

## **Lift the cloud over JPL**

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When Neil Armstrong stepped on the lunar surface and announced, "We came in peace for all mankind," it marked a fundamental break with the long history of human exploration.

From the great Age of Discovery forward, men had claimed territories previously unknown for their guilds, companies and nations. The race to the moon was born of the brutal competition between the United States and the Soviet Union for pre-eminence in every field of endeavor, but the moment of victory transformed America's vision of its heroic triumph. From then on, a free people living in an open society would make the most fundamental benefits of space exploration mankind's common patrimony. That expression of liberty's altruism was the real glory of that first lunar expedition -- and of all the great unmanned voyages of planetary exploration that have followed.

Those great adventures are run from the Jet Propulsion Laboratory in La Canada Flintridge, just north of downtown Los Angeles. And for that reason, when history comes to honor the starting points from which our greatest enterprises of discovery have set out, it will reckon JPL's quiet, green campus alongside the courts of Castile and Henry the Navigator, the Dutch Republic and Elizabethan London.

At least it will unless the Obama administration succeeds in completing President George W. Bush's reckless and wasteful attempt to impose a Draconian new security regimen on JPL's civilian scientists and engineers, a step that not only would infringe their rights to privacy but subvert the lab's role as one of the foremost centers of open science.

This problem began in the Bush/Cheney administration's hysterical response to 9/11. Presidential Directive 12, issued by the then-new Department of Homeland Security, ordered federal agencies to adopt a uniform badge that could be used by employees and contractors to gain access to government facilities. NASA demanded that the California Institute of Technology, which operates JPL on the space agency's behalf, require all of the lab's civilian scientists and engineers to sign a waiver allowing federal investigators to ransack their personal lives. The waiver empowered the feds to secretly question ex-husbands and wives, disgruntled neighbors and resentful colleagues about every detail of the subjects' lives. If the investigators turned up anything they felt disqualified somebody, there was no provision for appeal. Anyone who refused to sign the waiver was to be fired.

Less than 10 percent of the work carried out at JPL involves classified science, and the employees working on those projects are covered by the government's security clearance system. So a group of the civilian scientists and engineers who would have been forced to submit to the Bush/Cheney inquisition sued in federal court, arguing that Directive 12 violated their right to privacy by requiring disclosure of personal information utterly unrelated to their work. As planetary scientist Robert Nelson, the lead plaintiff in the suit, told me last week, "If you do

classified work, of course you need a clearance, but we don't do that sort of science. ... We only object to the irrational and illegal intrusion into our personal lives."

The 9th U.S. Circuit Court of Appeals ultimately found merit in the suit's objections and, last year, halted imposition of the presidential directive on the lab. There matters remained, and the plaintiffs hoped that the Obama administration would let the matter die. Last week, however -- just five minutes before the government's right to appeal the 9th Circuit ruling would have expired -- Solicitor General Elena Kagan asked the U.S. Supreme Court to hear the case.

Kagan argues that the government does not violate the right to privacy by collecting information on an individual, only by disseminating it. Further, she contends that the 9th Circuit's ruling threatens the whole regulation of the civil service. Both contentions are patent nonsense.

As civil rights attorney Dan Stormer, the plaintiffs' lead counsel, told me, "Why an administration supposedly committed to due process and to protecting individual rights would seek this hearing is just inexplicable."

Back at JPL, Nelson was busy posting on the Internet exciting new photos that may show active volcanoes on Saturn's largest moon, Titan. It's all part of his and others' work on the Cassini space probe.

This generation's great work of exploration is proceeding thanks to their scientific skill. President Obama can ensure that it continues by withdrawing Kagan's ill-considered appeal or rewriting Directive 12.

Rutten is an L.A. Times columnist.