

Topic:

Moon 2020 — Law in the Future

Time:

5-6 class periods

Historical

Period:
The future

Core:

US I 6120 - 0202
US II 6250 - 09
Gov. 6210 - 0602

Objectives:

1. Students will identify the problems associated with applying U. S. laws and history to an international situation.
2. Students will draw on legal concepts from law and events in American History to design a legal system for a hypothetical “moon colony.”

Procedure:

1. This is a culminating activity for the end of the year.
2. Have students read the Introduction, Handout 1.
3. Next, distribute six cases, Handout 2.
4. Ask students to write the legal arguments that could be made by opposing sides in each of these cases.
5. An answer sheet, Handout 3, is provided. Discuss.
6. Go back over each case and discuss the U. S. history event or law that has similarities to the moon case.
7. An answer sheet is provided (Handout 4). The teacher may want to broaden this further.
8. Now draft a model “Legal System for the Moon” using the guidelines on Handout 5.
9. This may be done individually or in groups of three or four.

Grading Suggestions: Grade on creativity, historical, and legal knowledge, writing skills and synthesis skills.

In drafting, students should keep in mind these questions and ideas:

- Who has the legal authority to regulate life on the moon?
- What is the source of that authority?
- As of this date, the U. N. has not established a moon authority. All earthbound governments may claim authority to regulate lives and property of their own citizens on the moon. It is unwritten law that no one country can claim the moon, but that has never been documented. What do you suggest? What potential problems do you see?

Handouts/Worksheets:

1. Introduction — Moon 2020
2. Moon Madness: Six cases causing problems on the moon
3. NASA’s Dilemma: Legal Issues Raised by Six Cases (answer sheet for Handout 2)
4. U. S. History Events/Laws Similar to NASA’s Dilemmas (follow-up sheet for Handout 3)
5. Constitution of the Moon 2020

Author: Adapted by Bob Crane from *Law in American History* by James G. Lengel, Gerald A. Danzer

INTRODUCTION — MOON 2020

The year is 2020. It has been over fifty years since the United States' astronauts first walked on the moon. During that time, scientists have discovered that the moon is a productive, interesting place and, in some cases, the best place to do certain kinds of research and manufacturing. After all, the moon is free from air, gravity, and pollution, and it does not have the radio interference that we have on earth. Currently on the moon, scientists are measuring the earth's weather patterns, listening for signals from far galaxies, and producing drugs in a sterile environment. All of this is being accomplished in laboratories built on the moon.

Many thousands of people inhabit the moon and work in its labs and factories. They even live on the lunar surface. They come from all over the earth, and many have been on the moon for at least ten years, while others have been there only a short time. These people consist of scientists and their families, maintenance people, technicians, and engineers.

The moon colony has been administered by NASA which stands for the National Aeronautics and Space Administration, an agency of the U. S. government. NASA has made the rules, made living and working assignments for people, and arranged for the space shuttle to transport equipment and people back and forth between the earth and the moon. Most of the laboratories and equipment are owned by NASA, except for a few which are owned by private companies in Germany, Japan, Cuba, and the United States. Everything has run fairly smoothly until the year 2020. Now the problems begin.

HANDOUT 2

MOON MADNESS

Six recent cases have caused severe problems for the moon colony.

1. One of the American chemical companies claims it does not have to pay certain taxes on products made on the moon. American tax laws, the company maintains, cover only profits made in the United States or in foreign countries. Since the moon is neither, no tax is due.
2. An employee at one of the labs feels that the assignment of housing space is unfair, and she wishes to speak out against it. She claims a constitutional right to freedom of speech and demands that she be allowed to use the intra-colony television communication system to make her protest known to fellow moon residents.
3. A group from China demands that it be given laboratory space and transportation so it can perform some top-secret experiments. The Chinese claim that right under a 1967 United Nations treaty that declared the moon to be the common heritage of mankind.
4. A Cuban scientist who was caught stealing some anti-cancer drugs is imprisoned by his superiors. He demands that the NASA administrator grant him a jury trial on the moon “in the American style.” He claims he will not get a fair trial if he is sent back to earth.
5. The Group demands that thirty-five percent of the profits from the moon production be put into a fund which the developing nations can use for their own scientific work.
6. Some fifty longtime moon colonists have been meeting regularly over the past few years. They have drawn up a constitution and a set of laws for a moon government based on democratic principles. They feel the time has come for NASA to give up its control of the colony and turn the moon over to the colonists.

NASA'S DILEMMA

LEGAL ISSUES RAISED BY THE CASES

Each of these six cases raises interesting legal questions that are not easily answered. Let us look at each one, examining it from a legal point of view.

