

# CRS Report for Congress

Received through the CRS Web

## Theft of Debris from the Space Shuttle Columbia: Criminal Penalties

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### Summary

The breakup of the Space Shuttle Columbia strewed debris over parts of the West and the South, and recovery of this debris was considered vital to the investigation into the Columbia's final moments of flight. Almost immediately after the breakup, however, press stories reported that members of the public were recovering pieces of Columbia's wreckage and converting them to their personal use. Even though the organized search for Columbia debris is winding down, prosecutions continue for stealing debris and new ones could possibly arise in the future. This report briefly describes possible criminal penalties for conversion of government property, and does not address issues related to the personal property of the Columbia's crew. This report will be updated as warranted.<sup>1 2</sup>

On February 1, 2003, the Space Shuttle Columbia was lost during its reentry into Earth's atmosphere. All seven astronauts aboard the Columbia, six Americans and one Israeli, died. A large scale investigation into the cause of the Shuttle's destruction quickly ensued, with an urgent focus on locating, cataloging, and collecting debris from the Columbia.<sup>3</sup> Still, the press almost immediately began reporting alleged instances of the public converting pieces of the Columbia debris to their personal use.

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<sup>1</sup> This report was prepared under the general supervision of Larry Eig, Legislative Attorney.

<sup>2</sup> Also see CRS Report RS21408, *NASA's Space Shuttle Columbia: Quick Facts and Issues for Congress*.

<sup>3</sup> The Space Shuttle's Orbital Experiment Support System recorder ("Black Box") was discovered near Hemphill, Texas, on March 19, 2003. As of March 21, 2003, the Federal Emergency Management Agency (FEMA) reported that roughly 51,600 pounds of Columbia debris had been recovered. This figure represents approximately 23% of the Space Shuttle's weight. Workers will reassemble the pieces of the Columbia at Kennedy Space Center.

Since the Columbia disaster, the National Aeronautic and Space Administration (NASA) has had this statement on its website: “All debris is United States Government property and is critical to the investigation of the shuttle accident. Any and all debris from the accident is to be left alone and reported to Government authorities. Unauthorized persons found in possession of accident debris will be prosecuted to the full extent of the law.”<sup>4</sup> The organized search for debris, which stretched from San Francisco, California to Lafayette, Louisiana, is winding down. Still, several individuals have been arrested for stealing debris, prosecutions continue, and others may yet arise.

Title 18 U.S.C. § 641 provides in part that “Whoever embezzles, steals, purloins or knowingly converts to his use or the use of another, or without authority, sells, conveys or disposes of any thing of value of the United States or of any agency thereof, or any property made under contract for the United States or any department or agency thereof; shall be fined under this title or imprisoned not more than ten years, or both; but if the value of such property does not exceed the sum of \$1,000, he shall be fined under this title or imprisoned not more than one year, or both.” Title 18 U.S.C. § 3571 authorizes fines for felonies of not more than \$250,000 and fines for misdemeanors of the type in § 641 of not more than \$100,000.

The Supreme Court has held that criminal intent is a necessary element for a conviction under 18 U.S.C. § 641, even though the statute does not provide a specific level of intent for conviction of a crime within its scope, other than “knowingly converts.” *Morrisette v. United States*, 342 U.S. 246 (1952). Consequently, anyone acting with criminal intent, to “embezzle, steal, purloin, or knowingly convert to his use or the use of another” property of the United States in the form of debris from the Space Shuttle Columbia could thus be convicted of a criminal offense under 18 U.S.C. § 641, and fined according to the scheme at 18 U.S.C. § 3571. For example, there are recent newspaper reports of persons allegedly offering Columbia debris for sale on the world wide web auction site eBay.<sup>5</sup> If the alleged seller intentionally stole or knowingly converted the debris to his use, or without authority sold or conveyed debris, those actions could fall within the liability established by the statute, and so could result in fines and imprisonment under 18 U.S.C. §§ 641, 3571.

Section 641 of title 18 also provides that “whoever receives, conceals, or retains the same with intent to convert it to his use or gain, knowing it to have been embezzled, stolen, purloined or converted” shall be fined “under this title or imprisoned not more than ten years, or both; but if the value of such property does not exceed the sum of \$ 1,000, he shall be fined under this title or imprisoned not more than one year, or both.” Thus, anyone who knowingly receives debris of the Columbia from someone else for personal use or gain could also be vulnerable to substantial criminal penalties.

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<sup>4</sup> [<http://www.nasa.gov/columbia/>]

<sup>5</sup> Cynthia L. Webb, *Filter: Must Read Technology News and Views, Searching for Answers*, Washington Post, February 3, 2003, at C14. If such items purporting to be Columbia debris are not in fact actual debris of the Columbia, the person offering it for sale is potentially liable for fraud under 18 U.S.C. § 1343 — Fraud by wire, radio, or television.

Federal prosecutors announced a general amnesty for anyone who turned in debris from the Columbia, until 5 PM on Friday, February 7, 2003.<sup>6</sup> Nevertheless, as of June 12, 2003, at least six individuals reportedly have been indicted in Texas and Florida on charges that they stole Columbia debris.<sup>7</sup> One of these individuals is a former sheriff's deputy, and another is a Kennedy Space Center employee. An elected constable charged with stealing debris was acquitted by a federal court jury on June 6, 2003.

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<sup>6</sup> John M. Broder, *NASA Now Doubts Tank Foam Debris Doomed Columbia*, N.Y. Times, February 6, 2003, at A1.

<sup>7</sup> The Assoc. Press, *Fifth Texas Resident Indicted on Charge of Taking Shuttle Debris*, May 7, 2003.