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Google.gov? The Perils of Technology and Government Transparency

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And those of us who manage the public's dollars will be held to account—to spend wisely, reform bad habits, and do our business in the light of day—because only then can we restore the vital trust between a people and their government.
— Barack Obama, Inaugural Address, January 20, 2009



Barack Obama led the most tech savvy presidential campaign in American history, using the Internet to recruit, mobilize, and engage more than 13 million supporters. As president, Obama has pledged to “integrate technology into every aspect of government,”¹ and usher in “a new level of transparency, accountability and participation for America’s citizens.”² The use of technology to increase government openness and accountability enjoys widespread support, but presents numerous hidden pitfalls. If improperly implemented, Obama’s plans could actually decrease transparency, invade citizens’ privacy, increase the potential for corruption, and stunt technological innovation.

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During his campaign, Obama pledged to end “the special interest–driven politics of the last eight years.” Proclaiming transparency the silver bullet, Obama explains that “the more transparency we can bring to Washington, the less likely it is that Washington will be run by lobbyists and special interests.”³ What happens, however, if the apparatus for providing transparency is itself designed, built, and run by lobbyists and special interests?

As one of the Internet era’s most successful pioneers, Google, whose unofficial corporate motto is “Don’t be Evil,” has grown from a garage-based startup to a

\$17-billion corporation in only a decade. Due to the company’s rapid rise and innovative products, it ranks among the most trusted brands in the United States.⁴ At the same time, it has become one of the technology sector’s most active special interests, investing more than \$2 million in 2008 to lobby federal policy makers for favorable laws and regulations.⁵ As an organization, Google employees were also the fifth-largest donor to Barack Obama’s presidential campaign.⁶

Obama recognizes that, for innovation to thrive, free and unfettered competition must trump political influence. In November 2007, Obama told an audience of Google employees that “the Google story is about what can be achieved when we cultivate new ideas and keep the playing field level for new businesses.”⁷ A year later, however, the new administration appears poised to disrupt this level playing field and grant Google significant advantages and power. Labeling his transparency initiative “Google for government,” Obama has placed considerable trust and authority in key company officials to shape his strategies.

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For example, Google CEO Eric Schmidt serves on Obama’s team of economic advisors, and one of the company’s top lobbyists, Andrew McLaughlin, sits on the administration’s working group for Technology,

Innovation, and Government Reform. This committee, which will formulate transparency initiatives, is co-chaired by Google's director of global development, Sonal Shah. In addition, Obama appointed Google executive Katie Jacobs Stanton as his "director of citizen participation."

These advisors will help define the role of the nation's first Chief Technology Officer (CTO), a cabinet-level position created by Obama to promote transparency and upgrade the government's IT infrastructure. As the leading Internet search engine, Google will urge the CTO to use its technology exclusively for indexing, searching, and distributing vast amounts of government data. Eric Schmidt, for instance, recently explained how "there's a vast amount of government information that is not searchable, and we can help solve that."⁸

The administration's official website, whitehouse.gov, illustrates how taxpayer-funded sites could be used unfairly to advantage one company's products. While Obama promises to promote transparency by offering videos of addresses, meetings, events, and announcements, footage displayed at whitehouse.gov is hosted through Google's YouTube service. Chris Soghoian, a fellow at Harvard University's Berkman Center for Internet and Society, labels this exclusive deal "a no-bid giveaway to the Google-owned video-sharing site."⁹ Owen Thomas, a prominent Silicon Valley blogger and Managing Editor of *Valleywag*, sees a corrupt quid pro quo arrangement. "Handing the president's weekly addresses to a single commercial outlet controlled by a political ally of the president," Thomas notes, "amounts to a large, unspoken, behind-the-scenes government kickback."¹⁰

According to a recent INPUT analysis, the federal government spent \$80 billion on IT contracts in 2008.¹¹ Implementing the upgrades necessary to ensure transparency across all federal agencies will constitute a lucrative government contract. By awarding this opportunity to a single firm, Obama risks picking winning technologies and promoting a

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government-sheltered monopoly. The competitive online landscape could collapse if taxpayer-funded sites drive traffic preferentially to a favored company, making it more difficult for innovative startups to enter the market.

In addition to restricting innovation, this strategy threatens to enhance corruption and negate the impact of investing in transparency. If knowledge

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is power, then a company wielding sole authority over all government information could quickly become the most powerful entity in Washington. Without any meaningful oversight, such a private firm could easily alter the content or display of information to advance political interests. Manipulating the search algorithm, for instance, might prioritize favorable legislation or obscure an unfavorable report. Files that benefit the company or its allies could be highlighted, while those that benefit competitors disappear. Though the system might appear user-friendly and open, it cannot be transparent if the underlying technology remains opaque.

Google does not disclose its algorithms, and retains complete freedom to selectively censor content on its sites. In October, 2007, for example, the company blocked a campaign advertisement placed by Sen. Susan Collins (R-ME). In March 2008, it refused to display a British charity's ad alerting users about pending legislation in the House of Commons. As a private firm, Google should have the unquestioned ability to set policies and manage content in any way it chooses. The situation must change, however, if the company accepts taxpayer money to become the monopoly gatekeeper of public information. A system built on blind trust will inevitably breed corruption. As recently explained by Stanford Law School professor Lawrence Lessig, when profit conflicts with openness, "I don't trust Google to do the right thing."¹²

Granting Google free reign to overhaul government technology could also conflict with the purpose of promoting transparency. Transparency should empower citizens to expose the inner workings of government, not

empower the government to spy on its citizens. Google collects a wealth of information about users in order to improve its products and serve relevant advertisements. If these practices extend to government sites, it could pose a substantial threat to civil liberties. To mitigate these risks, the Office of Management and Budget (OMB) in 2003 imposed strict limits on the ability of government sites to track and profile visitors. According to the whitehouse.gov privacy policy, however, “a waiver has been issued by the White House Counsel’s office” to grant Google special treatment.¹³

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Selecting a single company to build and manage the government’s transparency infrastructure is not only dangerous and counterproductive, but also unnecessary. The Internet’s greatest power rests in its ability to decentralize and distribute information. When information is free, Internet users invent innovative and unpredictable ways to collaborate, create, share, and learn. Locking information into a central repository prevents the viral spread of knowledge critical for achieving true transparency. As shown in Table 1, comprehensive transparency requires the involvement of multiple stakeholders with widely varying interests, skills, and technologies.

