

November 12, 2007

CALTECH COLLEAGUES FOR
• CIVIL LIBERTIES
• THE FOURTH AMENDMENT
• PRIVACY RIGHTS
• OPEN SCIENTIFIC RESEARCH



Dear Members of the Caltech Community:

As you may know, 28 of your colleagues at JPL recently initiated a legal action against NASA and Caltech. We did this because we are faced with an unconscionable “choice”: either waive our constitutional rights in order to keep our jobs or “voluntarily” resign. To keep the jobs we have held proficiently for years and even decades, we are now being required to authorize excessive and open-ended investigations into intimate details of our personal lives. Nearly 300 more JPL employees have signed a statement publicly protesting “the government's unprecedented and unfettered intrusion into the private affairs of JPL employees and contractors.” Many others have told us they would like to sign the protest statement but are afraid that doing so will jeopardize their jobs. Such is the state of affairs at JPL – a division of Caltech, which is world-renowned for its ethics, integrity, and academic freedom. JPL employees are working in an atmosphere of fear and intimidation, while Caltech management has turned its back on our concerns about the assault on fundamental constitutional protections.

This assault on our constitutional rights is due to Homeland Security Presidential Directive 12, signed by President Bush in August 2004. HSPD12's intent appears innocuous: “secure and reliable forms of identification issued by the Federal Government to its employees and contractors.” HSPD12 does *not* establish requirements for background investigations.

It was with regret that we included Caltech as a defendant in the lawsuit. However, NASA Administrator Mike Griffin and JPL Director Charles Elachi made it clear on several occasions that legal action is our only recourse. We are willing to take such a public and personally painful stand on this issue for many reasons, in part because we believe that the background checks could have a chilling effect on academic freedom and open scientific inquiry – a concern that surely reaches into every corner of the Caltech community.

Finding that the suit raises “serious legal and constitutional questions and show(s) the probability of irreparable harm,” the U.S. Ninth Circuit Court of Appeals has granted a temporary injunction against the background investigation process. A hearing will be held in Pasadena on December 5. We are hopeful that Caltech decision makers will by then realize that Caltech's reputation depends on their supporting their colleagues in the effort to protect their constitutional rights. Therefore, we respectfully request your help. We ask that you

- Learn more about our concerns by visiting <HSPD12JPL.org>, where you will find relevant documents, including all legal briefs.
- Encourage JPL Director Elachi and Caltech President Chameau to have the Institute join its employees in challenging NASA's implementation of HSPD12 at JPL.
- Encourage local Congressional Representatives Adam Schiff and David Dreier to endorse the efforts of Congressman Rush Holt in seeking a Congressional review of this matter.
- Sponsor a Campus seminar on HSPD12 implementation issues.

We welcome the opportunity to speak with Campus groups about HSPD12 and related concerns; if you would like to meet with one of us, please contact us at 818-635-5536.

Yours sincerely,

Robert Nelson, Dennis Byrnes, and Susan Foster

Plaintiffs in the matter Nelson *et al.* v. NASA, Dept. of Commerce and Caltech

Writing on behalf of concerned Caltech employees at JPL

This letter and the hspd12jpl.org website were produced by concerned employees of JPL and other NASA centers as private citizens using personal resources, and neither one is endorsed by JPL, Caltech, or NASA.