

# This Is The Law

By ROBERT E. LEE  
 (Sponsored by the Lawyers of North Carolina)

**OUTER SPACE PROBLEMS**  
 How far above the surface of the earth can a nation assert its sovereignty?  
 International law and existing treaties recognize that "every State has complete and exclusive sovereignty over the airspace above its territory."  
 The term "airspace" is legally undefined for most purposes. In general, "airspace" is where the earth's atmosphere ends and the "outer space" begins.  
 Article II of the 1967 Outer Space Treaty, to which the United States, the Soviet Union, and about ninety other nations are parties, states that outer space, including the moon and the other celestial bodies, is not subject to national appropriation by claim of sovereignty by means of use or occupation, or by other means. Accordingly, outer space has become a "nonnational" area.  
 Professor Howard J. Tanbenfeld, who has written extensively on outer space law, stated in 1969: "While no formal boundary or boundaries between airspace and outer space now exist, there is presently general agreement that satellites orbited to date have not violated the sovereign territorial rights of any state. By common consent such satellites are in outer space, which by internationally agreed standard is free for peaceful use of all. Satellites have now in fact orbited successfully with apogees in perhaps the 70 to 80 mile altitude range. Thus, the lowest limit at which an unpowered artificial satellite's flight can be sustained—something between 70 to 100 miles above the earth—might be taken as the lower limit to the regime for outer space."  
 No nation under international law has the legal right to send objects across the "airspace" of another nation. No law is violated, however, if the object travels in "outer space" above

the land of another nation.  
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 May the United States Government punish one of its astronauts for a crime committed on a celestial body or in outer space?  
 Yes. Article VIII of the Outer Space Treaty provides: "A State party to the Treaty on whose registry an object launched into outer space is carried shall retain jurisdiction and control over such object, and over any personnel thereof, while in outer space or on celestial bodies."  
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 May the United States assert ownership rights to objects launched into outer space or constructed on a celestial body?  
 Yes. The 1967 Outer Space Treaty expressly so provides. The absence of ownership rights of celestial bodies does not exclude the right of a nation to own scientific instruments launched into outer space or research stations which might be set up on the moon or other celestial bodies.  
 Any object launched into outer space or any component part later found is to be returned to the country of its origin.


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PLYMOUTH — Free tours of the Weyerhaeuser Company plywood plant at Plymouth have been set up for the general public this summer.  
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