Developers, companies, and nonprofits are eager to process, organize, store, and display information as fast as the government can produce it. They don’t require flashy federal sites or expensive databases; all they need is raw information. As long as the information is available in some format, somewhere on the Web, these stakeholders will find it and construct creative ways to engage the public. This will foster innovation, as new interfaces and technologies compete for public attention. Investing in centralized systems could drastically impede this competition. By disclosing raw information and standing aside, the government could tap the Internet’s potential to create greater openness with minimal costs.

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Table 1:

Roles for Technology in Promoting Transparency

<i>Purpose</i>	<i>Types of Information</i>	<i>Examples</i>
1) Allow the public to keep tabs on government	Spending, donations, contracts, meetings, lobbying activities	Sunlight Foundation, Congresspedia, MAPLight.org, OpenSecrets.org
2) Allow government to communicate with the public	Press releases, speeches, events, constituent services	Websites, blogs, social networks, text messaging
3) Allow collaboration between government and the public	Legislation, regulation, budgets, appointments diplomacy	Wikis, mashups, Peer-to-Patent project, Drupal

Recommendations

1) *One bin, total transparency (see Table 1, Purpose 1):* Establish an open folder, accessible to the public and every government computer, which will serve as a repository for raw government files. Any non-classified file available to government officials can be seamlessly copied to the bin as soon as it is created or received. Rather than invest millions of dollars in a comprehensive IT overhaul, this will enable the Obama administration to achieve immediately a transparency that is both complete and technologically neutral with minimal costs. The bin will require little formatting to set up, or effort to maintain. The goal of providing user-friendly interfaces and searchable indices will be entirely outsourced to the ingenuity of the American people. As soon as information becomes available, third party sites will inevitably create innovative ways to collect, organize, and display the information. For example, the “Apps for America” contest recently announced by the Sunlight Foundation, offers developers cash prizes to build creative tools for data mining government databases.¹⁴ Instead of developing a closed system that embraces a single business model, the bin will tap the power of the Internet to achieve the greatest possible duplication and distribution of government information.

2) *Don’t limit free and open communication (see Table 1, Purpose 2):* Allow government officials to reach the public through any available and effective third-

party technologies. Copies of all files distributed on third-party sites, however, must be available in the bin (see Recommendation 1). Government sites must be barred from incorporating or favoring any third-party technology. This offers public officials the greatest flexibility to choose the best technologies for reaching constituents, while having minimal impact on rapidly evolving markets. Government officials can adapt outreach strategies to maximize impact as new technologies gain popularity. The government's infrastructure itself does not pick winners among competing technologies, and offers any developer the flexibility to demonstrate new options for promoting transparency. For instance, Congressional leaders recently created House and Senate channels on YouTube to distribute presentations and floor speeches.¹⁵ Currently, however, these files are accessible only through Google's YouTube service, and cannot easily be distributed on other sites. In addition, taxpayer-funded web pages for members of Congress actively incorporate Google's service at the expense of all competing technologies.

3) *Don't limit collaboration and discussion (see Table 1, Purpose 3)*: Allow government officials to collaborate openly with the public on third-party sites. The active involvement of citizens in policymaking enhances the quality of proposed ideas and leads to more effective government. Technology can facilitate the exchange and improvement of ideas, but twentieth century archiving requirements render such communication impossible.¹⁶ Documents generated through online collaboration constantly change to incorporate advice and discussion, making a centralized archive impractical. These collaborative communications may be exempt from archiving requirements, but government infrastructure must not incorporate nor promote any third-party technology (see Recommendation 2).

4) *If government picks winners, there must be rules*: Recommendations 1–3 aim to protect the competitive landscape and prevent government from installing a monopoly gatekeeper for public information. If government infrastructure should actively favor a private company, this company must accept rules to ensure accountability and transparency. While such a company may retain its copyright protections, it must make all code entirely transparent. This enables the public to

audit applications, ensuring that they deliver a fair and unbiased reporting of government data. Also, it promotes interoperability with new applications. If a public site uses private search technology to index and organize files, the entire search algorithm must be publicly available. In addition, third-party contractors must be forbidden from collecting information or tracking the behavior of visitors to government sites. Transparency should enable citizens to view the workings of government, not permit government sites to spy on users' online activities. Because taxpayers already fund the construction and operation of government sites, third-party contractors should not be permitted further to profit from the collection of personal information.

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Conclusion: Don't be Evil

The Obama administration has demonstrated a strong commitment to technology and transparency. As one of his first acts in office, Obama released a memorandum declaring that “government should be transparent,” “government should be participatory,” and “government should be collaborative.”¹⁷ Despite these positive goals, the president's initial strategy creates troubling conflicts that could decrease transparency, and blindly place all government information in the hands of a powerful special interest.

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As the world's single largest user of information technology, the United States government possesses enormous power to define and shape markets.¹⁸ If the government picks winners in a constantly changing market, it can freeze innovation and eliminate competition. While wielding this influence, President Obama must be careful to tap the Internet without reinventing it in the process. The recommendations above outline a strategy for putting the government online, without putting the Internet's future on the line.

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Endnotes

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