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PRESS RELEASE

Date: October 5, 2007
Re: Nelson, et. al. v. National
Aeronautical and Space Agency, et. al.

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**NINTH CIRCUIT ISSUES INJUNCTION AGAINST NASA AND JET PROPULSION
LABORATORY'S UNCONSTITUTIONAL REQUIREMENT OF INVASIVE
BACKGROUND INVESTIGATIONS**

Today the Ninth Circuit Court of Appeals entered an emergency injunction against the National Aeronautics and Space Administration and the Jet Propulsion Laboratory. The Court ruled that NASA could not require Jet Propulsion Laboratory scientists and engineers holding non-sensitive positions to sign waivers of their privacy rights. If the Court had not issued this injunction, thousands of scientists would have had to choose between waiving their privacy rights and keeping their jobs. The plaintiffs filed suit in United States District Court for the Central District of California against NASA, the Department of Commerce and the California Institute of Technology (Caltech) on behalf of a class of JPL employees who are being required to waive their privacy rights and submit to an unconstitutional intrusive background investigation in order to retain their jobs with JPL. The plaintiffs include highly placed engineers and research scientists at JPL who have been involved in critical roles in NASA's most successful recent programs, including leading engineers and scientists on the Mars Exploration Rovers program. All are long term employees of Caltech who have never had to submit to the incredibly intrusive check that the Bush Administration desires. None of the plaintiffs have classified or sensitive positions. Plaintiffs challenge Bush's decision to require that all JPL employees submit to a "National Agency Check with Inquiries" and sign a broad written waiver, permitting investigators to obtain records from their past employment files, and to question their friends and associates about their emotional health, financial integrity, and general conduct.

NASA has implemented this intrusive program as part of a 2004 Executive Order (Homeland Security Presidential Directive 12 (HSPD-12)) issued by President Bush, which required that all federal agencies and facilities institute an identification badge. The plaintiffs are not employed by the Federal Government, but still have been informed that if they do not comply with the background investigation process by October 5, 2007, they will be deemed to have voluntarily terminated their employment with Caltech as of October 27, 2007.

"We are ecstatic" said Robert Nelson, one of the plaintiffs in the lawsuit.

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“We are grateful for the court’s action. This is another egregious example of the Bush Administration’s assault on the Constitution. Our clients are exemplary employees who have spent their work lives bettering this Country. This shows the court will not stand by and let this attack on the right to privacy take place.” said Dan Stormer of Hadsell & Stormer. “This unlawful requirement allows unknown government officials to ask all manner of questions about people’s personal lives, including their personal lives and mental state. It is exceptionally broad and completely unnecessary. We applaud the court’s action and are grateful for the quick action it took” said Virginia Keeny, a partner at Hadsell & Stormer.

Relevant background documents are posted at the following website:
<http://www.hspd12jpl.org/>