



The Hon. Andrew M. Cuomo
Governor
New York Stat Capitol Building
Albany, NY 12224

April 21, 2014

Dear Gov. Cuomo,

We are writing on behalf of Consumer Watchdog, a nonpartisan nonprofit public interest group to express our deep concern about your appointment of Google Chairman Eric Schmidt to the New York Smart Schools Commission to advise the state on how to invest proceeds from the proposed \$2 billion bond act and bring technology into classrooms statewide. Consumer Watchdog calls on you to 1) Preclude Google from providing any of the new technology to the state's schools given the conflict of interest created by Schmidt's appointment 2) Remove Schmidt from the Commission immediately given Google's disregard for students' privacy and the potential for self-dealing.

It is entirely inappropriate for a top of executive of a company likely to be considered as provider of technology to advise the state on what technology to adopt. This is not the fox guarding the chicken coop, but rather the fox building the coop. The chickens in this case are children whose privacy Google has shown a consistent disrespect for, making Schmidt a doubly distressful choice for the Commission. As this article from *Education Week* (<http://www.edweek.org/ew/articles/2014/03/13/26google.h33.html>) documents, Google is under intense criticism for data mining the email messages of students who use Google Apps For Education, apps that have been available to New York's 697 public school districts since 2010. While advertising might not be served to a student's email account as would be the case with regular Gmail, apparently the Internet giant reads the student's emails to build what are essentially digital dossiers so that advertising based on the data mining of Google Apps For Education can be served on other Google services such as YouTube. It appears that Google's practices violate the Family Educational Rights and Privacy Act (FERPA). Taking advice from the executive of a company engaged in such dubious practices is simply wrong.

As was outlined in this recent *Washington Post* article ([Http://Www.Washingtonpost.Com/Politics/How-Google-Is-Transforming-Power-And-Politicsgoogle-Once-Disdainful-Of-Lobbying-Now-A-Master-Of-Washington-Influence/2014/04/12/51648b92-B4d3-11e3-8cb6-284052554d74_story.html](http://www.washingtonpost.com/politics/how-google-is-transforming-power-and-politics-google-once-disdainful-of-lobbying-now-a-master-of-washington-influence/2014/04/12/51648b92-B4d3-11e3-8cb6-284052554d74_story.html)), Google has become a master of maneuvering behind the scenes to obtain the results desired from regulators and lawmakers. As the article documents, a forum hosted by the law school at George Mason University was billed as "vibrant discussion" about Internet competition at a time when the Internet giant was under antitrust investigation by the Federal Trade Commission. Many of the attendees were regulators from the Federal Trade Commission, federal and state prosecutors, and top congressional staffers. What was unrevealed to the participants was Google's role in sponsoring the conference and ensuring that the majority of speakers were Google supporters.

As the *Post* explains, “The behind-the-scenes machinations demonstrate how Google — once a lobbying weakling — has come to master a new method of operating in modern-day Washington, where spending on traditional lobbying is rivaled by other, less visible forms of influence. That system includes financing sympathetic research at universities and think tanks, investing in nonprofit advocacy groups across the political spectrum and funding pro-business coalitions cast as public-interest projects.”

Schmidt, who by the way sits on the President’s Council of Advisors on Science and Technology, is a master of inserting himself into positions where he can drive policy decisions in the direction that Google favors. That is precisely what is happening with the New York Smart Schools Commission and such self-dealing must not be tolerated when it comes to the best interests of New York State’s children.

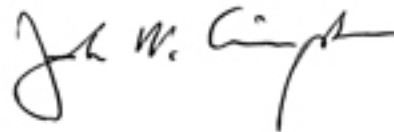
Perhaps if there were more and varied representatives of other technological companies on the Commission, Schmidt’s presence would not be so egregious. However, he is the only representative of the tech industry.

No one doubts the urgency of bringing technology into our schools. We believe you should be commended for proposing the \$2 billion bond that will go before New York voters in November. However, allowing one person from the gargantuan company that so dominates the Internet to play a primary role in shaping the policy is unfair and wrong. We call upon you to block Google from supplying technology under the bond act should it be approved by the voters and for you to remove Eric Schmidt from the Smart Schools Commission immediately.

Sincerely,

A handwritten signature in black ink that reads "Jamie Court". The signature is fluid and cursive, with the first name being more prominent.

Jamie Court, President

A handwritten signature in black ink that reads "John M. Simpson". The signature is cursive and somewhat stylized, with the first and last names being clearly legible.

John M. Simpson, Privacy Project Director