privacy Expectations Online.

⁴¹ Towards Usable Privacy Policies: Semi-automatically Extracting Data Practices from Websites' Privacy Policies.

⁴² A Design Space for Effective Privacy Notices.

⁴³ <https://www.cmu.edu/epp/cvs/cranor-cv.pdf>.

⁴⁴ Matt Vella, Google and Facebook’s new Tactic in the Tech Wars, *Forbes*, July 30, 2012, available at <http://fortune.com/2012/07/30/google-and-facebooks-new-tactic-in-the-tech-wars/>.



MIT's Catherine Tucker has received more than \$155,000 from Google

in the space of privacy, we can actually have the cake and eat it too, because of these technologies.”⁴⁵

The list of researchers speaking at PrivacyCon included researchers with multiple financial connections to the company. Catherine Tucker, a professor of management science and marketing at the Massachusetts Institute of Technology, has received three grants from Google totaling \$155,000.⁴⁶ She has written at least three papers funded directly by Google and five more by trade associations of which Google is a key member.⁴⁷

She may have benefitted from Google funding in other ways as well. Tucker has disclosed funding from the Computer and Communication Industry Association (CCIA),⁴⁸ of which Google is a member and financial supporter.⁴⁹

At the conference, Tucker warned that strong privacy protections could deter people from undergoing genetic testing and stymie the development of personalized medicine.⁵⁰

“[T]he spread of potentially revolutionary genetic tests that form the basis of customized medicine may be stymied by privacy concerns,” the paper argued. In particular, she argued that requiring the “informed consent” of patients “deters individuals from obtaining genetic tests.”⁵¹

⁴⁵ https://www.ftc.gov/system/files/documents/public_events/776191/2016.01.14_privacycon_final_transcript.pdf, (P. 243-244).

⁴⁶ <http://cetucker.scripts.mit.edu/docs/cv.pdf>.

⁴⁷ Catherine E. Tucker and Alex Marthews, *Social Networks, Advertising and Antitrust*, *George Mason Law Review*, August 1, 2011, available at <http://ssrn.com/abstract=2723707>; Catherine E. Tucker, *Social Advertising: How Advertising that Explicitly Promotes Social Influence Can Backfire*, June 01, 2016, available at <http://ssrn.com/abstract=1975897>; Catherine Tucker, *The Implications of Improved Attribution and Measurability for Antitrust and Privacy in Online Advertising Markets*, *George Mason Law Review*, Summer 2013, available at <http://heinonline.org/HOL/LandingPage?handle=hein.journals/gmlr20&div=38&id>; Avi Goldfarb, and Catherine E. Tucker, *Advertising Bans and the Substitutability of Online and Offline Advertising*, May 4, 2010, available at <http://ssrn.com/abstract=1600221>; Lesley Chiou and Catherine E. Tucker, *Search Engines and Data Retention: Implications for Privacy and Antitrust*, *MIT Sloan Research Paper*, May 27, 2014, available at <http://ssrn.com/abstract=2441333>; Anja Lambrecht and Catherine E. Tucker, *Can Big Data Protect a Firm from Competition?*, December 18, 2015, available at <http://ssrn.com/abstract=2705530>; Catherine E. Tucker, *The Effect of Patent Litigation and Patent Assertion Entities on Entrepreneurial Activity*, June 22, 2014, available at <http://ssrn.com/abstract=2457611>; Catherine E. Tucker, *The Reach and Persuasiveness of Viral Video Ads*, *NET Institute Working Paper*, July 8, 2014, available at <http://ssrn.com/abstract=1952746>; Stephen P Ryan, and Catherine E. Tucker, *Heterogeneity and the Dynamics of Technology Adoption*, *NBER Working Paper*, July 2011, available at <http://ssrn.com/abstract=1898509>; Catherine E. Tucker, *Network Stability, Network Externalities and Technology Adoption*, *NBER Working Paper*, July 2011, available at <http://ssrn.com/abstract=1893390>.

⁴⁸ Stephen Kiebzaka, Greg Raferta, and Catherine E. Tucker, *The Effect of Patent Litigation and Patent Assertion Entities on Entrepreneurial Activity*, *Research Policy*, available at <http://www.sciencedirect.com/science/article/pii/S0048733315001158>.

