**Trump’s Long Game**

 Rep. Louie Gohmert (R-TX) defended the deal President Donald Trump had announced to reopen the federal government on Friday.

Gohmert told host Kristin Fisher the deal was not a cave to House Speaker Nancy Pelosi (R-CA), but instead the first round of many in the battle over border wall funding.

“No, I don’t think that he’s caved to Speaker Pelosi,” Gohmert said. “This is round one of a, you know, 12-round bout, maybe 15. So — and this is a very strategic move on the president’s part. I was visiting him at the White House on Wednesday, and I know what he is doing. This is a good move on his part. He has not capitulated on the wall. The problem is when you’re dealing with leaders in a party who are more concerned with political victories than they are about protecting the country, then you really have a tough time. Then when you’ve got a Senate that has people that got elected to do nothing as Republicans except make Trump’s life miserable, it’s a tough area to navigate.”

“Well, you can say it’s a blink, but the truth is, this comes back on February 15 and also the truth is, we have an invasion on our southern border, and I’m getting tired of the liberals saying, hey, the numbers were down last year. Either they’re ignorant of the real facts, or they’re intentionally misleading the American people. The numbers were down overall last year but in the last quarter, as they saw the Democrats may take over the House, as they took over the House, the numbers have skyrocketed and that’s what the Border Patrol has said. So, we’ve got to do something. The president is not done yet.”

When asked about previous comments he had made suggesting Trump should have kept the government closed until “hell freezes over,” Gohmert said he would have preferred Trump stuck to his gun, but called this continuing resolution a “recess.”

**Emergency Power**

Federal law could not be more clear that President Donald Trump can declare a national emergency at the U.S.-Mexican border, and that such a declaration gives him access to all the funding he needs to build the wall.

Congressional Democrats have rejected all compromise legislation that would have given them half a loaf, ironically putting the president in a situation where the only way he can keep his most-often-repeated campaign promise is to declare a border emergency, where he does not need to compromise with Democrats on anything.

The National Emergencies Act of 1976 gives every president unconditional authority to declare an emergency on any subject, including a border emergency. Codified at 50 U.S.C. § 1601, this federal statute provides that “the words ‘any national emergency in effect’ means a general declaration of emergency made by the President.”

Contrary to the hyperventilating from partisan Democrats and media pundits pretending to be legal experts, these emergencies are common, and can last decades. Presidents have [declared](https://www.breitbart.com/pre-viral/2019/01/10/currently-31-national-emergencies-trumps-border-emergency-would-make-32/)58 emergencies since 1979, and 31 of those 58 are still in effect today. The first such emergency, which President Jimmy Carter declared in 1979 against Iran-sponsored terrorism, is still in effect 40 years later.

Congress has [passed](https://www.brennancenter.org/analysis/emergency-powers) 136 statutory provisions pertaining to presidential emergency powers over the years, [delegating](https://www.dailysignal.com/2019/01/13/trump-has-a-strong-legal-argument-that-he-can-declare-national-emergency-at-border/) significant authority to the president when he declares an emergency. Congress’s research arm [notes](https://fas.org/sgp/crs/natsec/98-505.pdf) that in certain types of emergencies, these powers include restricting travel, seizing commodities or property, and regulating businesses.

Not only that, but Congress specifically [amended](https://www.breitbart.com/politics/2019/01/13/michael-berry-dems-wrong-law-allows-trump-to-use-troops-for-wall/) the Posse Comitatus Act – the law that prevents U.S. military troops from operating on U.S. soil, found at 18 U.S.C. § 1385 – in the 2007 National Defense Authorization Act to allow U.S. troops to function domestically under certain circumstances. One of those circumstances is to enforce federal law. Another is that the defense secretary can deploy troops to stop illegal aliens from crossing the U.S. border if the U.S. Department of Homeland Security (DHS) requests military assistance.

Once President Trump declares an emergency, under 33 U.S.C. § 2293(a) the secretary of defense:

without regard to any other provision of law, may … apply the resources of the Department of the Army’s civil works program, including funds, personnel, and equipment, to construct or assist in the construction, operation, maintenance, and repair of authorized civil works, military construction, and civil defense projects that are essential to the national defense.

