

Robert M. Nelson
(address removed)
November 26, 2012

Judy Chu
David Dreier
Rush Holt
Howard McKeon
Adam Schiff

Dear Representatives,

I am writing to request a congressional investigation into recent gross misconduct of a federal agency – the National Aeronautics and Space Administration. As a consequence of NASA's misconduct I and my colleagues have been placed at risk due to NASA's mishandling the personal information of ours that NASA requires we provide. At least 10,000 other present and former NASA contractors and employees are also impacted. We have expressed great misgivings on this matter in the past. NASA's most recent irresponsible behavior has proven our previously stated position; the information that NASA insisted we provide has been compromised. We have been unsuccessful in past efforts to obtain protection in the courts. Now it is appropriate for Congress to act.

The background of this situation is as follows:

1. Recently, tens of thousands of NASA present and former employees and contractors received a communication from NASA informing us that a laptop computer issued to a NASA employee in Washington had been stolen last Oct 31 after being left in a parked car. The official communication that was sent to the NASA present and former employees can be found at:
<http://spaceref.com/news/viewsr.html?pid=42609>
2. Further investigation revealed that the highly personal and sensitive information maintained by NASA and stored on the laptop was NOT encrypted and was simply password protected. Some of this information includes material gathered by background investigators such as the type required by Homeland Security Presidential Directive #12. These investigations probe into the most intimate details of an employee's private life. The preliminary incident report describing the laptop theft can be found at:
https://answers.nssc.nasa.gov/app/answers/detail/a_id/6270/~/_what-are-the-details-regarding-the-stolennasa-laptop%3F.
3. Five years ago, 27 employees at NASA's Jet Propulsion Laboratory and I had received protection by injunction from overreaching and unnecessary HSPD12 background investigation from the Ninth Circuit Court of Appeals. The Ninth Circuit Court ruled that such background investigations must be narrowly

tailored to meet NASA's specific concerns. Open ended fishing expeditions were ruled out. Unfortunately, this injunction was overturned by the United States Supreme Court in *NASA v Nelson* 131 S. Ct. 746 (2011) after NASA supposedly changed its background inquires and claimed that the protections of the Privacy Act would protect disclosure. We cited to the court numerous incidents in which there was unwarranted disclosure. NASA maintained those were aberrations. Clearly that is not true. The open ended and unconstrained investigations into the most intimate details of the private lives of all JPL employees were complete or nearly complete by June 1 of this year. All documents relevant to the JPL employee's case (*Nelson et al vs NASA et al*, NAS 09-530) are found at the website HSPD12JPL.org.

One of the principal objections we raised in this legal matter was NASA's inability to protect in a secure fashion any private information that they might gather about our private lives. Now, unfortunately, by virtue of the cavalier behavior of a NASA bureaucrat our argument has been proven.

We therefore request that you institute a congressional investigation into NASA's behavior in this unsavory affair.

Lastly, several employees and former employees are participating in a press conference on Wednesday Nov 28 at 10 AM PST hosted by Dan Stormer, the attorney of record representing the plaintiffs in the HSPD12 case. The press conference will be held at the legal offices of Hadsell, Stormer, Richardson & Renick at 128 N. Fair Oaks Ave, Pasadena CA. We will be announcing our request to you for a congressional investigation. We invite you to issue your own statement concurrent with our press conference stating your response to this request. Please feel free to participate or to send a representative to our press conference.

With greatest respect I remain, yours sincerely,

Robert M. Nelson
Senior Research Scientist (Ret)
Jet Propulsion Laboratory
Lead Plaintiff *Nelson et al vs NASA et al* NAS 09-530