⁴⁹ <http://www.ccianet.org/about/members>.

⁵⁰ *Privacy Protection, Personalized Medicine and Genetic Testing*.

⁵¹ *Id.*

Compiling databases of genetic material is a key goal of Verily (formerly Google Life Sciences)⁵² and another Alphabet company, Calico.⁵³

Tucker's paper was timely. A month after the FTC conference, the White House announced in February 2016 a new National Institutes of Health pilot program with Verily and Vanderbilt University to enroll 79,000 US participants in a new program to collect medical data.⁵⁴ Known as

the "Precision Medicine Initiative," the program seeks to mine the participants' medical data, including genetic data, to develop better ways to prevent disease.⁵⁵



We find that informed consent deters patients and hospitals from testing

Slide from Catherine Tucker's presentation to FTC PrivacyCon

A similar program in the UK was the subject of recent controversy when it was revealed that DeepMind, an artificial intelligence company acquired by Google in 2014, had been given access to healthcare data of 1.6 million patients for research purposes through an agreement with the Royal Free NHS Trust.⁵⁶ The data included information about patients who were HIV positive as well as details about drug overdoses and abortions.⁵⁷

Notably, the data was shared through an "implied consent" arrangement between patients and the NHS Trust – meaning that the NHS Trust did not need to explicitly seek patients' consent to share the data with DeepMind.⁵⁸

Tucker adopted other Google-friendly policy stances, telling the conference that technology companies could solve privacy issues without the need for government regulation.

⁵² Barr, *The Wall Street Journal*, July 27, 2014.

⁵³ <http://corporate.ancestry.com/press/press-releases/2015/07/ancestrydna-and-calico-to-research-the-genetics-of-human-lifespan/>.

⁵⁴ <https://www.whitehouse.gov/the-press-office/2016/02/25/fact-sheet-obama-administration-announces-key-actions-accelerate>.

⁵⁵ Deena Beasley, *Verily, Vanderbilt to Test Enrollment in U.S. Precision Medicine Pilot*, *Reuters*, February 25, 2016, available at <http://www.reuters.com/article/us-health-us-precisionmedicine-idUSKCN0VY1BL>.

⁵⁶ India Ashok, *Google DeepMind Granted Access to 1.6m NHS Patients' Confidential Records*, *International Business Times*, April 30, 2016, available at <http://www.ibtimes.co.uk/google-deepmind-granted-access-1-6m-nhs-patients-confidential-records-1557575>.

⁵⁷ *Revealed: Google AI Has Access to Huge Haul of NH Patient Data*, *New Scientist*, April 29, 2016, available at <https://www.newscientist.com/article/2086454-revealed-google-ai-has-access-to-huge-haul-of-nhs-patient-data/>.

⁵⁸ Natasha Lomas, *Concerns Raised Over Broad Scope of DeepMind-NHS Health Data-Sharing Deal*, *TechCrunch*, May 4, 2016, available at <http://techcrunch.com/2016/05/04/concerns-raised-over-broad-scope-of-deepmind-nhs-health-data-sharing-deal/>.

“[W]hat I often see in the discussion is this underlying assumption that it's never in the firm's interest to regulate on privacy. And therefore, government has to intervene,” she said. “But I think there are instances that we see in research where there are incentives to firms to actually improve privacy protections for consumers — for example, the provision of user-centric controls. And so, I sort of see that as a beam of light in an all too cynical world.”⁵⁹

Google was appreciative of Tucker's work and worked behind the scenes to get her on academic panels. A Google lobbyist suggested her for a GMU panel in an email to Cooper.⁶⁰

Google has also funded Geoffrey Manne, another panelist at FTC PrivacyCon.⁶¹ Manne, the founder and Executive Director of the Google-funded International Center for Law and Economics, has authored at least eight policy papers supporting Google's positions on issues including antitrust, search neutrality and intellectual property, as well as numerous op-eds.⁶²

Manne wrote several papers and articles arguing against a possible FTC antitrust case against Google. Those included *Google and the Limits of Antitrust: The Case Against the Antitrust Case*

From: Paul Shaw <pshaw@google.com>
Subject: scholars for research roundtable
Date: September 27, 2012 12:37:41 PM EDT
To: James Cooper <jcoope20@gmu.edu>

here's a link to Jane Yakowitz at Brooklyn Law: http://www.brooklaw.edu/cvs/jane_yakowitz.pdf
She's written some good stuff.