The next subsection of that law adds that this authority continues until the president declares the emergency has ended, plus an additional 180 days.

Congress passed the Secure Fence Act in 2006, which explicitly authorizes building physical barriers on the U.S.-Mexican border. But even if Congress had not passed that law, the separate law quoted above gives President Trump all the authority he needs to act without further approval from Capitol Hill.

Once President Trump declares an emergency on the border, he can direct Acting Defense Secretary Patrick Shanahan to order the Army Corps of Engineers to begin constructing the wall. Congress has already appropriated $13.9 billion in emergency funds that the Corps can use, much more funding than the president’s $5.7 billion plan calls for.

Additionally, if DHS requests military support, the Pentagon can then also send however many additional troops the president needs to protect the workers and secure the border during construction.

Lawsuits are likely, but it is possible that only Congress itself has standing to sue. The only other injury that any other plaintiff could claim is that they have a legal right to illegally enter the United States. Even the most liberal judicial activist might look askance at such a lawsuit.

It is plausible that property owners along the border could sue, if any of those owners object to the U.S. government’s securing their backyard. The nature of their suit would likely be that the government must exercise eminent domain to seize the narrow strip of their property on which the wall actually rests, and that Congress must do so through legislation.

Such challenges should ultimately fail, because courts should construe the Secure Fence Act as authorizing the seizure of sufficient land to build the barriers authorized in that statute. Under the Constitution’s Takings Clause, the government may seize whatever land it wishes, so long as the land is for “public use” and the government then pays the owner “just compensation,” which means fair market value. It is also possible that the courts could rule that an owner’s property rights on the national border is implicitly limited to the extent necessary to defend that border, because maintaining a border is the sovereign prerogative of any national government.

But a challenge by Congress is possible. Under the Supreme Court’s 1997 decision in *Raines v. Byrd*, the Democrat-controlled House could pass a majority resolution authorizing Speaker Nancy Pelosi to file suit in the name of the U.S. House, arguing that the president’s actions violate the separation of powers.

Such a lawsuit would be a loser, however. None of this wall-construction project requires any inherent authority the president has as commander-in-chief under Article II, Section 2 of the U.S. Constitution. Instead all the powers President Trump would be asserting is authority explicitly granted by Congress in statute, using funds that Congress has already authorized and appropriated.

Lawsuits brought in any of the district courts within the U.S. Courts of Appeals for the Ninth Circuit or D.C. Circuits might succeed before liberal trial judges or liberal appeals panels, but President Trump should ultimately win before the U.S. Supreme Court, because his actions are authorized both by federal statute and the Constitution.

In the end, President Trump should therefore prevail in any legal challenge, the wall will be built, and the border secured. Then the American people will have an opportunity in 2020 to pass judgment on whether the Democrats are correct that the wall achieved nothing, or if President Trump is correct that the wall drastically reduces illegal crossings, drug smuggling, and human trafficking, making America safer.

**Space Junk**

"Space is for everyone" is a popular saying, but it rarely holds true — partly because [space is expensive](https://www.space.com/12166-space-shuttle-program-cost-promises-209-billion.html), and partly because certain countries have decades of a head start and established procedures to rely on.

Rethinking those established procedures, however, could address not just inequity, but other looming challenges in space exploration as well. That's the argument that powers the research of Danielle Wood, who runs a program at MIT's Media Lab, which focuses on how to do things in space that further [equity and justice](https://www.space.com/39366-martin-luther-king-space-science-equality.html) on Earth.

"The way we operate in space, it matters to everyone on [Earth](https://www.space.com/41818-earth-biodiversity-conservation-lessons-from-space.html)," Wood said, and not always in a good way. "The historical fact is that space technology, it's a beautiful history of what happened in space, but also it has mixed roots." [[Astronauts Snap Amazing Last Glances of Space Station For 20th Anniversary (Gallery)](https://www.space.com/42494-international-space-station-20-anniversary-gallery.html)]

Much of that ambivalence stems from the [space race](https://www.space.com/11336-space-race-united-states-soviets-spaceflight-50years.html), which played out against a geopolitical landscape of intense nationalism that used space as a power play — both through the hard power of aiding weapons research and the soft power of seeking to impress newly independent former colonies. America's early spaceflight work was also deeply rooted in military goals, and our first rockets were designed and built by engineers [recruited from Nazi Germany](https://www.nasa.gov/centers/marshall/history/vonbraun/bio.html) after World War II.