1. If the U. S. government were to insist that American tax laws apply on the moon, then it might be exercising sovereignty over the moon. The chemical company knows this claim of sovereignty would not stand up in court. In fact, if the United States were to claim legal authority over the moon, then other countries, as well as the United Nations, would probably object. If the moon were claimed as part of the United States, then its inhabitants might be guaranteed constitutional rights.
2. The lab employee is assuming that the same legal rights which apply in the United States also apply on the moon. Would this be true? Back in 1903, the U. S. Supreme Court held that all constitutional rights did not follow the flag when the United States was administering the Philippine Islands. But in the 1960's, the Court tended to extend these rights to all citizens in all places. Now, on the moon, where there are no street corners for this protester to set up her soapbox (and where there is no air to carry the sound of her voice, anyway), how can she exercise her right to freedom of speech? Must NASA allow her to use its communication system? And if this person is granted constitutional rights, will that set a precedent? Will other moon residents expect NASA to grant them all the rights and privileges of U. S. citizenship?
3. The Chinese claim is based on solid ground. The U. N. resolution of 1967 did declare that the moon belongs to all of mankind and is not subject to any one nation's authority. If NASA refuses the Chinese request, it will look as if the United States is controlling the moon's real estate in violation of U. N. policy. On the other hand, during the 1990's and 2000's, the Chinese refused to cooperate with the United States in financing the moon colony. To grant their request now would allow them to reap the benefits of the American investment without having taken any of the risk. It is not clear what rules apply here — the U. N. resolution, American law, or common business sense.
4. The Cuban scientist has committed an act that would be considered a crime if it were done in any of the countries on earth. But it is not clear who should handle crimes on the moon, or how they should be handled. If the U. S. Constitution does apply on the moon, then the Cuban has full right of due process, just as he would if he were a foreigner on American soil. Granting this person a trial on the moon would no doubt anger the Cuban government, especially since the punishment for this crime is much harsher in that country than it is in the United States. Again, treatment of this criminal act under American law would make it look as if the United States were claiming sovereignty over the moon.

5. Since the moon is a common resource, then all the nations of the world should have a right to its products. The thirty-five percent tax would be a simple way to guarantee this sharing. But there is no agreement, treaty, or international regime governing the moon. Therefore, neither the private companies nor the United States government is legally bound to share its profits from the moon operation. Until the moon treaty is signed, the United States feels it has no special obligation to the Group or any other organization.

6. The moon colonists bring up an interesting point: Shouldn't they be allowed to rule themselves? Aren't they the body politic for the moon? Or are they? They probably could not exist for long without the supplies and transportation provided by NASA and the United States government. And most of these moon residents are still members of a body politic back home on the earth. They can vote for earth candidates by absentee ballot, so they are still represented in their own countries. How are these people like and unlike the American colonists in the early 1700's?

HANDOUT 4

U. S. HISTORY EVENT/LAW SIMILAR TO LEGAL ISSUES IN HANDOUT 3

1. Puerto Rico is not part of the United States and yet the country belongs to the United States as the result of the Spanish-American War of 1898. Puerto Ricans have some of the same rights as we do, but they do not pay federal income taxes. Does this case apply here?
2. In the 1960's and 1970's students wore armbands to school protesting the War in Vietnam. One of these became an important case: *Tinker v. Des Moines School District*. The students were initially suspended from school, but the Court ruled that their individual rights had been violated. Does this case apply?
3. Is the United Nations a body that can enforce its resolutions?
4. Could we put Native Americans on trial for fighting the American cavalry during the 1800's when they were fighting for their own land and white men were the intruders?
5. When the country of Chile seized the Kennecott Copper Mine, did Chile pay Kennecott for it? Why? Why not? What did the United States or Kennecott do? Could they have done anything?
6. What about the Pilgrims, the Mayflower Compact, the American colonists, and the Declaration of Independence?

CONSTITUTION OF THE MOON 2020

- Preamble:** From what authority do you derive your legal rights to rule the moon?
(Compare the Preamble to the U. S. Constitution.)
- Article I:** Where is the legal authority? Who makes the laws? Who will be elected and how?
- Article II:** Who will enforce those laws? What power will they have? What is considered a crime on the moon? What is the punishment? Where will they be punished? How will the land and the resources be divided?
- Article III:** Will there be a judicial system? Composed of what and whom?
- Article IV:** What are the Bill of Rights on the moon? List at least twelve.
- Article V:** Who may commercially use the moon? How?
- Article VI:** Will the government of the moon tax its citizens? How will the moon government pay for its services? With whose money? Will they print their own?
- Article VII:** How will the laws of the moon integrate the laws of the various countries on earth? Who decides?