

# THE ANDREW G. HALEY ARCHIVE AT THE UNIVERSITY OF MISSISSIPPI SCHOOL OF LAW, NATIONAL CENTER FOR REMOTE SENSING, AIR, AND SPACE LAW: AN INTRODUCTION

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The National Center for Remote Sensing, Air, and Space Law (Center) at the University of Mississippi School of Law houses a large portion of the work product of the world's first practicing space lawyer, the late Andrew G. Haley. This work product is being processed and preserved at the Center, and it has been organized into the Andrew G. Haley Archive. The provenance for the materials was provided by Dr. Stephen Doyle, who worked for Haley as a law clerk over a period of two summers in 1962 and 1964.<sup>1</sup>

The Archive was officially launched during the Second International Conference on the State of Remote Sensing Law at the University of Mississippi School of Law on January 17-18, 2008. The Archive is supplemented by a finding aid (aid) that summarizes the contents of each folder and box in the collection.<sup>2</sup> It is growing daily as more information and documents are processed. The aid may be utilized by accessing the Archival webpage at <http://www.spacelaw.olemiss.edu/archive/haleyarchive.htm>.

The importance of the documents contained in the Archive can be appreciated by examining Haley's extensive correspondence with numerous legal scholars, academics, politicians, and U.S. Military personnel. Haley corresponded with individuals

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<sup>1</sup> See Stephen Doyle, *Introduction to The Andrew Gallagher Haley Collection at The National Center for Remote Sensing, Air, and Space Law* (Sept. 2007), available at <http://www.spacelaw.olemiss.edu/archive/pdfs/AG%20Haley%20Collection%20expV3.pdf> [hereinafter *Introduction*].

<sup>2</sup> The Andrew G. Haley Finding Aid, available at <http://www.spacelaw.olemiss.edu/archive/haleyarchive.htm> (last visited Mar. 18, 2009).

such as Arthur C. Clarke, Myers S. McDougal, Philip Jessup, Eilene Galloway, Hubert H. Humphrey, Gerald R. Ford, Lyndon B. Johnson, John F. Kennedy, Earl Warren, and others.<sup>3</sup> The letters and signatures of these historic persons have been preserved in their pristine condition.

The Archive contains a variety of early space law materials in many languages. Documents have been discovered in English, French, Spanish, Russian, Italian, Portuguese, German, and other languages.<sup>4</sup> Many of these materials are personal correspondence between Haley and his colleagues and friends throughout the world. Some of these documents cover issues during the early years of the American Institute of Astronautics and Aeronautics (AIAA), the Committee on Space Law of the American Bar Association, the International Astronautical Federation (IAF), International Institute of Space Law (IISL), and the International Academy of Astronautics (IAA).<sup>5</sup> The Archive also contains, among other materials, drafts of books Haley wrote on space law, IISL papers written by attorneys from around the world, news articles, conference documents and correspondence.

Selected documents were presented at The Third Eilene M. Galloway Symposium on Critical Issues in Space Law at the Cosmos Club in Washington D.C., December 11, 2008.<sup>6</sup> These documents represented a sampling of the variety of information contained within the Archive. Some examples are:

1) Correspondence between Haley and Arthur C. Clarke, including a letter in which Clarke discusses telecommunications, remote sensing, Global Positioning System (GPS), and other applications of geosynchronous orbit. Clarke concludes the letter by noting, "I'll get on with my science fiction, and wait to say 'I told you so!'"<sup>7</sup>

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<sup>3</sup> The Andrew G. Haley Archive Presentation (Jan. 17 – 18, 2009), *available at* <http://www.spacelaw.olemiss.edu/activitiesandevents/2008/galloway%20presentations%20pdf/3rd%20Galloway%20-%20Dodge.pdf> [hereinafter Haley Presentation].

<sup>4</sup> *Id.*

<sup>5</sup> *Introduction, supra* note 1.

<sup>6</sup> Haley Presentation, *supra* note 3.

<sup>7</sup> Letter from Arthur C. Clarke to Andrew Haley (Aug. 1956), *available at* <http://rescommunis.files.wordpress.com/2008/03/clarkeletter2-1.jpg>.

2) Correspondence between Haley and the Chief Justice on the United States Supreme Court, Earl Warren.<sup>8</sup> In their discussion, Haley requested the use of the Supreme Court Conference Rooms for the International Institute of Space Law's Fourth Colloquium on the Law of Outer Space, and Haley encloses information informing Warren about the purpose and accomplishments of the Colloquium. Warren informed Haley that it would not be possible to use the rooms, noting that "[w]e never know when our conference rooms might be needed for the Court itself and for meetings of the Judicial Conference of the United States."<sup>9</sup>

3) Correspondence between Haley and the American Bar Association (ABA), in which the ABA informs Haley that he has been reappointed to the Committee on Space Law by the Chair of the Section on International and Comparative Law.<sup>10</sup>

4) Documents describing the formative period of space law and the IISL, including a description of Haley's involvement as founder of the organization.<sup>11</sup>

5) Appearance and Comments of the American Rocket Society before the Federal Communications Commission concerning a statutory inquiry into the allocation of frequencies to the various non-governmental services in the radio spectrum between 25 mcs and 890 mcs. Haley noted that "this is an actual space law proceeding—probably the first."<sup>12</sup>

6) Correspondence concerning the delimitation of air and space, a topic early space lawyers considered of the utmost importance. The Archive includes comments by many individuals on this matter, and there are materials which note the formation of a Working Group under the ambit of the International Institute of Space Law to consider the delimitation issue.<sup>13</sup>

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<sup>8</sup> Letter from Andrew Haley, General Counsel to the International Astronautical Federation, to Earl Warren, Chief Justice United States Supreme Court (Jan. 28, 1968), available at <http://www.spacelaw.olemiss.edu/archive/haleyarchive.htm>.

<sup>9</sup> Letter from Earl Warren, Chief Justice United States Supreme Court, to Andrew Haley, General Counsel to the International Astronautical Federation (Feb. 13, 1961), available at <http://www.spacelaw.olemiss.edu/archive/haleyarchive.htm>.

<sup>10</sup> Haley Presentation, *supra* note 3.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

7) Correspondence evidencing the Cold War tensions of the era, including attempts by the U.S. Federal Bar Association of New York, New Jersey, and Connecticut to begin a discussion with lawyers from the U.S.S.R. on the merits of “Democracy under Capitalism versus Communism.”<sup>14</sup>

In addition to the above, the Archive contains more documents from a multitude of individuals covering many issues on aerospace law. The National Center for Remote Sensing, Air, and Space Law continues to process the Archive, and the material is made available online at the Center’s blog, *Res Communis*,<sup>15</sup> as the finding aid is expanded. Select PDF images of important space law documents will be accessible in the near future. It is the belief of the Center that the Archive will provide an invaluable resource for aerospace attorneys and academics, as well as historians.

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<sup>14</sup> Letter from William Hyman, Chairman, Special Committee for the Promotion of the Ideals of Democracy, to Ministry of Justice, Moscow, Union of Soviet Socialist Republics (Nov. 11, 1959), available at <http://www.spacelaw.olemiss.edu/archive/haleyarchive.htm>.

<sup>15</sup> The University of Mississippi School of Law, *Res Communis*, A blog on the legal aspects of human activities using aerospace technologies, available at <http://rescommunis.wordpress.com/> (last visited Mar. 18, 2009).