

## PRINCIPLES OF US SPACE ENTERPRISE

Note to the US Department of Commerce

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In due course, the programmatic and technical goals for the United States in Space will be agreed upon, based on the work of the National Commission on Space, various NASA and SIG-Space deliberations, the determination of this President and the US Congress. Few areas of enterprise have such unanimous support today as US Space activities, a marked change from the late 60's and the 70's, when even programs like the Space Shuttle were bitterly opposed and fought in lengthy and drawn-out hearings and discussions.

But whatever exciting program(s) the Government may agree on, ranging from low cost access to Space, geosynchronous platforms, lunar bases, missions to Mars and beyond, all these endeavors would be futile, even counter-productive, if not pursued in the context of basic principles fundamental to free man and enterprise.

Equally important, the groundrules for commercial, individual, and private initiative for space enterprise have to be set so as to give such enterprise a chance to develop, at its risk and benefit, in Space as on Earth. It has been one of the major shortcomings so far in Space that the doors to such enterprise have been effectively controlled - and often closed. More obstacles were added to-date by this administration - or rather the bureaucratic "totalitarians" amongst us. Witness e.g. the Remote Sensing 'Commercialization' Act of 1984, or the by now failed 'efforts' to commercialize Space transportation.

Worse, the United States has been party to a web of declarations, policies, proclaimed desires, and generic concepts - such as the 'benefit of mankind' (to which nobody objects, the question is how), 'common heritage' (shared principles?, cultural achievements?), etc. These inevitably have a way of degenerating further to terms such as 'common property', meaning the exclusion of private property, and other concepts inimical to the very foundations of freedom, which have to be vested in the individual, and not some collective nonsense. The notion that profit may actually be the highest form of contribution to the general welfare (for one it can be taxed) seldom occurs to US policy makers, and the record of the UN on Outer Space matters is devoid of any such notion and statement. One easily gains the impression that the pursuit of profit in Space is 'the' evil from which mankind has to be safeguarded - and safeguarded with a vengeance.

What is needed, foremost, is a statement of simple, basic principles of United States Space enterprise, which are the foundation of United States activities on Earth and - hence - ought also to apply universally in Space. Because of their simplicity, and the primacy of individual and United States freedom expoused therein, the opposition to their affirmation will be fierce. Yet for this very reason these principles have to be affirmed and implemented.

Alas, there is little in the record of this administration to-date that addresses these issues. An accumulation of regulations, agreements, policies, understandings and even treaties in matters of Outer Space need rectification, renewed guidance, abolition or reaffirmation.

While the principles drafted below may seem self-evident to most - at least self-evident to the founding fathers of the United States, I suspect that Outer Space practice - including that of the United States - has strayed far from any semblance to these principles. It is because of a failure to affirm these self-evident principles that private enterprise to-date has been effectively barred from Space.

Last, but not least, the international community may not be unanimous in support of these principles. This ought to be of only secondary concern: no harm is done to others if the United States - and other free nations - proceed to develop the resources of Space for private - hence public - gain. The loss is only

inflicted by inaction, since unused resources benefit none. And with the United States proceeding, others will have to follow - or be left behind.

#### PROPOSED STATEMENT OF PRINCIPLES

Whereas the United States has been founded on a set of well understood principles fundamental to the pursuit of happiness and freedom of man and

Whereas these principles have served the United States and the community of free nations well over centuries past

Whereas, in addition, the very discovery and development of these United States and the Americas was founded on the principles of the freedom of the seas, including the freedom to appropriate land and resources unclaimed or unused by others

the United States hereby declares

### (1) FREEDOM OF NAVIGATION

The new "Sea of Space" shall be open for anyone to navigate in and to undertake whatever enterprise in analogy to the freedom of the seas; the United States shall not agree to or be party to any treaty, policy, regulation or understanding that limits this freedom in whatever form; the United States sees no difference between the Open Seas of Earth and the 'Open Seas' of Space and hence no new principles have to be invented or agreed to that would limit such freedom of navigation and enterprise - for whatever purpose.

### (2) THE RIGHT TO PROPERTY

Private property is fundamental to the pursuit of enterprise, investment, exploration and freedom of man, be it on Earth or in Space; the United States shall not agree to or be party to any treaty, policy, regulation or understanding that limits any proprietary rights of land, resources, services, data or other economic and intellectual goods in Space or derived from Space. Again, the United States see no difference between activities of free man on Earth and in Space for whatever purpose, and in particular reaffirms the right to private property of any and all means in the pursuit of exploration, science and commerce to be inalienable and fundamental to such freedom. To the extent that the United States de-facto or unwittingly may have been a party to different understandings and treaties, these shall henceforth be declared null and void to the extent that they infringe on such property rights.

### (3) SPACE HOMESTEADING AND LAND GRANTS

To foster the early and broadest possible exploration of Space and use of its vast resources the United States hereby proclaim Space Homesteading and Land Grant rights whereby - in analogy to the principles that opened the vast reaches of the United States to development for the benefit of their people. The United States will recognize the appropriation of any surface and underlying mineral and resource rights by anyone on the Moon or on any other Celestial body, with the size of homesteading rights or Land Grants to be determined for each of these bodies separately. Asteroids and Space debris can be appropriated in toto. These Homesteading rights are granted to any person that takes physical possession of such surface or object, himself or through ventures financed by him at his risk and benefit. The proprietary rights have to be exercised through use within 99 years or revert to unclaimed Space status.

