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NATIONAL SECURITY AGENCY
FORT GEORGE G. MEADE, MARYLAND 20755-6000

FOIA Case: 105318A
29 October 2018

JOHN GREENEWALD
27305 W LIVE OAK RD
SUITE 1203
CASTAIC CA 91384

Dear Mr. Greenewald:

This is the final response to your Freedom of Information Act (FOIA) request of 30 September 2018 for Intellipedia entries on Legal and Ethical Issues in Space. As stated in our initial response to you, dated 10 October 2018, your request was assigned Case Number 105318. For purposes of this request and based on the information you provided in your letter, you are considered an "all other" requester. As such, you are allowed 2 hours of search time and the duplication of 100 pages at no cost. Your request has been processed under the provisions of the FOIA.

For your information, NSA provides a service of common concern for the Intelligence Community (IC) by serving as the executive agent for Intelink. As such, NSA provides technical services that enable users to access and share information with peers and stakeholders across the IC and DoD. Intellipedia pages are living documents that may be originated by any user organization, and any user organization may contribute to or edit pages after their origination. Intellipedia pages should not be considered the final, coordinated position of the IC on any particular subject. The views and opinions of authors do not necessarily state or reflect those of the U.S. Government.

We conducted a search across all three levels of Intellipedia and located one document responsive to your request. The document is enclosed. Certain information, however, has been deleted from the document.

This Agency is authorized by statute to protect certain information concerning its activities (in this case, internal URLs), as well as the names of its employees. Such information is exempt from disclosure pursuant to the third exemption of the FOIA, which provides for the withholding of information specifically protected from disclosure by statute. The specific statute applicable in this case is Section 6, Public Law 86-36 (50 U.S. Code 3605). We have determined that such information exists in this record, and we have excised it accordingly.

In addition, personal information regarding individuals has been deleted from the enclosure in accordance with 5 U.S.C. 552 (b)(6). This exemption protects from disclosure information that would constitute a clearly unwarranted invasion of

personal privacy. In balancing the public interest for the information you requested against the privacy interests involved, we have determined that the privacy interests sufficiently satisfy the requirements for the application of the (b)(6) exemption.

Since these deletions may be construed as a partial denial of your request, you are hereby advised of this Agency's appeal procedures. If you decide to appeal, you should do so in the manner outlined below.

- The appeal must be in sent via U.S. postal mail, fax, or electronic delivery (e-mail) and addressed to:

NSA FOIA/PA Appeal Authority (P132)
National Security Agency
9800 Savage Road STE 6932
Fort George G. Meade, MD 20755-6932

The facsimile number is (443)479-3612.

The appropriate email address to submit an appeal is FOIARSC@nsa.gov.

- It must be postmarked or delivered electronically no later than 90 calendar days from the date of this letter. Decisions appealed after 90 days will not be addressed.
- Please include the case number provided above.
- Please describe with sufficient detail why you believe the denial was unwarranted.
- NSA will endeavor to respond within 20 working days of receiving your appeal, absent any unusual circumstances.

For further assistance or to discuss your request, you may contact our FOIA Public Liaison at foialo@nsa.gov. You may also contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. OGIS contact information is: Office of Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, MD 20740-6001; e-mail: ogis@nara.gov; main: 202-741-5770; toll free: 1-877-684-6448; or fax: 202-741-5769.

Sincerely,



for

JOHN R. CHAPMAN
Chief, FOIA/PA Office
NSA Initial Denial Authority

Encl:
a/s

~~(U//FOUO)~~ Legal and Ethical Issues in Space

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From Intellipedia

An ethicist considers law and order on the final frontier

—By Patrick Lin, Nanoethics Group November / December 2006 Issue

Not since Neil Armstrong set foot on the moon in 1969 has there been such a buzz about space exploration. With the promise of commercial space travel just over the horizon, traveling the cosmos will no longer be limited to an elite group of highly educated, disciplined astronauts; the average Joe can, for the first time, truly reach for the stars. Lost in all the excitement, however, is a host of ethical dilemmas that, if they are not considered soon, could end up aborting our journey before it really begins.

Given what we've done to our own planet, a natural first step is to ask whether or not we should be encouraging private space exploration in the first place. An overdeveloped sense of nationalism could lead to a space war, and ignoring the cumulative effects of seemingly small acts could quickly lead to overcommercialization and pollution. The militarization of space is also a worry, given our history of making new technologies into weapons and carrying old conflicts over into new lands.

