



High Court to decide NASA HSPD-12 issue

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WASHINGTON (AP) - The Supreme Court on Monday agreed to referee a dispute between NASA and some of its independent contractors over required security checks, a decision that could affect how the federal government investigates the background of current and future employees.

The justices agreed to hear an appeal from the space agency, which had its worker investigations at Jet Propulsion Laboratory in California blocked after the 9th U.S. Circuit Court of Appeals said the questions threatened the constitutional rights of workers.

The high court's decision in this case could throw into question the background checks routinely done on all federal government workers.

While the case before the court deals solely with whether to dissolve the temporary restraining order placed on NASA's background checks at the Jet Propulsion Laboratory, NASA said in its filings that the forms in question "are the same ones that have long been used to conduct background checks for applicants for federal employment."

Twenty-eight scientists and engineers from the Jet Propulsion Laboratory sued the federal government after NASA required them to submit to background checks. They said the agency was invading their privacy by requiring the investigations, which included probes into medical records and questioning of friends about everything from their finances to their sex lives.

If the workers didn't agree to the checks, they were to be barred from the 177-acre campus east of Los Angeles and fired.

The scientists and engineers had worked for years at the labs run for NASA by the California Institute of Technology, and none of them work on top-secret projects. The lab is chiefly known for its scientific explorations of the solar system and study of the Earth.

NASA required all employees to submit to the background checks, saying it was following a government-wide policy applying to millions of civil servants and contractors.

A 2004 presidential directive ordered every government agency to step up security to their facilities and computer systems by issuing new identification badges to employees. To obtain the new cards,

workers have to be fingerprinted, undergo a background check and sign a waiver allowing federal investigators access to personal information.

A federal judge originally refused to stop NASA's background checks, saying they could continue while the lawsuit made its way through the courts. He was overturned by the San Francisco-based appeals court.

NASA's forms "seeks highly personal information using an open-ended technique including asking for 'any adverse information which ... may have a bearing on this person's suitability for government employment,'" the appeals court said. "There is nothing 'narrowly tailored' about such a broad inquisition."

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