



FOUNDING PRINCIPLE: SEPARATION OF POWERS

For 250 years, a system of checks and balances among the legislative, executive, and judicial branches has preserved American liberty.

BACKGROUND

In establishing the United States Constitution, our founders separated power among three distinct branches, legislative, executive, and judicial, to prevent the people from being threatened by their own government. This foundational model employs “checks and balances” to ensure no single branch gains absolute power: Congress, the President, and the Judiciary are each expected to limit the powers of the others to only those granted by the Constitution. If any one branch lapses, the whole system can fail. For 250 years, this system has served to preserve our liberties.

SELECTED HISTORICAL THREATS

- **1832:** Executive branch: In *Worcester v. Georgia*, the Supreme Court ruled that the Cherokee nation had supreme authority over their land and community and Georgia’s laws extending into their territory were unconstitutional. President Andrew Jackson ignored the decision and continued his aggressive policies supporting Native American removal, ultimately leading to the [Trail of Tears](#).
- **1937:** Executive branch: President Franklin D. Roosevelt proposed the [Judicial Procedures Reform Bill](#) to add more justices to the Supreme Court after the Court struck down several [New Deal programs](#), directly threatening judicial independence. The Senate rejected the bill.
- **2014:** Executive branch: The Obama administration’s [Deferred Action for Parents of Americans](#) (DAPA) executive order, designed to shield eligible undocumented parents from deportation and grant renewable work permits, was blocked by federal courts. [Responsibility for immigration law belongs to Congress](#). The original DACA (Deferred Action for Childhood Arrivals) remains in place.
- **2019:** Executive branch: The Trump administration diverted funds for a border wall by claiming a national emergency, circumventing Congressional authority over spending. [Federal courts ruled the transfers illegal](#).

SELECTED RECENT THREATS

- Executive branch overreach:
 - Through the Department of Government Efficiency (DOGE), the current administration attempted and, in some cases, succeeded in freezing or withholding billions of dollars in federal funds already allocated by Congress for various programs.
 - Extensive use of tariffs by claiming national security emergency powers was [ruled unconstitutional by the Supreme Court](#) as an overreach of executive authority.
 - Attempts to unilaterally freeze or withhold billions of dollars in congressionally allocated funds violated the [Impoundment Control Act of 1974](#).
 - Threats to withhold congressionally approved federal funding, including disaster relief for California and education grants for universities, unless those institutions adopted specific ideological positions.
- Congress: Repeatedly failing to act or ceding constitutional powers to the executive branch, putting party over constitutional responsibility. (e.g. [tariff authority](#))
- Supreme Court: Although many lower courts are appropriately checking unconstitutional executive action, the Supreme Court is increasingly using its “[shadow docket](#)” to issue unexplained orders allowing executive actions to proceed despite lower-court rulings. (e.g. 2025: [court allowed newly redistricted Texas congressional map](#) overturning a lower court decision)

Astronauts For America Focus: “In human spaceflight, you don’t get to check your own work.” That lesson, born from the Challenger disaster investigation findings, drove NASA to structurally separate program management from independent technical and safety oversight, effectively the principle behind constitutional separation of powers. As former astronauts we are not constitutional scholars, but we know how to defer to subject matter experts when analyzing complex sociotechnical failures. Our sources are primary: court decisions, congressional records, and peer-reviewed scholarship. We will publish our findings and recommendations in a series of briefings we call, “Failure is Not an Option,” calling on accountable officials to “course correct,” and ensure that every person is subject to and accountable under the law.

“If angels were to govern men, neither external nor internal controls on government would be necessary.”

— James Madison, *Federalist No. 51*, 1788

Appeal to Our Crewmates: We need your help. Please use the “Contact Us” feature on our website, [AstronautsForAmerica.org](#), to make suggestions on what we can do to help our democracy strengthen its commitment to that critical constitutional principle, *Separation of Powers*.