

## HIDDEN INFLUENCE

# Paying Professors: Inside Google's Academic Influence Campaign

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Company paid \$5,000 to \$400,000 for research supporting business practices that face regulatory scrutiny; a 'wish list' of topics.

*By Brody Mullins and Jack Nicas*

**G**oogle operates a little-known program to harness the brain power of university researchers to help sway opinion and public policy, cultivating financial relationships with professors at campuses from Harvard University to the University of California, Berkeley.

Over the past decade, Google has helped finance hundreds of research papers to defend against regulatory challenges of its market dominance, paying \$5,000 to \$400,000 for the work, The Wall Street Journal found.

Some researchers share their papers before publication and let Google give suggestions, according to thousands of pages of emails obtained by the Journal in public-records requests of more than a dozen university professors. The professors don't always reveal Google's backing in their research, and few disclosed the financial ties in subsequent articles on the same or similar topics, the Journal found.

University of Illinois law professor Paul Heald pitched an idea on copyrights he thought would be useful to Google, and he received \$18,830 to fund the work. The paper, published in 2012, didn't mention his sponsor. "Oh, wow. No, I didn't. That's really bad," he said in an interview. "That's purely oversight."



University of Illinois law professor Paul Heald this month in Champaign, Ill. PHOTO: MICHELLE KANAAR FOR THE WALL STREET JOURNAL

The money didn't influence his work, Mr. Heald said, and Google issued no conditions: "They said, 'If you take this \$20,000 and open up a doughnut shop

with it—we'll never give you any more money—but that's fine.”

In some years, Google officials in Washington compiled wish lists of academic papers that included working titles, abstracts and budgets for each proposed paper—then they searched for willing authors, according to a former employee and a former Google lobbyist.

Google promotes the research papers to government officials, and sometimes pays travel expenses for professors to meet with congressional aides and administration officials, according to the former lobbyist. The research has been used, for instance, to deflect antitrust accusations against Google by the Federal Trade Commission in 2012, according to a letter Google attorneys sent to the FTC chairman and viewed by the Journal.

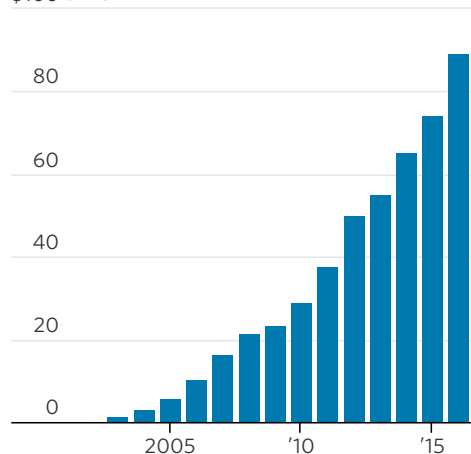
Last month, European regulators issued a \$2.71 billion fine against Google for unfairly favoring its services over rivals' in its search results. Google has denied the charge.

The funding of favorable campus research to support Google's Washington, D.C.-based lobbying operation is part of a behind-the-scenes push in Silicon Valley to influence decision makers. The operation is an example of how lobbying has escaped the confines of Washington's regulated environment and is increasingly difficult to spot.

### Up And To The Right

Google's global revenue

\$100 billion



Source: the company  
THE WALL STREET JOURNAL

“Ever since Google was born out of Stanford's Computer Science department, we've maintained strong relations with universities and research institutes, and have always valued their independence and integrity,” the company said. “We're happy to support academic researchers across computer science and policy topics, including copyright, free expression and surveillance, and to help amplify voices that support the principles of an open internet.”

Google receives nearly \$80 billion a year in ad sales drawn mostly from seven products that each attract more than a billion global users a month, including Gmail, YouTube and Google maps. Its search engine handles more than 90% of online searches globally, according to StatCounter; its Android software will run roughly 1.3 billion of the 1.5 billion smartphones expected to be sold this year, according to Strategy

Analytics.

