

12 September 2007

Honorable Barbara Boxer
112 Hart Senate Office Building
Washington D.C. 20510

Dear Senator Boxer:

We write to you as a community of women scientists and engineers at one of our nation's great national laboratories, NASA's Jet Propulsion Laboratory in Pasadena, California. The matter on which we are asking your attention pertains to Homeland Security Presidential Directive #12, an executive order signed by President Bush in the wake of the 9/11 attack on our nation. The intent of HSPD12 is quite straightforward. It simply calls for a uniform means of identification for access to all federal facilities. However, NASA's implementation of this directive, under rules developed by the Department of Commerce, goes far beyond its intent.

We JPL employees are being ordered by NASA to sign forms voluntarily waiving our privacy rights so investigators may intrude as far as they wish into inappropriate areas of our personal lives. For example, a form we must sign, Standard Form 85, is an authorization for release of information. In part it states: "I Authorize any investigator, special agent, or other duly accredited representative of the authorized Federal agency conducting my background investigation, to obtain any information relating to my activities from schools, residential management agents, employers, criminal justice agencies, retail business establishments, or *other sources of information* (emphasis added). This information may include, but *is not limited to*, (emphasis added) my academic, residential, achievement, performance, attendance, disciplinary, employment history, and criminal history record information." This type of implementation is not required by HSPD12.

This implementation threatens our jobs and its schedule is distressingly short. We have been told we must declare our intent to sign these forms by October 5th. NASA informed us that if we stand on our principles and fail to 'volunteer' these rights away then we will not be given a new identification badge and hence we will be denied access to our workplace as of October 27th. We will be placed on Leave Without Pay, leading to subsequent termination. We hardly consider this to be voluntary. We are being asked to weigh our principles versus our livelihood. The sacrifice being demanded of us in no way enhances national security since we do not have access to sensitive information. On the contrary, our work is in the public domain.

We as women clearly understand a well-known variant of this threat, sexual harassment, which hampered our advancement in the workplace for decades. Those who stood on their principles and failed to acquiesce lost their jobs. Fortunately, strong judicial and legislative sanctions largely relegated this practice to the unwelcome past. This raises the obvious question: would anyone in government tolerate a policy that asks us to waive our protections against sexual harassment in exchange for being retained or promoted? We think you would be as concerned as we are regarding a policy that is an abuse-of-employment practice.

NASA's implementation of HSPD12 also demands a sacrifice of our protections and principles. We are being ordered to waive our privacy rights (voluntarily?) to keep our jobs. We see little difference in the logic of demanding waiver of Constitutional and legal protections guaranteed to us by law in either circumstance. As trusted employees with established careers spanning decades, we now find ourselves faced with the

incomprehensible choice between our Constitutional freedoms and our jobs. We are compelled to fight to protect both. Our mothers' era was marked by the struggle for equal protection under the Constitution. What legacy will we leave our daughters if we allow those rights to erode?

Several of our colleagues at JPL brought this matter to the attention of Congressmen Rush Holt and Vern Ehlers in a communication sent April 26. That letter outlines in detail many levels of concern regarding HSPD12 and its implementation rules. Congressman Holt has been so kind as to bring these questions to the attention of Secretary of Commerce Carlos Gutierrez; William Jeffery, the Director of the National Institutes of Standards and Technology, kindly responded to the request from Congressman Holt. Copies of these letters are enclosed. Letters that some of us sent to our Congressmen are enclosed also.

The enclosed items of correspondence form an excellent summary of concerns held by many JPL engineers and scientists, views also shared by colleagues at other NASA centers. A lawsuit has also been filed regarding this matter and a copy is also enclosed for your information. Unfortunately, NASA's accelerated schedule of implementation far outpaces the legal process, so their deadlines will pass before we can expect any legal remedy.

We ask that you undertake an immediate review of this matter with NASA and the Department of Commerce. This is a pressing issue and our time to decide between our principles and our jobs is running out.

Yours sincerely,

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Cassini Deputy Project Scientist
NASA Principal Investigator
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Investigation Scientist for MARCI and CTX
Cameras, Mars Reconnaissance Orbiter

Packages sent to:

Honorable Maria Cantwell
Honorable Barbara Boxer
Honorable Hillary Clinton
Honorable Susan Collins
Honorable Elizabeth Dole
Honorable Dianne Feinstein
Honorable Kay Hutchinson
Honorable Amy Klobuchar
Honorable Mary Landrieu
Honorable Claire McCaskill
Honorable Barbara Mikulski
Honorable Lisa Murkowski
Honorable Patty Murray
Honorable Olympia Snowe
Honorable Debbie Stabenow

cc:

Dr. Charles Elachi (Director of JPL)