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JURISPRUDENCE

# I'm a Federal Worker. Elon Musk's Government Data Heist Is the Entire Ballgame.

BY DENISE CANA

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On Friday night, reports emerged that Elon Musk's aides had tussled with Office of Personnel Management and Treasury staffers while demanding access to troves of information about federal employees. And on Sunday, it was reported that Musk had ousted top officials at the U.S. Agency for International Development for refusing him access to classified security and personnel information.

Those of us within the ranks of the federal workforce looked on in horror at all of this. Those outside the federal government might not understand the gravity of this situation. Think of OPM and the Treasury's Bureau of the Fiscal Service as the valet sheds of the federal government. They're not flashy or big, but they hold all the keys. OPM maintains the private information of federal civil servants—bank codes, addresses, insurance information, retirement accounts, employment records. The Treasury's system processes every payment to everyone from grandmothers waiting for their Social Security check to cancer researchers working to crack the cure. Now there's a ham-fisted goon in an ill-fitting valet attendant's coat rummaging *in broad daylight* through *all of the keys*—all of that private information, previously given in trust, handled with care, and regulated by law.

Now is the moment to act. We should not be waiting until the perps are driving off with every Bimmer in the lot. This information demands careful management, and transparency around its collection and use. Its inadvertent disclosure could irreparably harm *millions* of American families. And it's being taken by people that *still* can't figure out how to send an email from within the government without having it flagged as a likely phishing attempt. *Someone* needs to do *something*.

But while a few civil servants have bravely stepped into the fray, for the most part federal workers can only watch. We have been effectively silenced. The administration issued gag orders to many agencies, curbing their official communications with the general public, regulated communities, or even sometimes one another. Career staffers are struggling to keep up with lists of who they're allowed to talk to and who they're not. And the administration has made it chillingly clear it is willing to fire people without any legal justification whatsoever. It cannot be up solely to the cubicle workers of the federal government to stare down certain retribution in order to delay lawless power grabs. Many of us in the platoons of the federal workforce cannot afford to be dismissed, however illegal the dismissal might be. Litigating our termination is also not a privilege for which we have the resources or time.

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Maddeningly, though, the Musk-Miller-Trump administration seems to have convinced many outside commentators to credit its actions as some sort of masterful, calculated scheme. Take it from someone with a front-row seat: *Ocean's Eleven* this is not. It's a smash and grab. Careful and calculating actors wouldn't brazenly break the law and dare authorities to respond. The only real calculation involved here appears to be that the perp thinks (perhaps correctly) that the owner of the lot is in on the heist and that the judges are in his pocket. The administration is betting that the lawsuits will take too long, resolve too little, or even rubber-stamp the effort with the kind of retconning revisionism that has become popular in some courts.

But make no mistake. At least with regard to the handling of federal employees, the details of the effort are downright embarrassing. The "buyout" spamming of civil servants continues, and the emails read like travel brochures: *Kick back, relax, let Musk Cruise Lines take care of your every need*. There's certainly no attempt to provide detailed answers to straightforward questions like "Um, is this actually legal?" or "Do you actually have the money for this?" Federal workers are getting more thoughtful analysis about their separation options from the comment threads on news sites than they are from the human resources apparatus of the organization offering the buyout.

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And in between the syrupy overtures of the buyout effort, federal workers are peppered with caustic memos containing head-spinning inconsistencies. One moment, our work is derided as extremely “unproductive,” a waste of money that should be scrapped. The next, it’s apparently *so* productive as to be a threat to the American people. The next, everyone needs to drop what they’re doing *right now* to take their preferred pronouns off their signature blocks.

The stream of implementation emails is so whiny and ridiculous it should be funny. But it’s not funny. It’s exhausting. Because sometimes those emails announce the immediate departure of friends and colleagues without explanation. And because, between the existential questions about our agencies and their missions, press the daily concerns of life under such a mercurial employer:

- What does this return-to-office mandate actually mean? Should I get the oil changed? New tires? It looks like I’ll be commuting more—but for how long before I, too, get a pink slip without warning or reason?
- Should I schedule all my medical appointments and checkups before I lose my health insurance?
- Should I get professional liability insurance? Will the government defend me if I’m sued for doing a job I was assigned and performed under a different administration?

I don’t know anyone in the federal government who is seriously thinking about taking Musk’s ill-conceived buyout offer. But everyone I know has polished their résumé and started scanning job postings.

For many of us, starting a job search is not only one more stress on top of many; it is heartbreaking. As civil servants, we were never here for the money. That’s for people with a mandate for *profit*. A civil servant’s mandate is *people*. Many of us turned down private-sector jobs because we thought we could help most from the halls of government. Because we believe in the mission. Cruising the classifieds feels like a defeat. More: like a betrayal of the public trust. Because we know, perhaps better than anyone, that the public protections are going to be important in the years to come.

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Obviously, we recognize that elections have consequences. A new administration may want to pursue a new agenda, shift policies, and even shrink the government’s footprint. Fine. The public clearly voted for that, and the president clearly enjoys the power to do that. Moreover, many, many of us worked for the first Trump administration and are *proud* of our accomplishments during that time. Some of us even voted for Trump this past election. But it has become increasingly clear that the effort to shrink the federal government will be implemented by categorical removal or a directive to hit a quota plucked out of a hat by people that don’t know what we do, how we work, or what’s at stake.

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*Disruption* may have become a badge of honor among tech bros with backward hats and pockets full of other people’s money. But when it comes to the nation’s food security, transit safety, market stability, access to electricity, and preservation of civil rights, disruption for the sake of disruption is dangerous. And *these* disrupters clearly don’t have the chops to do it well; they lack the patience, the multistep reasoning, the humanity, and the humility necessary to make changes to human systems that are effective, efficient, and lasting.

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Until the courts formally abdicate their role as a check on executive power, the workforce management efforts of this administration are like a child taking his box of crayons to the Constitution. And even if the courts decide that our Constitution really is scrap paper for a toddler's pink dino doodles, the ruling will never make the administration's efforts thoughtful, calculated, or anything other than a scribbled blob we've all decided to call "pretty" to save the feelings of tantrum-prone egos.

We are collectively holding our breath, wondering whether a court will say, *Enough*. Wondering whether this administration would even bother complying with such a ruling. Because this overhaul of the federal workforce isn't the opening act; it's the headliner. This is where the three-branch government is tested. This is where democracy slips into dictatorship.

And most of us feel as though we can only watch.

But if there's one consistent message I've heard from colleagues who have been fired, colleagues who have already resigned, and colleagues who are trying to hold on through the uncertainty and chaos, it's this: Our ranks may shrink. Our agencies may even shutter. But as we are forced from our desks, know that, wherever we may go, whatever happens to the keys upon which our lives depend, we strive to remain always in the public's service. 🇺🇸

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