

WHAT CAN I DO TO HELP PROTECT CIVIL LIBERTIES?

- **Educate yourself** about HSPD12.
- **Visit our website** <hspd12jpl.org>, where you can
 - **Read the full text** of HSPD12, FIPS 201-1, the required waiver, the suitability matrix, and other governing documents.
 - **Volunteer** to help at events.
 - **Donate** to the legal fund.
- **Write your senators and congressional representatives** to protest the increasing infringement on civil liberties.
- **Wear or display NoHSPD12 products:** visit <www.cafepress.com/hspd12jpl>.
- If you are a JPL employee or contractor, **sign the statement of concern petition** at <hspd12jpl.org/statement.html>

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I object to these new background investigations not just as a JPL employee, but more importantly as a U.S. citizen. I object because no one should be investigated or harassed by the government without probable cause. I object because a country where people can live in dignity and privacy is one worth defending against all enemies, foreign or domestic. I object to this because I am a patriot and I refuse to allow this kind of fear and irrationality to destroy an institution and country I love. Why should we do the Bad Guys' work for them?

The Constitution makes it clear that it is not my obligation to explain why I should keep my rights; it is the responsibility of the government to explain why our rights should be infringed. The government is using "9/11" as an unjustifiable pretext to undermine the Constitution and to create a centralized database on private information for all of its citizens. The government must make a better case if they want to subject innocent citizens to invasive violations of their civil rights. If we permit such a sweeping violation of our civil liberties, then perhaps the terrorists have already won.

CONCERNED JPL EMPLOYEE,
SPEAKING FOR MANY

HELP PROTECT

- ✓ **YOUR CIVIL LIBERTIES**
- ✓ **THE FOURTH AMENDMENT**
- ✓ **YOUR RIGHT TO PRIVACY**
- ✓ **OPEN SCIENTIFIC RESEARCH**



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WHAT IS HSPD12?

Homeland Security Presidential Directive 12, “Policy for a Common Identification Standard for Federal Employees and Contractors,” was signed by President Bush in August 2004. It directs the Secretary of Commerce to establish standards for tamper-proof, easily verifiable identification for employees and contractors on federally controlled facilities. It does *not* establish any requirements for background investigations. Federal Information Processing Standards (FIPS) Publication 201-1, “Personal Identity Verification of Federal Employees and Contractors,” is the HSPD12 standard developed by Department of Commerce.

WHY ARE JPL EMPLOYEES CONCERNED?

FIPS 201-1 requires a National Agency Check with Written Inquiries (NACI) background investigation for federal employees and contractors. JPL employees object to the NACI on several grounds, including the following:

- NACI includes the requirement to sign a waiver authorizing any federal investigator or agent to obtain information about our personal affairs from anyone, on any matter, for two years—whether or not the employee remains affiliated with a federal facility.
- The waiver is a violation of rights to privacy under the U.S. Constitution and the California State Constitution.
- The investigation reference checks allow disgruntled supervisors and neighbors to undermine the careers of long-term employees.
- The criteria used by the government to determine the employee’s “suitability” to

work at a federal facility are draconian reminders of the McCarthy era and include anything the government labels “unethical,” sexual history, protests against government policies, and history of recreational drug use – not only of the employee but also the employee’s family and associates.

- Employees cannot see the results of their investigations without filing a Freedom of Information Act (FOIA) request—which is time-consuming and complex, and which becomes a part of the public record (further exposing private information). It is not unusual for the government to provide heavily redacted files in response to a FOIA request.
- If an employee is found unsuitable, he or she can only appeal the decision to NASA using a very restrictive appeals process. There is no recourse beyond NASA or in the courts.
- These investigations have a chilling effect on open scientific inquiry, employee morale and trust, and NASA’s ability to attract the “best and the brightest” young people to continue the important work that we do.

WHY DO JPL EMPLOYEES OBJECT TO BACKGROUND CHECKS?

They don’t! JPL employees have always complied with *background checks* to verify their identities. What they object to is the unwarranted, unnecessarily invasive, and open-ended background *investigation*. By the government’s own definition, most JPL employees are in *non-sensitive* positions. Yet, in order to keep jobs they have held proficiently for years and even decades, they are now being required to authorize this excessive investigation into their personal lives.

WHY SHOULD I BE CONCERNED?

- **You could be next!** HSPD12 implementation for a “captive audience” of federal employees and contractors could very well be a dry run for the “Real ID,” a mandatory nation-wide standard for identification cards established by the Real ID Act of 2005.
- HSPD12 implementation uses an enormous amount of limited homeland security dollars with no real benefit. For example, while *reducing* funding for security improvements at the Port of Los Angeles to \$22 million, the federal government signed a *\$66-million* contract for HSPD12 badges for long-time, trusted, valued employees at federal facilities.
- HSPD12 is an unfunded mandate. NASA is using money intended for science, research and development, and space exploration to investigate its trusted employees and make badges.

CAN ANYTHING BE DONE TO STOP THIS?

On August 30, 2007, twenty eight JPL employees filed suit asking for a court injunction to halt the investigations.

Watch for updates to this suit—and how you can help—at <hspd12jpl.org>.

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