While Wood appreciates the importance of physical security, she said it's past time to shift the goals of space so that projects align more closely with other values humans hold, like justice — which she defines as ensuring everyone can access space and use its technology to meet local goals. She focuses her work around the [United Nations' Sustainable Development Goals](http://www.undp.org/content/undp/en/home/sustainable-development-goals.html), a set of 17 global priorities created by the U.N. Development Program. Sample goals include ending hunger, ensuring access to clean water and addressing climate change and its effects.

Traditional space technology does sometimes address these issues. For example, satellite data can inform agricultural practices, for example, and a whole fleet of satellites keep an eye on [climate indicators](https://www.space.com/39566-earth-observing-system.html). But they do so within the confines of the same satellite design and rocket technology that underpins all other uses of space. Wood believes in putting these values at the base of a project, so that they infuse every step of the way.

Consider how we power rockets in the first place — with huge quantities of toxic, flammable [rocket fuel](https://history.nasa.gov/conghand/propelnt.htm) that scientists suspect is [polluting Earth's upper atmosphere](https://spacenews.com/op-ed-time-to-clear-the-air-about-launch-pollution/). Engineers regularly work to reduce the amount of fuel they need, but Wood pushes the question deeper. "Can we choose ingredients for spacecraft that are not so expensive or so difficult to operate?" she said. So her team is studying whether paraffin wax could replace rocket fuel, since it's cheaper and safer to handle.

Another area in which Wood is working is how [satellites](https://www.space.com/12997-photos-declassified-spy-satellite-pictures.html) are created. "Our current approach mainly depends on doing a design for a satellite that's complete on Earth," Wood said. "We can imagine a future in which there are basically small factories available in space." Incorporating technology like [3-D printing](https://www.space.com/27860-3d-printing-space-exploration.html) and modular parts, assembly could move to space, changing the engineering problems and costs involved in building satellites.

Such an approach could also affect the challenges and costs at the other end of the production cycle. Right now, when satellites are no longer in use, most are carefully de-orbited to avoid [cluttering space](https://www.space.com/topics/space-junk-orbital-debris-news) — but for decades, the first spacefaring nations didn't stop to worry about leaving junk in orbit. That gave them an advantage. "Early space actors could take sort of a lazy approach to satellite engineering," Wood said. As long as it reached space safely and did its job without breaking, it was a success. [[Explorer 1: America's First Satellite in Pictures](https://www.space.com/39551-explorer-1-first-american-satellite-in-pictures.html)]

Newer satellite builders don't have that luxury, since space junk has become such a challenge — they need a cleaner endgame. And they have to work around debris already in place, designing trajectories and technologies that keep their creations safe from the [litter of previous satellites](https://www.space.com/36602-space-junk-cleanup-concepts.html), which can cause extremely damaging collisions. "They're also inheriting the physical realities of what's happening in orbit due to space debris," she said.

But rethink satellite production, Wood said, and space junk could be designed out of the system. Satellites that have served their purpose could be split into their modular parts or melted into 3D printer stock material, regenerating their successors.

And such overhauls could also close the gap between building satellites and getting them to space. Even as cheaper [small satellites like cubesats](https://www.space.com/34324-cubesats.html) have proliferated, more established spacefaring nations still control most launch opportunities, with the notable exception of a [United Nations' program](http://www.unoosa.org/oosa/en/ourwork/psa/bsti/index.html) that has helped countries like Kenya and Mauritius build satellites launched from the International Space Station. If a satellite can be built in orbit, its creator doesn't need to rely on launch capability.

That would let more countries use space to pursue the goals that make sense for them on the ground — and make space a more just place, Wood said.

Sounds of the Moon

By Brooks Agnew

Sounds of the Moon make

The sea shimmer softly through her hair;

Dancing slowly through the night

Across my shoulder.

Heart beat waiting,

For the moment far away;

In the mortal reunion of souls,

Born in the stars.

A gifting breath

Paints the beauty of her eyes

Under the jealous galaxy

Upon my soul.

But for that moment;

The distance I would fly

To have it balanced in my hand,

Once again.