Others to consider:

- Peter Swire
- Catherine Tucker
- Fred Stutzman
- Woody Hartzog
- Ryan Calo

Paul Shaw | Public Policy and Public Affairs - Google Inc. |

Google suggested Catherine Tucker as a speaker for a GMU conference organized by Cooper

⁵⁹ https://www.ftc.gov/system/files/documents/videos/privacycon-part-4/ftc_privacycon_transcript_segment_4.pdf.

⁶⁰ The email was released as a response to an open records request.

⁶¹ <http://judiciary.house.gov/files/hearings/pdf/Manne100916.pdf>; Manne is also a senior fellow at TechFreedom, which is funded by Google. See Chris O'Brien, *Obama FTC Nominee Joshua Wright Has Ties To Google*, *The Mercury News*, September 10, 2012, available at <http://www.siliconbeat.com/2012/09/10/obama-ftc-nominee-joshua-wright-has-ties-to-google/>; <http://techfreedom.org/staff>.

⁶² Geoffrey A. Manne and Joshua D. Wright, *If Search Neutrality is the Answer, What's the Question?*, April 12, 2011, available at <http://ssrn.com/abstract=1807951>; Geoffrey A. Manne and Ben Sperry, *The Law and Economics of Data and Privacy in Antitrust Analysis*, 2014 TPRC Conference Paper, August 2014, available at <http://ssrn.com/abstract=2418779>; Geoffrey A. Manne, *The Problem of Search Engines as Essential Facilities: An Economic & Legal Assessment*, *The Next Digital Decade, Essay on the Future of the Internet*, January 17, 2011, available at <http://ssrn.com/abstract=1747289>; <http://judiciary.house.gov/files/hearings/pdf/Manne100916.pdf>; Geoffrey A. Manne and Joshua D. Wright, *Innovation and the Limits of Antitrust*, George Mason Law & Economics Research Paper, available at <http://ssrn.com/abstract=1490849>; Geoffrey A. Manne and Joshua D. Wright, *Regulating Innovation: Competition Policy and Patent Law under Uncertainty*, Cambridge U. Press, August 26, 2009, available at <http://ssrn.com/abstract=1462489>; Geoffrey A. Manne and Ben Sperry, *The Problems and Perils of Bootstrapping Privacy and Data into an Antitrust Framework*, *CPI Antitrust Chronicle*, May 29, 2015, available at <http://ssrn.com/abstract=2617685>.

Against Google,⁶³ *The Folly of the FTC's Section Five Case Against Google*,⁶⁴ and *The Market Realities that Undermined the FTC's Antitrust Case Against Google*.⁶⁵ Manne has also testified before Congress supporting Google's position on antitrust issues.⁶⁶

At PrivacyCon, Manne argued forcefully against FTC privacy regulation. [M]erely identifying a problem isn't a sufficient basis for regulating to solve it, nor does the existence of a possible solution mean that that solution should be mandated," he said.⁶⁷

He argued against holding the conference in the first place and suggested that the solution to any privacy problems — if they existed — lay in "self-help" by users themselves. "There's an additional problem that we have in this forum as well, which is that the FTC has a tendency to find justification for enforcement decisions in things that are mentioned at workshops just like these," he said.⁶⁸

James Cooper, another PrivacyCon speaker, is also affiliated with a Google-funded institution. His program, George Mason's Law and Economics Center, received at least \$762,000 in donations from the company, and during that time produced a raft of papers supporting Google's position that it had not broken antitrust laws.⁶⁹

Cooper has written on the FTC's dealings with Google, as well as other issues that relate to Google and privacy.⁷⁰

Emails obtained from GMU by the media show how, even when Google funded the institution and not directly the author, Google has been able to secure favorable treatment for its policy agenda. A Google lobbyist worked to place an op-ed by Cooper that was favorable to the

⁶³ Geoffrey A. Manne and Joshua D. Wright, *Google and the Limits of Antitrust: The Case Against the Antitrust Case Against Google*, *Harvard Journal of Law and Public Policy*, March 24, 2010, available at <http://ssrn.com/abstract=1577556>.

