



Court rules that Google-NSA spy ties can remain secret

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WASHINGTON (AP) – A federal appeals court has turned down a [Freedom of Information Act](#) request to disclose [National Security Agency](#) records about the 2010 cyberattack on Google users in China.

The [Electronic Privacy Information Center](#), which focuses on privacy and civil liberties, sought communications between Google and the [NSA](#), which conducts worldwide electronic surveillance and protects the [U.S.](#) government from such spying. But the NSA refused to confirm or deny whether it had any relationship with Google. The NSA argued that doing so could make U.S. government information systems vulnerable to attack.

By Virginia Mayo, AP

The NSA has refused to confirm or deny whether it had any relationship with Google.

A federal district court judge sided with the NSA last year, and on Friday, a three-judge panel of the U.S. Court of Appeals for the [District of Columbia](#) upheld the ruling.

In 2010, Google complained about major attacks on its website by Chinese hackers and suggested the Chinese government may have instigated them. The Chinese government denied any involvement. Soon after, there were news reports that Google was teaming up with the NSA to analyze the attack and help prevent future ones.

The privacy center's FOIA request drew a "Glomar" response, in which an agency refuses to confirm or deny the existence of records. The term refers to a case in the 1970s, when the [CIA](#) refused to confirm or deny the existence of the Glomar Explorer, a ship disguised as an ocean mining vessel that the CIA used to salvage a sunken Soviet submarine. Courts consistently have upheld Glomar responses.

"In reviewing an agency's Glomar response, this court exercises caution when the information requested" involves national security, Judge Janice Rogers Brown wrote in the unanimous appeals court panel's ruling. "NSA need not make a specific showing of potential harm to national security in order to justify withholding information" under one of the law's exemptions because Congress has already, in enacting the FOIA statute, decided that disclosure of NSA activities is potentially harmful.

Brown said the question was whether acknowledging the existence or nonexistence of the requested material would reveal an NSA activity. The privacy center argued that some of the records it sought — unsolicited communications from Google to NSA — are not covered by exemptions cited by the NSA.

"The existence of a relationship or communications between the NSA and any private company certainly constitutes an 'activity' of the agency" subject to exemption, Brown wrote. "Whether the relationship — or any communications pertaining to the relationship — were initiated by Google or NSA is irrelevant to our analysis."

"Moreover," she added, "if private entities knew that any of their attempts to reach out to NSA could be made public through a FOIA request, they might hesitate or decline to contact the agency, thereby hindering its information assurance mission," which focuses on protecting national security information and information systems.

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Brown, an appointee of former [President George W. Bush](#), was joined in the ruling by Judges Brett Kavanaugh, another [George W. Bush](#) appointee, and [Douglas Ginsburg](#), who was appointed by former President Ronald Reagan.

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George Herndon · Top Commenter

Does anyone remember George Orwell.....1984.....brave new world

Reply · 6 · Like · May 11, 2012 at 7:30pm



Adam Sharp · E-Commerce Director at Oxford Club

Totally dude. Let's blame Google for going along with the Patriot Act, which we, the derpizens, allowed.

Reply · 2 · Like · May 11, 2012 at 10:41pm



Bill Koltes · Top Commenter

Well folks , here it is . The NSA is now more powerful then the United States of America . Dwight D. Eisenhower exit speech on Jan.17,1961 Warned us of the Military Industrial Complex and lo and behold , here we are 51 years later experiencing it . I just wonder IF this went to a Congressional Hearing , will our SPINELESS Congress would even challenge it

Reply · 1 · Like · May 11, 2012 at 9:16pm



Allen L Smith · Top Commenter

Whats wrong with You, get back on those Meds and stay off the Whirl-around you are going to get another ticket, These kids can not drive a stick shift how are they going to remember Eisenhower, The only reason we have the Interstate system is that it took him one month to drive across the USA when he was at West Point.

Reply · 1 · Like · May 12, 2012 at 7:58am



Bill Koltes · Top Commenter

Allen L Smith -LOL! you have become comfortable with your ball and chain ...

Reply · Like · May 12, 2012 at 6:39pm



Bill Koltes · Top Commenter

I guess most young people haven't studied it , or most older people even remember HOW exactly did Adolf Hitler convince , or for a better word , FOOL the german people into believing that policies laid out by Hitlers Nazi party would eventually lead to a totalitarian state ?

to-tal-i-tar-i-an ; Of, relating to, being, or imposing a form of government in which the political authority exercises absolute and centralized control over all aspects of life, the individual is subordinated to the state, and opposing political and cultural expression is suppressed.

Does this sound familiar to what's going on in this country people ???

Reply · 3 · Like · May 11, 2012 at 9:22pm



Allen L Smith · Top Commenter

NO, only in your mind.

Reply · 2 · Like · May 12, 2012 at 7:49am



Bill Staples · Top Commenter · Manassas Park, Virginia

In this case? Absolutely not.

Reply · Like · May 12, 2012 at 4:30pm



Adam Sharp · E-Commerce Director at Oxford Club

How dare Google reach out to the NSA after a US govt monitoring backdoor enabled the hacking of those accounts in China?

http://articles.cnn.com/2010-01-23/opinion/schneier.google.hacking_1_chinese-hackers-access-system-google?_s=PM:OPINION

The nerve! Amirite? I kid. But yeah, they didn't have a choice you dolt.

This whole thing is beyond ridiculous, and I attempt to portray Google's side here, on my blog (they can't themselves, it's illegal in many cases).

<http://www.bearishnews.com/post/4943>

Reply · Like · May 11, 2012 at 10:30pm



Kim Kendall · Top Commenter

It is abit amusing. the nsa used custom software to put together links of association several years ago. now it is called facebook.

Reply · Like · May 12, 2012 at 9:39am



Jacob Mazac · Giles County High School

They are going to kill us all. They will erase all the truth off of the internet.. The big globalist banks have planned all of this and will make hitler and stahlen look like sunday morning preachers compared to what is coming next.

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