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## **Update: US Supreme Court Takes Case About Informational Right to Privacy**

The *San Francisco Chronicle* [has an update](#) on *NASA v. Nelson*, which I've written about before. [The case concerns](#) a George W. Bush-era security policy at the Jet Propulsion Laboratory in La Cañada Flintridge, which has raised substantial privacy questions. In [an op-ed](#) last year for the *Los Angeles Times*, Tim Rutten wrote, "NASA demanded that Caltech, 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." Rutten wrote that this was the case though "less than 10% of the work carried out at JPL involves classified science, and the employees working on those projects already are covered by the government's security clearance system." The Ninth Circuit Court of Appeals found for the NASA workers, barring implementation of the Bush policy.

Now, the *Chronicle* reports that the U.S. Supreme Court has "granted the Obama administration's request to hear an appeal of a lower-court ruling that barred the National Aeronautics and Space Administration from conducting far-reaching inquiries into the lives of 28 workers at the Jet Propulsion Laboratory in Pasadena."

The 28 employees refused to submit to the checks and were about to be fired when the Ninth U.S. Circuit Court of Appeals in San Francisco intervened in October 2007, blocked the firings and ruled three months later that the inquiries were too intrusive and unrelated to national security.

The employees "face a stark choice – either violation of their constitutional rights or loss of their jobs," the court said in a 3-0 ruling. It described the background checks as a "broad inquisition" with no safeguards. [...]

Opposing sides in the case disputed the scope of the ruling.

"The decision prevents the routine background checks of many government contract employees and it casts a constitutional cloud over the background-check process the

government has used for federal civil service employees for over 50 years,” Justice Department lawyers said in seeking Supreme Court review.

But Dan Stormer, a lawyer for the employees, said the case had nothing to do with routine checks and instead involved maximum-security screening of low-risk employees. He accused the Obama administration of “pandering to the right” out of fear of looking soft on security.

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1. [MediaMentions](#) Says:  
[March 12th, 2010 at 2:20 am](#)

Speaking of the Supreme Court, here’s something else that they’ve been up to lately:  
<http://www.pressdisplay.com/pressdisplay/showlink.aspx?bookmarkid=K1A7F307M4S5&preview=article&linkid=14d5837a-71c1-49b4-99b7-c1759789d541&pdaffid=ZVFwBG5jk4KvI9OaBJc5%2bg%3d%3d>

An interesting case, to say the least.

Best regards,  
MediaMentions

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