

Moon for Sale-?

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On February 3rd, 1966, the Soviet Union's Luna 9 made mankind's first soft landing on the Moon. The United States would not make its first soft landing for four more months.

Newspapers ran serious articles about whether the Russians would use their landing to claim ownership of the Moon. Government officials worried about the military advantage the U.S.S.R. would gain by seizing the "ultimate high ground." Reassuringly, the articles concluded that under traditional international law, no one could really claim the Moon until they had at least made a manned landing!

Fear of a Russian victory in the race to the Moon was a major reason Congress kept increasing the funding for Apollo. No Congress would ever have spent \$100 billion (in 1994 dollars) for national prestige alone.

To be able to divert more money to the escalating Vietnam war, President Lyndon Johnson sent Arthur Goldberg to the Russians to negotiate a quick truce in the space race. The result was the 1967 Outer Space Treaty, which barred claims of "national sovereignty" in space.

The treaty does not bar private ownership of land beyond the Earth, but since national sovereignty has traditionally been the legal basis for private property rights in Anglo-Saxon law, the treaty is often assumed to have that effect.

Significantly, space funding increased every year in both the U.S. and U.S.S.R. until the passage of the 1967 treaty, then decreased every year thereafter.

The right to claim newly settled property has always provided the economic incentive for human expansion. In this case, immediately re-saleable property deeds are the only possible "product" that can be profitably brought back from space at current launch costs.

To really "enable the space frontier," we will have to re-establish a rule of law something like this:

- Any private entity that establishes a permanently inhabited base on the Moon with guaranteed regular transportation shuttling between the base and the Earth, open to any paying passenger, acquires full title to hundreds of thousands of square miles around the base.

- The land grant for the first such base should be big enough to allow the win-

ning consortium to begin earning back their expenditure immediately by selling off pieces of it. The establishment of a space transport service would dramatically increase the value of their land.

If we could get something like this enacted into U.S., and preferably international, law, the space race would quickly resume.

This law would be a huge plum Congress could give to the aerospace companies without costing the taxpayers anything. As with the land grants that paid for building America's transcontinental railroads, vast wealth would be created by giving formerly worthless land real value, and an owner.

Even the least venture some aerospace executives would be interested if a consortium of respected companies asked for bids on a Moon rocket capable of shuttling back and forth. Rocket builders might want equity in the "spaceline," or letters of credit for payment whether or not the spacelines go on to make money. Some of the companies that built the transcontinental railroads in return for land grants went bankrupt, but those who sold them track and locomotives got rich . . . and America still has the railroads.

Companies around the world would seek their government's help and investment, perhaps re-establishing a spirit of national competitiveness in space, despite the ban on national sovereignty.

There are several common arguments against property rights as an incentive for space settlement, but there is a good answer to each.

- First, after thirty years, the current strange system has come to seem normal, and what has been normal throughout history now seems absurd. Actual passage of such legislation would cure the giggle factor fast.

- Second, there is the feeling that property ownership in space is somehow immoral; that space development should be "from each according to his ability, to each according to his need." Of course, that does not work in space, either.

- Then there are those who feel that a space race would be undignified and should be avoided, even if it meant there would be no space development. But a space race certainly would be the fastest way to open the frontier.

- There are those who consider the 1967 treaty untouchable because of its other provisions (some of which I agree are worth keeping). Others say the treaty

did not actually prohibit the acquisition of private property in space. The answer to both objections is that, although that provision does not actually prohibit it, it certainly does discourage any attempt to use private property as an incentive for space development, because it removes the commonest basis for establishing private property.

- Some say all parts of the Moon are alike, so there would be no advantage in winning ownership of any one section. But how about the mountaintop at the south pole of the Moon, and the deep crater beside it? A tower on that mountain would get full-time sunshine and almost full-time radio contact with the Earth. At the mountain's base is a perpetually dark crater that may be filled with ice. That is bound to increase in value in the years ahead.

- Another argument is that lunar land is worthless. But land is one thing people buy, hold, and sell even when there is no current way to use it because they can make a tremendous profit buying such land and holding it either until a use arises, or a "greater fool" is willing to pay even more for it.

- Finally, there is the argument that setting up a base and spaceline would cost a billion dollars, and there is no way to make enough on lunar land to repay that. Let us say that even after there is a base and spaceline allowing access to the land, it still would be worth only ten dollars an acre. If the first grant were the size of Alaska (less than 4 per cent of the Moon) it would be worth almost four billion dollars, and sure to grow more valuable with time.

There are various ways property rights might be instituted. A congressional representative could introduce legislation saying that, while the U.S. makes no claim of national sovereignty, until and unless a new treaty on outer space property rights is adopted, all U.S. courts are to recognize and defend the validity of a land claim by any private company (or companies) that met specified conditions.

Since it would not cost anything or need any appropriations, such legislation might pass as a minor revision of property law, without much publicity. After it was enacted, it could be publicized, probably by getting someone to announce an attempt to meet the conditions and make a claim.

It may be that the time is not yet ripe to undo the damage done by the 1967 treaty, but space settlement will not take place until it is. ✧