⁶⁴ Geoffrey Manne, *The Folly of the FTC's Section Five Case Against Google*, *Forbes*, May 7, 2012, available at <http://www.forbes.com/sites/beltway/2012/05/07/the-folly-of-the-ftcs-section-five-case-against-google/#298737b85ed5>.

⁶⁵ Geoffrey A. Manne and William Rinehart, *The Market Realities that Undermined the FTC's Antitrust Case Against Google*, *Harvard Journal of Law & Technology*, July 2013, available at <http://jolt.law.harvard.edu/antitrust/articles/ManneRinehart.pdf>.

⁶⁶ <http://judiciary.house.gov/files/hearings/pdf/Manne100916.pdf>; Google discloses its funding to ICLE on its "Transparency" web page, and in most cases Manne discloses that ICLE and its research is supported financially by Google. However, the amounts of individual grants and total funding are not disclosed. See <https://www.google.com/publicpolicy/transparency.html>.

⁶⁷ https://www.ftc.gov/system/files/documents/videos/privacycon-part-5/ftc_privacycon_-_transcript_segment_5.pdf.

⁶⁸ *Id.*

⁶⁹ Dayen, *Salon*, Nov. 24, 2015.

⁷⁰ James Cooper, *FTC Deserves Kudos for Clearing Google-Nest Deal*, *Main Justice*, February 18, 2014, available at <http://www.mainjustice.com/2014/02/18/ftc-deserves-kudos-for-clearing-google-nest-deal/>; James C. Cooper, *Separation, Pooling, and Predictive Privacy Harms From Big Data: Confusing Benefits for Costs*, *George Mason University School of Law*, October 7, 2015, available at https://www.ftc.gov/system/files/documents/public_comments/2015/10/00028-97819.pdf; James C. Cooper, *Privacy and Antitrust: Underpants Gnomes, the First Amendment, and Subjectivity*, *George Mason Law Review*, June 21, 2013, available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2283390.

company, according to emails published by *Salon*.⁷¹ Google lobbyists also suggested other Google-friendly academics to attend a conference organized by Cooper, while concealing its role from attendees.⁷²



James Cooper at PrivacyCon. Google lobbyists gave his program at least \$762,000, helped place his op-ed and suggested friendly speakers for his conference

The revelation that Cooper was acting in concert with Google did not dissuade the FTC from inviting him to speak at its conference on privacy regulations, one of the important issues the company is facing. Neither did an earlier investigation by *The Washington Post*, which found a different cache of emails showing how Google had stacked another George Mason conference on antitrust issues with friendly experts.⁷³

Several FTC officials were present at that GMU conference, which took place as the agency was investigating Google for alleged

violations of antitrust law. Organizers did not disclose Google's role.⁷⁴

At PrivacyCon, Cooper came to Google's defense after another researcher presented evidence that it engaged in discrimination by targeting gays and people suffering from Alzheimer's or cancer by analyzing their emails. "I'll share just one result, which is a contradiction of one particular policy or statement that Gmail makes in one of their FAQs," said Roxana Geambasu of Columbia University. "Specifically, they say they don't target ads based on sensitive information such as religion, sexual orientation, health, or sensitive financial categories. Well guess what? We actually found examples—a lot of examples—that target each and every [one] of these specific topics."⁷⁵

Cooper said that the FTC should not be swayed to take action by such findings "My only point was using findings like this to inject into policy and potential enforcement actions," Cooper said. "Because that seems to be an undercurrent in the papers, at least two of them. Well, here's a Google privacy policy, and my ad suggested there's tracking, which could lay the predicate for— So my point is, there seems to be a lack of harm."⁷⁶

⁷¹ Dayen, *Salon*, Nov. 24, 2015.

⁷² *Id.*

⁷³ Matea Gold and Tom Hamburger, How Google Worked Behind the Scenes to Invite Federal Regulators to Conferences, *The Washington Post*, April 12, 2014, available at <https://www.washingtonpost.com/news/politics/wp/2014/04/12/how-google-worked-behind-the-scenes-to-invite-federal-regulators-to-conferences/>.

⁷⁴ *Id.*

⁷⁵ https://www.ftc.gov/system/files/documents/videos/privacycon-part-3/ftc_privacycon_-_transcript_segment_3.pdf.

