


ASTRONAUTS FOR AMERICA


CONSTITUTIONAL PRINCIPLE: THE RULE OF LAW

“No one is above the law, and no one is below it.”

Theodore Roosevelt, State of the Union Address, 1903

BACKGROUND

In this third briefing in our series, “America, We Have a Problem,” we look at a core constitutional principle: the rule of law. It means everyone must obey the law, and everyone is accountable under it. Power belongs to the office, not the person. A president, judge, governor, prosecutor, or law enforcement officer can use the power of the office only as the law allows. They must answer for any abuse of that power. Several amendments help enforce this. The 4th Amendment protects all persons from unreasonable searches and seizures. The 5th guarantees a grand jury in criminal cases and protects against self-incrimination and double jeopardy. The 6th guarantees a speedy trial, a lawyer, and an impartial jury. The 8th bans excessive bail and cruel and unusual punishment. The 14th guarantees due process and equal protection for everyone under the law and birthright citizenship. It also stops states from depriving anyone of life, liberty, or property without legal justification.

SELECTED HISTORICAL THREATS

- **1861:** During the Civil War, President Lincoln suspended habeas corpus. This let the government detain citizens without trial. It was a controversial move that violated the rule of law. The Supreme Court reined this in with *Ex parte Milligan* (1866). It ruled that the military could not try civilians when civilian courts stayed open.
- Slavery and Jim Crow laws ruled from the colonial era through the mid-1960s (Civil and Voting Rights Acts).
- **1952:** President Truman seized the nation’s steel mills during the Korean War to prevent labor strikes. The Supreme Court ruled this [unconstitutional](#) in *Youngstown Sheet and Tube v. Sawyer* (1952).
- **2021:** The CDC announced a targeted extension of a previous eviction moratorium for high COVID-19 counties. The [moratorium was struck down as an executive overreach](#) by the Supreme Court in *Alabama Association of Realtors v. Department of Health and Human Services* (2021).

SELECTED RECENT THREATS

- The administration’s [executive orders](#) to punish law firms representing opponents are currently in litigation.
- Both parties accuse the DOJ of targeting political enemies. Courts and congressional committees are reviewing cases from both administrations. [Democrat allegations](#); [Republican allegations](#).
- [Trump v. United States \(2024\)](#) provided the President with broad criminal immunity for official acts taken while in office.
- Federal judges have recently [castigated executive branch lawyers](#) for withholding information and making claims that turned out to be false.
- Former federal employees represented by the ACLU filed a [class action lawsuit](#) challenging the administration’s termination of employees associated with DEI work. They argue these firings violate the 1st Amendment and the Civil Rights Act.
- Widespread allegations of prosecutorial misconduct in the federal grand jury system have led to [federal judges throwing out indictments](#).
- President Trump attempted to deploy National Guard troops to Chicago in 2025. [The Supreme Court ruled that he lacked such authority](#) in *Trump v. Illinois* (2025)

Astronauts For America Focus: As NASA astronauts, our missions and our lives depended on strict adherence to technical requirements and proven procedures. We learned that ignoring inconvenient rules was not an option. Our programs used data-driven, risk-informed processes for waivers and exceptions, with input from developers, operators, flight crews, and independent overseers. We are not constitutional scholars, but we know how to defer to subject matter experts when we analyze complex failures. We draw from reliable sources: court decisions, congressional records, peer-reviewed scholarship and news reporting rather than commentary or opinion. We publish our findings and recommendations in a series of briefings called “Failure Is Not an Option.” We call on accountable officials and citizens to “course correct” to help ensure that all are subject to, and accountable under, the law.

“a republic...a government of laws, and not of men.”

John Adams, *Novanglus Essay No. VII*, 1774

Appeal to Our Crewmates: We need your help. Use “Contact Us” on our website to suggest how we can help our democracy live up to this critical constitutional principle, **The Rule of Law**.