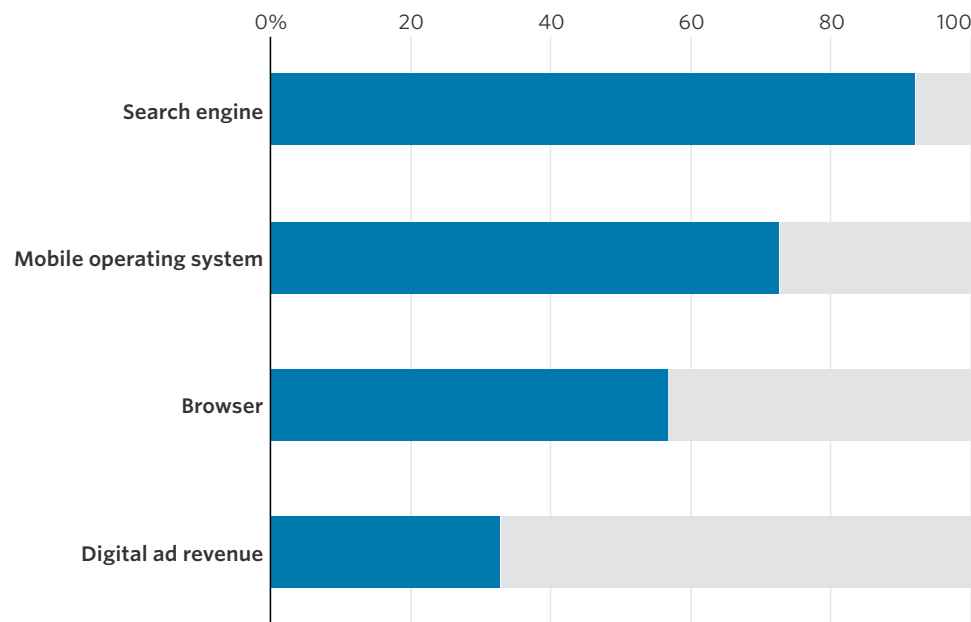
Through its various enterprises, Google collects information that reaches deep into daily life—recording everything from users' search history to whom they know to where they are—consumer profiles so rich that not even Google knows their full potential.

Google has paid professors whose papers, for instance, declared that the collection of consumer data was a fair exchange for its free services; that the company didn't use its market dominance to improperly steer users to Google's

commercial sites or its advertisers; and that it hasn't unfairly quashed competitors. Several papers argued that Google's search engine should be allowed to link to books and other intellectual property that authors and publishers say should be paid for—a group that includes News Corp, which owns the Journal. News Corp formally complained to European regulators about Google's handling of news articles in search results.

### A Big Slice

Google's global market share versus all others, by sector:



Note: Ad revenue as of March 2017. Other three as of May 2017.  
Sources: StatCounter (browser, search, mobile), eMarketer (ad revenue)

THE WALL STREET JOURNAL

Google has funded roughly 100 academic papers on public-policy matters since 2009, according to a Journal analysis of data compiled by the Campaign for Accountability, an advocacy group that has campaigned against Google and receives funds from Google's rivals, including Oracle Corp.

Most mentioned Google's funding.

Another 100 or so research papers were written by authors with financing by think tanks or university research centers funded by Google and other tech firms, according to the data. Most of those papers didn't disclose the financial support by the companies, the Campaign for Accountability data show.

Google said in some of its funding letters that it would "appreciate receiving attribution or acknowledgment of our award in applicable university publications." There are no professional standards on such disclosures in the research papers, which are mostly published in law journals at the universities.

Money spent on the research measures in the low millions of dollars—according to the former employee and former lobbyist—a relatively small expense for the search-and-advertising giant. Some in academia say professors pay too high a price. Such corporate funding runs the risk of creating the impression "that academics are lobbyists rather than scholars," Robin Feldman, of the University of California Hastings College of the Law, said in a Harvard University law journal article she co-wrote last year.

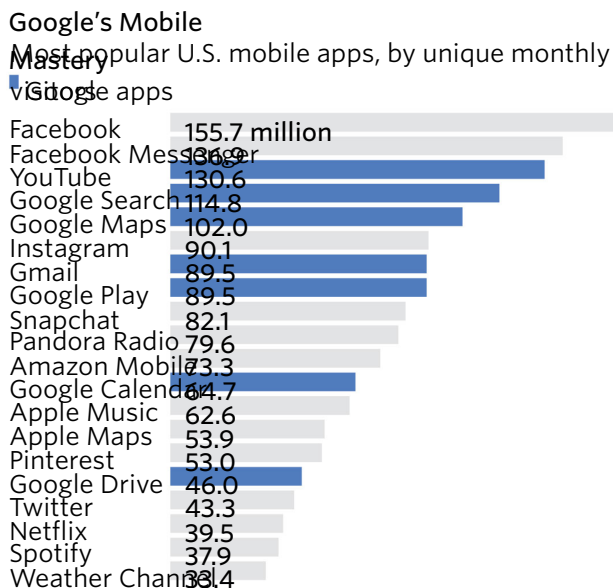
Ms. Feldman and other critics of the funding say even disclosing money received from a company that has benefited from the research can give the appearance of

a conflict of interest and undermine academic credibility.

“Yeah, the money is good but it does get in the way of objective academic research,” said Daniel Crane, a University of Michigan law professor. He said he turned down Google’s offers to fund his research that opposed antitrust regulation of internet search engines. “If I am reading an academic paper, and they disclose an interest with a party with an interest in the outcome,” he said, “you take [the research] with a grain of salt.”