⁷⁶ *Id.*

Another GMU professor, Siona Listokin, was also invited to speak at PrivacyCon. Listokin also received a Google Faculty Research Award in 2015 for an undisclosed amount.⁷⁷ She submitted a Google-funded paper not accepted for presentation, entitled *Industry Self-Regulation of Consumer Data, Privacy and Security*, which identified some of the ways that industry self-regulation on privacy is preferable to government regulation.⁷⁸

“There are a number of advantages to self-regulation in fast changing industries like e-commerce (broadly defined) that collect and use consumer data,” she argued. “Information technology is fast changing by nature and regulatory responses may not keep pace with the industry. When properly managed, self-regulation through trade associations and certification programs can adapt more quickly and appropriately to innovations than government regulation, and can provide a market solution to information asymmetries between firms and consumers by differentiating companies’ data privacy and security performance.”⁷⁹

In addition to the above, the following academics who presented at PrivacyCon have either received funding from Google or are affiliated with institutions that are funded by Google:

- Justin Brookman of the FTC (formerly Google-funded Center for Democracy and Technology)⁸⁰
- Omer Tene, Stanford Center for Internet and Society⁸¹
- Elana Zeide, Future of Privacy Forum⁸²
- Serge Egelman of the International Computer Science Institute⁸³
- Ashwini Rao of Carnegie Mellon University⁸⁴
- Alan McQuinn of International Technology and Innovative Foundation⁸⁵
- Darren Stevenson of Stanford Law School⁸⁶
- Michael Carl Tschantz of the International Computer Science Institute⁸⁷
- Anupam Datta of Carnegie Mellon University⁸⁸
- Roxana Geambasu of Columbia University⁸⁹
- Jens Grossklags of Penn State University⁹⁰

⁷⁷ <https://www.linkedin.com/in/sionalistokin>.

⁷⁸ Siona Listokin, *Industry Self-Regulation of Consumer Data Privacy and Security*, June 10, 2015, available at https://www.ftc.gov/system/files/documents/public_comments/2015/10/00031-97822.pdf.

⁷⁹ *Id.*

⁸⁰ <https://cdt.org/files/2014/03/CDT2013FundingbyCategory.pdf>.

⁸¹ <http://cyberlaw.stanford.edu/about-us>.

⁸² <https://www.google.com/publicpolicy/transparency.html>.

⁸³ <https://www.icsi.berkeley.edu/icsi/partnerships/sponsors-and-research-partners>.

⁸⁴ *With Google Funding, GMU Turning Campus, Pittsburgh into Internet of Things Testbed*, *Pittsburgh Business Times*, July 9, 2015, available at <http://www.bizjournals.com/pittsburgh/blog/innovation/2015/07/with-google-funding-cmu-turning-campus-pittsburgh.html>.

⁸⁵ <https://www.google.com/publicpolicy/transparency.html>.

⁸⁶ <http://cyberlaw.stanford.edu/about-us>.

⁸⁷ <https://www.icsi.berkeley.edu/icsi/partnerships/sponsors-and-research-partners>.

⁸⁸ *Pittsburgh Business Times*, July 9, 2015.

⁸⁹ <https://roxanageambasu.github.io/>.

⁹⁰ <http://ist.psu.edu/directory/faculty/jen>.

- Vitaly Shmatikov of Cornell University, who co-authored a paper with a Google employee⁹¹
- Florian Schaub of Carnegie Mellon University
- Deirdre Mulligan of University of California Berkeley and Chair of Center for Democracy & Technology⁹²
- Veronica Marotta of Carnegie Mellon University⁹³



47.4% of applicants with Google ties were selected to present at FTC PrivacyCon

In addition to academics and academic institutions, two nonprofits that have received substantial Google funding also submitted papers by PrivacyCon: Access⁹⁴ and the Family Online Safety Institute.⁹⁵



17% of applicants without Google ties were selected to present at FTC PrivacyCon

Access has received more than \$1.5 million in Google support since 2010.⁹⁶ It counts several Google connections among its past and current board members, employees, and consultants including Vint Cerf,⁹⁷ Andrew McLaughlin,⁹⁸ Raman Jit Singh Chima,⁹⁹ and Javier Pallero.¹⁰⁰ Access did not disclose Google's funding in its FTC submission.¹⁰¹

Google-funded authors were accepted at a higher rate by the FTC, despite the potential conflict of interest

The Family Online Safety Institute (FOSI) was the only PrivacyCon participant to disclose that its submission, *Parenting in the Digital Age*, was supported in part by money from Google.¹⁰² In

⁹¹ D. Frank Smith, *Google Funding Research into Deep Learning*, *EdTech*, October 6, 2015, available at <http://www.edtechmagazine.com/higher/article/2015/10/google-funding-research-deep-learning>.