Lands and resources claimed in Space under the Homesteading or Grant principle for the United States shall be assembled and incorporated as the 51st State of the Union, and hence be subject to the rights and obligations of the United States constitution.

### (4) LOW COST ACCESS TO SPACE FOR PRIVATE ENTERPRISE

Based on the principle that Government is formed to serve the individual, his rights, pursuit of freedom and happiness, the United States Government will henceforth make available at additive costs any facilities, services, hardware and intellectual Government rights in the pursuit of private US Space enterprise.

By 'additive costs' are meant the costs added by each specific private activity to Government Space program, project or facility costs, and proven by Government to have been added by those specific activities. Similar access will be granted to any other free market nation that grants similar rights and access to its facilities and which participates in significant co-operative programs in Space with the United States.

### (5) A FREEDOM OF INFORMATION BASE - A DoC-NTIS INITIATIVE

To foster the principle of the freedom of speech, the United States will establish a worldwide Freedom of Information Base incorporating all Library of Congress documents, data and basic news information services for direct access by anyone on Earth by the mid 1990's unencumbered by ground control or networks of totalitarian control - through simple portable terminals.

Included herein shall also be the access to and the distribution of remote sensing data of the environment, land resources, agriculture crops, meteorological data etc. either provided as a public service or, wherever possible, as a commercial service.

To such purpose the United States will ask WARC (the World Administrative Radio Conference) to set aside the necessary frequency allocations in the respective world regions in fulfillment in particular of the Helsinki accords which assure such free flow of information and the general principles on which the United Nations and free societies everywhere are based.

In the spirit of these provisions the United States will make available these same facilities to any other nation, group or individuals in the pursuit of such free flow of information. Should available capacity on the Freedom Base become limited, services shall be apportioned based on actual use of the information added to that of the Library of Congress by others. Services offered by the private sector will not be duplicated by the public sector.

## (6) COMPETITION

Earth and Space are best served by open competition of ideas and enterprise in free markets, so that the best may succeed. Consonant with this premise the people of the United States will pursue their goals and interests in Space as they see fit. No purpose is served by 'anticipatory' regulations, license requirements, laws and other provisions that stifle enterprise in open markets.

Nor is the exploration and use of Space served by 'co-ordinated' or co-operative programs for the sake of co-operation, if such programs deterred or stifled competition and enterprise by any nation and its people. After all, Spain and Portugal did not set out jointly to open the world to Europe. And the Soviet Union did not set out jointly with the United States to launch the first satellite or the first man into Space. Nor did President Kennedy set out to put man on the Moon and return him to Earth by the end of the 1960's jointly with the Soviet Union. Duplication - if any - is a low price to pay for enterprise and freedom in Space.

## (7) POSITIVE EXERCISE OF RIGHTS AND CLAIMS

Consonant with the positive principles of international law, the United States shall claim and recognize rights in Space only to the extent that such rights are vested in actual exercise and control of services, resources, land or location anywhere in Space. The United States will not recognize any claims or rights based on abstract, theoretical notions of others that would infringe in any way on free enterprise by the United States or any other Space faring nation or person of mankind or other civilizations yet to be encountered.

### Appendix

(For those in the Department of Commerce and the Government at large who are ignorant of the foundations of freedom.)

Concluding remarks of Friedrich Hayek in "The Road to Serfdom" written in exile in London - 1942 - on the foundation of free societies. His remarks - addressed to a different audience - England, his host country - at a different time, on the inherent dangers of totalitarianism, whether national or socialistic or both, have lost nothing in their importance, and could be addressed to the Space commission on issues of Space enterprise as if written today. I hope you will listen, for the benefit of all of us, the United States and mankind (pp.177f):

"THE purpose of this book has not been to sketch a detailed programme of a desirable future order of society. If with regard to international affairs we have gone a little beyond its essentially critical task, it was because in this field we may soon be called upon to create a framework within which future growth may have to proceed for a long time to come. A great deal will depend on how we use the opportunity we shall then have. But whatever we do, it can only be the beginning of a new, long, and arduous process in which we all hope we shall gradually create a world very different from that which we knew during the last quarter of a century. It is at least doubtful whether at this stage a detailed blueprint of a desirable internal order of society would be of much use - or whether anyone is competent to furnish it. The important thing now is that we shall come to agree on certain principles and free ourselves from some of the errors which have governed us in the recent past. However distasteful such an admission may be, we must recognize that we had before this war once again reached a stage where it is more important to clear away the obstacles with which human folly has encumbered our path and to release the creative energy of individuals than to devise further machinery for "guiding" and "directing" them - to create conditions favorable to progress rather than to "plan progress". The first need is to free ourselves of that worst form of contemporary obscurantism which tries to persuade us that what we have done in the recent past was all either wise or inevitable. We shall not grow wiser before we learn that much that we have done was very foolish.

If we are to build a better world we must have the courage to make a new start - even if that means some



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