We've already littered our outer atmosphere with floating debris that spacecraft and satellites need to navigate around, and we've abandoned equipment on the moon and on other planets. So what safeguards are in place to ensure that we don't exacerbate this problem, especially if we propose to increase space traffic? Are we prepared to risk accidents in space, especially given the danger level of certain technologies, such as nuclear power?

If space is commercialized, then property claims-by governments, corporations, and individuals-will need to be made in order to operate various ventures without interference (lawsuits have already been filed on Earth to lay claim to such things as asteroids). We also need to consider what it will mean to actually "own" parts of space. Is our relationship with space one of "positive community of ownership," in that we each own an equal share in space and its contents? If so, several other questions arise. To illustrate the point, imagine there are only eight people alive on Earth and only eight other planets in our solar system: Do we each get our own planet or one-eighth of each planet? And how do we account for future people-must we factor in their legacy before we can claim our shares?

On the other hand, if our relationship to space is one of "negative community of ownership," then no one has a prima facie claim to the property in question. In other words, no one owns anything yet, so we share a common starting point of zero. This raises the question of how it is possible to gain ownership.

The trick here is to justify the property-giving process in a way that explains why other processes-such as simply pointing at an unclaimed asteroid and saying "That's mine" or perhaps roping off a section of the moon in order to claim it-don't lead to property rights.

Of course, we could simply extend our existing rules of property to govern space, assuming all nations involved endorse a free-market system. But if a new age of space exploration marks our opportunity to "start over," then it seems that we should scrutinize unfettered capitalism, along with competing economic models, through a new lens. A purely free-market economy, for instance-while it is efficient at allocating scarce resources and inspiring innovation-is not so much concerned with need or merit. so a hybrid model

Even among enlightened people, there will inevitably be property-rights disputes in space, so we will need a regulatory or administrative body that has jurisdiction over those lands, in addition to an enforcement agency. It won't be enough that we govern from Earth—we will need a local organization to maintain law and order in real time as well as to more efficiently administer public policy, urban planning, and other matters. Again, these concerns point to our new era in space exploration as a true opportunity to start over from scratch, bringing with it new responsibility to create a blueprint for society in space.

We already have centuries of philosophical, political, and economic theories in our stockpile. Now is the time to dust them off, reevaluate them, and finally turn theory into action. One reasonable starting point would be to consider space development through political thinker John Rawls' "original position," in which we operate under a "veil of ignorance" or pretend that we don't know any facts about ourselves, including who we are, what economic class we belong to, what nationality we are, and so on. With our biases stripped away, what rules would we set up, knowing that we would have to live by those rules once we find out who we are? You are just as likely to be a poor farmer in the heartland of America, or a Buddhist in Japan, or a wealthy businessman in Germany, or an AIDS patient in South Africa, or an amputee in Iraq. Applying the veil of ignorance to rules in space helps ensure that the processes we set up are fair and consider the interests of all people, including protecting the worst-off from an even worse and uncaring fate.

What we probably don't want to happen is to rush into orbit without a "big picture" strategy. We don't want individuals or corporations or governments to make up a plan as they go along, whether it's to camp on or erect billboards on or lay claim to other planets, untethered by orderly processes and safeguards. Had we given that kind of forethought to administering the Internet, we might not have had cybersquatters camping out on domain names, or disgruntled teens writing virus programs that exploit gaps in the technology, or unscrupulous companies clogging our in boxes with spam.

History gives us plenty of other examples of our introducing new technologies and crossing barriers without giving forethought to our actions, which then caused problems that we could have avoided. We don't even need to look at the most obvious cases, such as splitting the atom. The automobile, for example, enabled us to travel greater distances easily and quickly, but it also created pollution, urban sprawl, pressure on natural resources, and other problems—things we could have addressed much earlier.

Some may see these looming ethical issues as hype or annoying roadblocks to moving science and business ahead. But if we've learned anything from history, it's that ethics must go hand in hand with technology and business, no matter where we find ourselves in this universe.

Patrick Lin, who holds a Ph.D. in philosophy, is director of the Nanoethics Group, a nonpartisan organization that studies the ethical and societal impact of nanotechnology. This text was excerpted and adapted from a speech he delivered in May at the 25th annual International Space Development Conference in Los Angeles.

Links

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