⁹² <https://www.google.com/publicpolicy/transparency.html>.

⁹³ *Pittsburgh Business Times*, July 9, 2015.

⁹⁴ Letter from Jennifer Janley, Director, Legal & Policy, Family Online Safety Institute to Federal Trade Commission, October 9, 2015, available at https://www.ftc.gov/system/files/documents/public_comments/2015/09/00008-97486.pdf.

⁹⁵ Nader Ammari, Gustaf Björkstén, Peter Micek, and Deji Olukotun, *The Rise of Mobile Tracking Headers: How Telcos Around the World Are Threatening Your Privacy*, August 2015, available at https://www.ftc.gov/system/files/documents/public_comments/2015/10/00047-98088.pdf.

⁹⁶ <https://www.accessnow.org/financials/>.

⁹⁷ <https://web.archive.org/web/20140225191823/https://www.accessnow.org/about/board>.

⁹⁸ <https://www.accessnow.org/author/andrew-mclaughlin/>.

⁹⁹ <https://www.linkedin.com/in/raman-jit-singh-chima-1aa07918>.

¹⁰⁰ <https://www.linkedin.com/in/javierpallero>.

¹⁰¹ *The Rise of Mobile Tracking Headers: How Telcos Around the World Are Threatening Your Privacy*.

¹⁰² <https://www.fosi.org/policy-research/parenting-digital-age/>.

addition to financial support, Google's Sarah Holland sits on FOSI's board of directors.¹⁰³ Other Googlers currently or previously involved with FOSI include Pavni Diwanji,¹⁰⁴ Tina Ornduff,¹⁰⁵ Juniper Downs,¹⁰⁶ Brittany Smith,¹⁰⁷ among others.¹⁰⁸

2. George Mason Law Review 19th Annual Antitrust Symposium, February 18, 2016



All-but-one participants at a GMU panel on global Google antitrust investigations had financial ties to the company

Google funded a large number of speakers on the panels of the 2016 George Mason Law Review symposium, whose theme was *Antitrust in an Interconnected World*. For example, four of five speakers on a panel entitled *Google: Global Antitrust Investigations*, had financial ties to Google.¹⁰⁹ They did not disclose those ties to the audience.

Geoffrey Manne, whose ICLE has been funded by Google, moderated the panel. Other speakers included a former Google consultant, Michael Salinger, who worked with Google during the

¹⁰³ <https://www.fosi.org/about/board-staff/sarah-holland/>.

¹⁰⁴ <https://www.fosi.org/people/pavni-diwanji/>.

¹⁰⁵ <https://www.fosi.org/people/tina-ornduff/>.

¹⁰⁶ <https://www.fosi.org/people/juniper-downs/>.

¹⁰⁷ <https://www.fosi.org/people/brittany-smith/>.

¹⁰⁸ <https://www.fosi.org/about/board-staff/patricia-cartes/>; <https://www.fosi.org/about/board-staff/sue-duke/>.

¹⁰⁹ <http://www.masonlec.org/events/event/317-george-mason-law-review-th-annual-antitrust-symposium-antitrust-interconnected-world>.

FTC investigation and later co-wrote a paper about it with another Google consultant, Robert Levinson of Charles River Associates.

Google provided the funding for their paper.¹¹⁰



Andrea Renda spoke at GMU's panel on the Google investigations. His group is funded by Google and he has written several articles criticizing the EU's investigation of the company

Also on the panel was Daniel Sokol, a University of Florida law professor who represented Google at Wilson, Sonsini, Goodrich & Rosati, the company's main outside antitrust law firm.¹¹¹

Andrea Renda, a senior research fellow at the Centre for European Policy Studies, was also a speaker on that panel.¹¹² Google is a corporate member of his group and Renda served as chairman of a joint CEPS-Google Seminar on Online Privacy in Brussels in 2007.¹¹³

Renda has written several papers criticizing the European Union's antitrust case against Google including *Searching for harm or harming search? A look at the European Commission's Antitrust Investigation against Google*.¹¹⁴

Other academics with financial ties to Google participated on different panels at GMU's conference. James Cooper sat on a panel entitled *Antitrust Lessons for Privacy Regulators*, attended by two FTC officials, including a commissioner of the agency.