Paying for favorable academic research has long been a tool of influence by U.S. corporations in food, drug and oil industries. Scandals involving conflicts of interest in medical research have spurred many medical schools, scientific researchers and journals to require disclosure of corporate funding and to prohibit corporate sponsors from meddling with findings.

The tech industry now includes the world’s top five companies by market value: Apple Inc., Google parent Alphabet Inc., Microsoft Corp. , Amazon.com Inc. and Facebook Inc.



Note: Mobile app visitors as

Several of the companies also are active in funding academic research. Microsoft has paid Harvard business professor Ben Edelman, the author of papers saying Google abuses its market dominance. Chip maker Qualcomm Inc. funded papers supporting its side of a fight against Google over patents. And telecommunication giants Verizon Communications Inc. and AT&T Inc. have funded various papers against Google. The companies either declined to comment or didn’t respond to requests for comment.

Google’s strategic recruitment of like-minded professors is one of the tech industry’s most sophisticated programs, and includes funding of conferences and

research by trade groups, think tanks and consulting firms, according to documents and interviews with academics and lobbyists.

## Digital diary

Google collects in-depth data from more than a billion people, and it uses the information to personalize everything from search results to YouTube recommendations to online ads. The company’s control of consumer data on such a mass scale has raised antitrust questions.

Early last year, Daniel Sokol, a University of Florida law professor, published an academic paper arguing that Google’s use of the data was legal. “There is no cause for concern in this arena,” he wrote. The paper also noted that no companies funded the research.

“If they did,” Mr. Sokol said in a footnote of the paper, he and his co-author “would be sipping Mai Tais with our respective friends and families on a beach in Hawaii based on the proceeds of such a sponsorship. We are not.”

### Everything Google Knows About You

The search engine giant keeps a detailed history of every term you've searched, website you've visited and video you've watched with its services. To see what data it has on you, visit [myactivity.google.com](http://myactivity.google.com)

### Data Google gathers from its users



Name, birthday, gender, country



Emails sent and received with Gmail



Geographical location and directions



Search terms and websites visited



Videos watched on YouTube



Ads clicked and shopping

Source: the company

Mr. Sokol, though, had extensive financial ties to Google, according to his emails obtained by the Journal. He was a part-time attorney at the Silicon Valley law firm of Wilson Sonsini Goodrich & Rosati, which has Google as a client. The 2016 paper's co-author was also a partner at the law firm, which didn't respond to requests for comment.

From at least as early as 2013, Mr. Sokol also has coordinated with Google officials to ensure online symposiums had a pro-Google bent.

In March 2013, Mr. Sokol helped Paul Shaw, a Google public-policy official, persuade law professors to write papers for an online symposium on patents. Mr. Shaw sent Mr. Sokol a list of a dozen law professors along with specific topics for their papers. None was paid to participate. Mr. Shaw deferred comment to a company spokesman.

After the conference, Mr. Sokol submitted a \$5,000 invoice to Google.

In September 2013, Mr. Sokol worked with Rob Mahini, a senior Google lawyer, to plan an online conference on a separate patent issue. Mr. Mahini identified professors to participate, and he asked Mr. Sokol to invite them.

After running into difficulty persuading professors to write papers for the conference, Mr. Sokol asked Mr. Mahini if Google could provide “some ‘encouragement’ to them to participate,” according to the emails. Mr. Sokol declined to explain what he meant. Google said it didn't pay professors to participate. Mr. Mahini didn't respond to requests for comment.

When the symposium ended, a Google assistant emailed Mr. Sokol about his bill. Mr. Sokol replied: “\$5,000, like last time.”

Asked for comment, Mr. Sokol wrote in an email: “For the symposia that I organized, I should have disclosed the sponsorship for such organization and have now done so. I disclose any financial support for the articles that I write.”

## Patent pending

Google and companies that make smartphones backed by its Android software have for years fought allegations of patent infringements by Oracle, Apple and Microsoft. The legal dispute has drawn academic cover on both sides.

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## Hidden Influence

A Wall Street Journal series revealing the secret ways companies work the levers of power in Washington



- ◆ The Rise and Fall of a K Street Renegade
  - ◆ How the FDA Approved a \$300,000-a-Year Drug Its Own Experts Didn't Believe Worked
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Google sought help from Jorge Contreras, a University of Utah law professor who has also argued for a looser interpretation of U.S. patent laws.

Since 2013, Mr. Contreras has written numerous papers on patents. Google helped fund two of those papers, which each disclosed the financial support. The other papers didn't mention his relationship with Google.

Google funded a Washington, D.C., symposium in June 2015, organized by Mr. Contreras, that showcased how Google and other companies had pledged not to enforce some of their patents, allowing others to use their technology.

