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This Would Be a Good Time to Not be Evil

by [Jim Harper](#) on July 20, 2011 · [1 Comment](#)

Daily news service TechLawJournal ([subscription](#)) reports that the U.S. District Court (DC) has [granted summary judgment](#) to the National Security Agency in EPIC v. NSA, a federal Freedom of Information Act (FOIA) case regarding the Electronic Privacy Information Center's request for records regarding Google's relationship with the NSA.

EPIC requested a wide array of records regarding interactions between Google and the NSA dealing with information security. Reports TLJ:

> The NSA responded that it refused to confirm or deny whether it had a relationship with Google, citing Exemption 3 of FOIA (regarding records "specifically exempted from disclosure by statute") and Section 6 of the National Security Agency Act of 1959 (which prohibits disclose of information about the NSA).

The FOIA merits of EPIC's suit are one thing. It's another for Google to have an intimate relationship with a government agency this secretive.

This would be a good time to not be evil. Google should either sever ties with the NSA or be as transparent (or more) than federal law would require the NSA to be in the absence of any special protection against disclosure.

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About Jim Harper

Jim Harper is the Director of Information Policy Studies at The Cato Institute, the Editor of Web-based privacy think-tank Privacilla.org, and the Webmaster of WashingtonWatch.com. A Poli Sci major at the University of California at Santa Barbara, Jim served as Editor-in-Chief of the *Hastings Constitutional Law*

Quarterly in his final year at Hastings College of the Law. Prior to becoming a policy analyst and advocate, Jim served as counsel to committees in both the U.S. House and Senate. He avoids genuine life experience by watching lots and lots of reality TV.

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Berin Szoka ⭐ 3 hours ago

I agree, but if it turns out that the relationship was, as was reported last year simply a matter of NSA helping Google ward off cyberattacks, especially from China, do we really expect a measured, thoughtful response to even that collaboration from the Googlephobes?

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  - The 10 Most Important Info-Tech Policy Books of 2010
  - The Sad State of Cyber-Politics
  - Are You An Internet Optimist or Pessimist? The Great Debate over Technology's Impact on

- Society
  - The Digital Decade's Definitive Reading List: Internet & Info-Tech Policy Books of the 2000s
  - Cyber-Libertarianism: The Case for Real Internet Freedom

- **Where We Work**

  - Cato Institute
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