¹¹⁰ Michael A. Salinger and Robert J. Levinson, *The Role for Economic Analysis in the FTC's Google Investigation*, June 2013, available at http://www.law.northwestern.edu/research-faculty/searlecenter/events/internet/documents/Salinger_Economics_of_Google_and_Antitrust_Case_Searle_conference_version.pdf.

¹¹¹ D. Daniel Sokol, *Tensions Between Antitrust and Industrial Policy*, *George Mason Law Review*, 2015, available at <https://leconcurrentialiste.files.wordpress.com/2015/04/tensions-between-antitrust-and-industrial-policy.pdf>; <https://www.wsgr.com/WSGR/Display.aspx?SectionName=clients/011613-FTC-google.htm>.

¹¹² <https://www.ceps.eu/system/files/CVs/CV%20Andrea%20Renda%202011.pdf>.

¹¹³ <https://www.ceps.eu/ceps-membership-programme>.

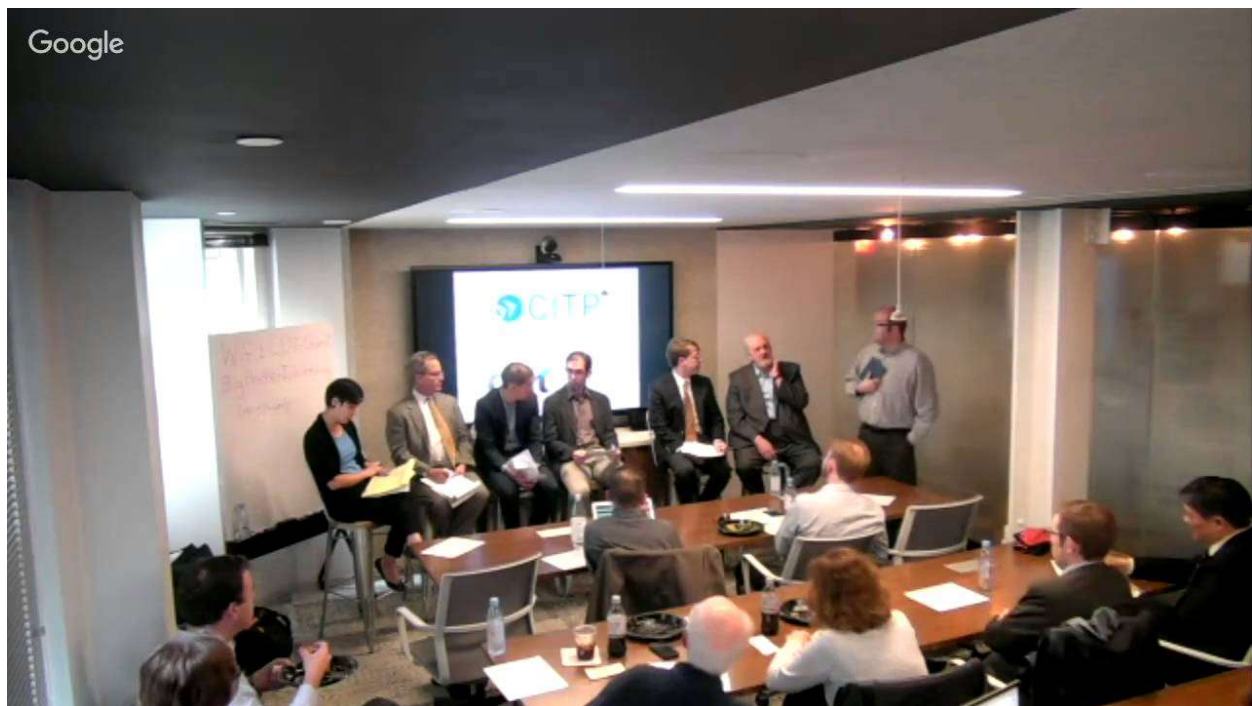
¹¹⁴ Andrea Renda, *Antitrust on the "G" String*, *Mercato Concorrenza Regole*, February 2012, available at <https://www.rivisteweb.it/doi/10.1434/37821>; Andrea Renda, *Searching for Harm or Harming Search? A Look at the European Commission's Antitrust Investigation Against Google*, *Center for European Policy Studies*, September 21, 2015, available at <https://www.ceps.eu/publications/searching-harm-or-harming-search-look-european-commission's-antitrust-investigation>; Andrea Renda, *Antitrust, Regulation and the Neutrality Trap: A Plea for a Smart, Evidence-Based Internet Policy*, *Centre for European Policy Studies*, April 17, 2015, available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2613325.