Around that time, Mr. Contreras forwarded his research paper on the topic to Google policy officials and lawyers: "I would also welcome your feedback and comments," he wrote in the email.

"It's in really great shape!" a Google lawyer responded. "Would be good to discuss a couple of things briefly...that are somewhat related." They set up a phone appointment, according to the email exchange.

Mr. Contreras said in an interview that he sent the paper as a courtesy because Google sponsored the conference. He said it was common among academics to ask for feedback on papers, including from officials at companies the papers discuss. "They're experts and in the trenches, and I'm writing about what these people do," he said. "So, it's good to get feedback."

A month before the symposium, Google hosted a private patent-law briefing at the Washington law office of Wilson Sonsini for several dozen influential public-policy advocates it hoped to win over. Google paid travel expenses for Mr. Contreras to speak about how companies share their intellectual property.

Mr. Contreras said Google doesn't pay professors to change their positions; it simply funds research that supports the company.

"I don't think there's any dishonesty here," he said, "but they pick the right people who they know are going to say the right thing."

## Trusted allies

In 2010, Google hired Deven Desai, then a researcher in law and technology at Princeton University, to find academics to write research papers helpful to the company.

Over the next two years, Mr. Desai said, he spent more than \$2 million of Google's money on conferences and research papers that paid authors \$20,000 to \$150,000.



University of Illinois campus in Champaign, Ill. PHOTO: MICHELLE KANAAR FOR THE WALL STREET JOURNAL

In September 2012, the FTC was nearing a decision on whether to charge Google

with antitrust violations, including its practice of favoring its shopping and travel services in search results. Google's law firm, Wilson Sonsini, sent the FTC chairman an 8-page letter in the company's defense and attached Google-funded research papers supporting its arguments.

Mr. Desai, now a law professor at Georgia Institute of Technology after leaving Google in 2012, said part of his job was to compile a list of "all the major policy academics in intellectual property so Google lobbyists could know who to follow and potentially target for papers."

He said Google was careful to say the checks came with no requirements: "It was a gift. Recipients can do what they want."

Among the largest were \$400,000 gifts that in 2010 went to several researchers investigating ways to improve users' online privacy.

Google and other tech companies collect personal information, including data some users would rather not share. The firms usually give notice on a privacy policies page about what is collected, and they often ask for users' consent to keep the information.

Some privacy advocates say the policies are long and confusing, and few people read them. The advocates seek instead rules limiting the use of personal data.

Ryan Calo, then a research fellow at Stanford University, received one of the \$400,000 awards in 2010, though he didn't disclose the funding in one of the two papers he later published on privacy protection.

That paper suggested finding better ways to alert consumers about exposing their personal data "before we give in to calls to abandon notice as a regulatory strategy."



University of Washington law professor Ryan Calo wrote a research paper about online-user privacy that in 2010 drew a \$400,000 contribution from Google to Stanford University, where Mr. Calo was a research fellow. PHOTO: HEATHER AINSWORTH FOR THE WALL STREET JOURNAL

He said in an interview that the Google money was paid to Stanford, not to him. Nonetheless, he said, he should have disclosed the financial support in both papers. After publication, Mr. Calo kept in touch with Google and shared his papers before publication, emails show.

"I'll be following up with a draft of that paper I mentioned on how cyberlaw is changing, and look forward to any examples or thoughts," Mr. Calo wrote on Dec. 20, 2013, to Google officials about an idea he had on artificial intelligence, robotics and the law.

Betsy Masiello, a Google official at the time, was copied on the email and responded: "Also let me know if you have a draft on surveillance! =)"

Later, after seeing Mr. Calo's research on government surveillance, Dorothy Chou, a Google spokeswoman at the time, tried unsuccessfully to arrange for Mr. Calo to discuss his conclusions on National Public Radio.

"I'm really hoping NPR reaches out so you can get on air to make those points," she wrote on Jan. 21, 2014. A few days later, she wrote: "We have another producer asking to chat about government surveillance, and I wanted to let you know that we pointed her your way."

Ms. Chou declined to comment, and Ms. Masiello didn't respond to requests for comment.

Mr. Calo, who is now a professor at the University of Washington, said it was common practice to discuss research with companies involved to ensure

accuracy: "If you want to have impact as a scholar, you absolutely need to solicit input from the very entities you're talking about."

Google officials, he said, "identify work that resonates with a position they have already, and then they amplify that work."

### **Corrections & Amplifications**

Google paid travel expenses for Jorge Contreras. An earlier version of this article incorrectly stated the company also paid for his hotel. (July 11, 2017)

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*By Brody Mullins and Jack Nicas*

JULY 11, 2017 11:01 A.M. ET

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