

**Author:** Kent D. Lee

**Source:** <http://lists.gsdi.org/pipermail/legal-econ/2005-March/000047.html>

**Date copied:** 4 January 2006

Date: Tue, 22 Mar 2005 18:35:18 -0600

Dear All:

Peter Weiss of NOAA has asked me to step in for him and send a quick summary on a rather arcane but nonetheless vital subject: the Pentagon's planned total withdrawal from public access of thousands of maps and associated databases dealing with global aviation. The clock is ticking: the Pentagon's mapping agency, NGA, has set a deadline of June 30 for public objections. (This deadline was already extended once, from January 17.) If left unchallenged, then on October 1, 2005 largest act of cartographic censorship in US history will proceed as currently outlined in the Federal Register.

A detailed background piece on this subject is found at

<http://www.cartographic.com/documents/Open%20Memorandum%20on%20NGA%2010%20Jan%202005.pdf>

(1.4 Mb)

As the primary author of this, I am happy to provide further information or answer any questions.

The NGA withdrawal of global aeronautical charts is unfortunately just one of a number of negative steps by this agency. All point in the same direction: dramatically decreasing access to the US public of global mapping and imagery data of all kinds. In mid-2004 NGA succeeded in a ten-year quest to have many of their publications exempted from disclosure under the provisions of the Freedom of Information Act (FOIA). Then shortly before the 2004 Thanksgiving holidays NGA quietly issued an announcement in the Federal Register to withdraw aeronautical charts. As part of the counter response to this action, it became apparent to myself and others that--pending their success on the aeronautical front--NGA also planned to withdraw from the US public another entire class of mapping data, namely their

global nautical charts. (Withdrawing these charts, for example, would severely compromise independent or journalistic investigations of such accidents as the recent crash of the USS San Francisco. Using a flawed and out-of-date NGA nautical chart, the submarine plowed at full speed into an uncharted seamount in the Pacific Ocean, killing one sailor and severely injuring dozens more.) And in the past year NGA lawyers have begun to threaten independent websites such as GlobalSecurity.org, who have played an important part in illustrating the wars in Iraq and Afghanistan with NGA products of all kinds not easily available by other means. In short, NGA's publications are rapidly becoming like DoD organizational charts and telephone directories--formerly public, and now totally restricted to US Federal officials.

Leading NGA's rationale for cutting US public access to these maps is the oft-cited Global War on Terror. The attached background piece examines this issue in detail. In fact the "terrorist threat" argument is a canard. Peter Weiss reminded me that NGA itself commissioned and paid for a major RAND Corporation study on precisely this issue in the aftermath of September 11. The RAND conclusion: NGA's (and other US Government) maps in the public domain should remain in the public domain. Initial fears of the utility of such items to terrorists were overblown; moreover, real damage to the public welfare would occur should the maps and associated data be restricted. The RAND study may be found at [www.fgdc.gov](http://www.fgdc.gov).

In fact the main reason for the NGA's quiet urgency to see aeronautical charts removed from public access stems from bureaucratic incompetence. The whole issue was sparked by a row with NGA's Australian counterpart in a dispute over the fate of copyrighted Australian aeronautical data in an NGA global database known as "DAFIF" (Defense Aeronautical Flight Information File). The dispute was a completely foreseeable issue, preceded by years of Australian requests to protect their data in bilateral negotiations. (The Australians, similar to the British and to a lesser degree the Canadians, take an aggressive commercial approach to data created at government expense.) In spring 2004 the Australians announced their

intention to cease current data contributions to the NGA database, which is re-issued every four weeks. NGA officials had plenty of time to avoid this outcome, which with the absence of current Australian aeronautical data technically poses a threat to any user of this database over that part of the Earth's skies covered by the traditional global division-of-labor by the US and its map-making allies. (The focus of the Australians' frustration was the highly-profitable Jeppesen-Sanderson company, a Boeing subsidiary and commercial provider of aeronautical databases who add value to and repackage the NGA DAFIF database.) The easiest and most obvious solutions somehow eluded the NGA officials. First, they could have issued the database with a notice that specific elements were copyrighted by other data providers (functionally NGA had done the same thing with Australian paper maps made available to the US public for many years). Alternatively, they could have issued a redacted version of the database (with notice of the affected areas to warn civil aviation users of data-void areas) for the US public, which would have left intact the 95+ percent of the database content not affected by foreign government copyright claims.

Finally, the restriction of NGA data is basically nothing more than a speed bump (perhaps more appropriate to the circumstances--minor turbulence) to the commercial sector. Large companies like Jeppesen will continue serving up expensive databases to their clients, and sooner or later they will reach a business accord with the Australians. Any increased costs will just be passed along to the ultimate consumer of civil aviation, the passenger. And even for some small companies, like East View Cartographic, the disappearance of cheap US government maps and databases will remove a certain source of competition. Believe me, we have already bought up all the available NGA products, paper and digital. The day NGA stops selling to the public is the day we raise our prices. Sorry, it's the American way. But it will make life more difficult for the average consumer or public library who no longer has access to one of the great gifts of the Pentagon to the world--a global set of English-language charts at five different levels of detail that is affordable to anyone (and free to hundreds of libraries via the

Federal Library Depository Program). In the short and medium term, the private sector will actually benefit from cartographic censorship. But in the long term, eventually we ourselves will become targets of the censors--if nothing else as a putative source of comfort and data to America's terrorist enemies.

Best regards,

Kent D. Lee

President and CEO  
East View Cartographic, Inc.  
Minneapolis, MN

klee at cartographic.com  
[www.cartographic.com](http://www.cartographic.com)  
[www.eastview.com](http://www.eastview.com)