4 of 5 panelists at George Mason's panel on Google's global antitrust investigations received Google funding

GMU has shown to be highly malleable to Google's influence. *The Washington Post* and *Salon* have both documented how Google sought to get friendly representatives on conferences organized by the university.¹¹⁵

3. Princeton University's Center for Information Technology Policy and Center for Democracy and Technology, Understanding Technical Issues in Broadband Privacy, May 10, 2016



Five of seven panelists at Princeton's privacy event were Google-funded

On May 10, 2016, Princeton University's Center for Information Technology Policy and the Center for Democracy and Technology (CDT) co-sponsored a "mini-workshop" entitled *Understanding the Technical Aspects of Broadband Privacy*.¹¹⁶

¹¹⁵ Gold and Hamburger, *The Washington Post*, April 12, 2014; Dayen, *Salon*, Nov. 24, 2015.

¹¹⁶ <https://citp.princeton.edu/event/citpcdt-workshop-understanding-technical-aspects-of-broadband-privacy/>.

Like the FTC’s PrivacyCon, the event was touted as an opportunity for attendees to benefit from a “diverse set of perspectives” related to policy views on Internet and ISP privacy.¹¹⁷ The majority of the speakers had received financial support from Google—some of it substantial—without disclosing that to the audience.

In all, five of seven panelists had financial ties to Google. The co-sponsor of the event, CDT, received \$2.5 million from Google between 2010 and 2014 according to tax records. A recent media article noted that the nonprofit had been a vocal critic of broadband providers, but remained virtually silent on Google’s own privacy issues.¹¹⁸

Other conference participants receiving Google funding included Princeton’s Nick Feamster, a computer science researcher who received a \$1.5 million Google Focus Grant in 2011 and a \$100,000 Google Faculty Research Award in 2015;¹¹⁹ Joseph Lorenzo Hall with the Center for Democracy & Technology; Harlan Yu with Upturn; and Georgetown University’s Laura Moy.

Both Moy and Yu are closely affiliated with New America Foundation, which receives



substantial Google support. Moy is a program fellow at New America’s Open Technology Institute, which produces a large volume of research that supports Google’s policy positions.¹²⁰ Yu was a policy law clerk at Google and counts NAF as a client.¹²¹

New America’s contributor page shows 2015 and 2016 contributions totaling \$1 million+ from Alphabet Chairman Eric Schmidt and his wife Wendy, and \$250,000-\$999,999 from Google.¹²² Schmidt is the chairman emeritus of New America’s Board of Directors.¹²³

¹¹⁷ *Id.*

¹¹⁸ Alana Goodman, *Consumer Watchdog Took Millions from Google, Quiet on Privacy Concerns*, *The Washington Free Beacon*, May 3, 2016, available at <http://freebeacon.com/issues/consumer-watchdog-took-millions-google-quiet-privacy-concerns/>.

¹¹⁹ <https://www.cs.princeton.edu/~feamster/cv/cv-jan2016.pdf>.

¹²⁰ <https://www.newamerica.org/experts/laura-moy/>.

¹²¹ <https://www.teamupturn.com/static/files/cv-harlan-yu.pdf>.

¹²² <https://www.newamerica.org/our-funding/our-funders/>.

¹²³ <https://www.newamerica.org/our-people/eric-schmidt/>; <http://www.newamerica.org/new-america/press-releases/new-america-appoints-reihan-salam-and-jonathan-soros-board-chairs/>.