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14 states sue DOGE, blasting Musk's 'unprecedented' power as unconstitutional

The suit says Musk's role violates the Appointments Clause of the Constitution.

By [Mike Levine](#) and [Peter Charalambous](#)
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Elon Musk listens to President Donald Trump speak in the Oval Office of the White House in Washington, Feb. 11, 2025.
Kevin Lamarque/Reuters

Fourteen states have filed a federal lawsuit against President Donald Trump and Elon Musk, challenging Musk's role as head of the new [Department of Government Efficiency](#) and accusing him of being a "designated agent of chaos" whose "sweeping authority" is in violation of the U.S. Constitution.

"Musk's seemingly limitless and unchecked power to strip the government of its workforce and eliminate entire departments with the stroke of a pen, or a click of a mouse, would have been shocking to those who won this country's independence," reads the complaint, which was filed Thursday in federal court in Washington, D.C.

Led by the state of New Mexico, the lawsuit argues -- in often dramatic terms -- that the Appointments Clause of the Constitution calls for someone with such significant and "expansive authority" as Musk to be formally nominated by the president and confirmed by the U.S. Senate.

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"There is no greater threat to democracy than the accumulation of state power in the hands of a single, unelected individual," says the lawsuit, filed by New Mexico Attorney General Raul Torrez and officials from Arizona, Michigan, Maryland, Minnesota, California, Nevada, Vermont, Connecticut, Rhode Island, Massachusetts, Oregon, Washington and Hawaii. "Although our constitutional system was designed to prevent the abuses of an 18th century monarch, the instruments of unchecked power are no less dangerous in the hands of a 21st century tech baron." Two of the 14 states are led by Republican governors.

Separately, 26 current and former USAID employees and contractors brought suit against Musk Thursday in a lawsuit that makes the same constitutional claim. That suit, filed in federal court in Maryland, asks a judge to block Musk and any DOGE subordinates from continuing their budget-slashing work unless Musk is nominated by Trump for an official position and confirmed by the Senate.

"The scope and reach of his executive authority appear unprecedented in U.S. history," that lawsuit says. "His power includes, at least, the authority to cease the payment of congressionally approved funds, access sensitive and confidential data across government agencies, cut off systems access to federal employees and contractors at will, and take over and dismantle entire independent federal agencies."

The suit filed by the 14 states says the Constitution blocks the president from overriding "existing laws concerning the structure of the Executive Branch and federal spending." As a result, the suit says, the commander-in-chief from is forbidden from creating -- or even "extinguishing" -- federal agencies, and from "slashing federal programs or offering lengthy severance packages as a means of radically winnowing the federal workforce," in a nod to the Trump





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Kevin Lamarque/Reuters

DOGE, led by Musk as the centerpiece of Trump's campaign promise to trim the federal government, has found itself in the crosshairs of multiple federal lawsuits, which allege that it has improperly accessed sensitive records and is unlawfully gutting government agencies. Federal judges have [temporarily blocked](#) DOGE from accessing sensitive data at the Treasury Department, while the Department of Education recently reached an agreement to limit DOGE's access to student loan records.

A lawsuit challenging the dismantling of USAID also resulted in a [temporary order](#) that blocks the agency from placing more than 2,000 employees on leave.

"[T]he President does not have the constitutional authority to unilaterally dismantle the government. Nor could he delegate such expansive authority to an unelected, unconfirmed individual," Thursday's lawsuit says.

The Appointments Clause of the Constitution has generally been interpreted to require that anyone deemed a "principal officer" of the U.S. government must be confirmed by the U.S. Senate. The White House has called Musk a "special government employee" as head of DOGE.

But in their lawsuit Thursday, the states insisted that Musk has such "significant authority" and such "unprecedented and seemingly limitless access across the federal government," while reporting "solely to President Trump," that he is actually serving as a "principal officer."

"Musk is far more than an adviser to the White House," the lawsuit says. "He executes the President's agenda by exercising virtually unchecked power across the entire Executive branch, making decisions about expenditures, contracts, government property, regulations, and the very existence of federal agencies."

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The lawsuit claims that Musk's DOGE "has inserted itself into at least 17 federal agencies," and that Musk has "authority to direct and veto the staffing decisions of" multiple federal agencies.

"The specifics of Musk's conduct within various agencies confirm that he is wielding the power of a principal officer, a principal officer that has never previously existed," the lawsuit says.

"As a result, all of Musk's actions are [beyond his authority] and contrary to law," says the suit.

The 14 states are asking a federal judge to at least temporarily limit Musk's ability to cut or otherwise overhaul federal agencies, and they want the judge to declare "that Musk's officer-level governmental actions to date, including those of his subordinates and designees" are unlawful.

[MORE: Here are all the agencies that Elon Musk and DOGE have been trying to dismantle so far](#)

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Both Musk and the Trump administration have insisted that Musk and DOGE are simply rooting out vast government waste and potentially even criminal corruption within federal agencies.

White House spokesperson Karoline Leavitt has repeatedly said Musk is "complying with all applicable federal laws."

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