

# Judge finds DOGE's shutdown of USAID 'likely' unconstitutional

In a lawsuit brought by a group of anonymous USAID employees and contractors, a federal judge ordered employees access to USAID systems reinstated and barred Elon Musk and DOGE from taking further actions to shutter USAID.

By *Adva Saldinger* // Devex, 19 March 2025



The U.S. flag displayed on a laptop screen and Elon Musk's post about DOGE on X displayed on a phone screen are seen in this illustration photo. Photo by: Jakub Porzycki via Reuters Connect

A federal court judge in Maryland ruled Tuesday that Elon Musk and the Department of Government Efficiency's moves to shut down the [U.S. Agency for International Development](#) were probably unlawful.

Those actions "likely violated the United States Constitution in multiple ways" and harmed the plaintiffs' and the public interest because they "deprived the public's elected representatives in Congress of their constitutional authority to decide whether, when, and how to close down an agency created by Congress," Judge Theodore Chuang wrote in his opinion. The case was brought by a group of anonymous current or recently terminated employees and contractors at USAID against Musk and DOGE.

The judge partially granted the plaintiffs' request, offering "narrow emergency relief" by ruling that Musk and DOGE do not have the power to shutter USAID. But he stopped short of reinstating terminated programs or compelling payments because those actions could be permissible if carried out by officials with the appropriate authority.

The preliminary injunction provides a "welcome reprieve to the staffers who have dedicated their careers to serving communities in crisis across the world, but more is needed to stop the administration's illegal dismantling of an independent agency," said [Oxfam America](#) President and CEO Abby Maxman in a statement. "We need all funding and all staff to be fully reinstated immediately so that the vital work that saves lives around the world can go on."

In his preliminary injunction, Chuang ordered the defendants — Musk, DOGE, and all associated officials — to reinstate access to email, payment, security notification, and all other electronic systems for employees and personal services contractors within seven days.

DOGE and Musk are also barred from taking any action related to shutting down USAID, including putting employees on leave, terminating employees, enacting reductions in force, or terminating contracts related to employees or USAID contracts or grants. This includes closing buildings, bureaus, or offices, deleting the USAID website or records, and more, according to the injunction.



"Defendants shall not take any other actions relating to USAID without the express authorization of a USAID official with legal authority to take or approve the action," Chuang wrote.

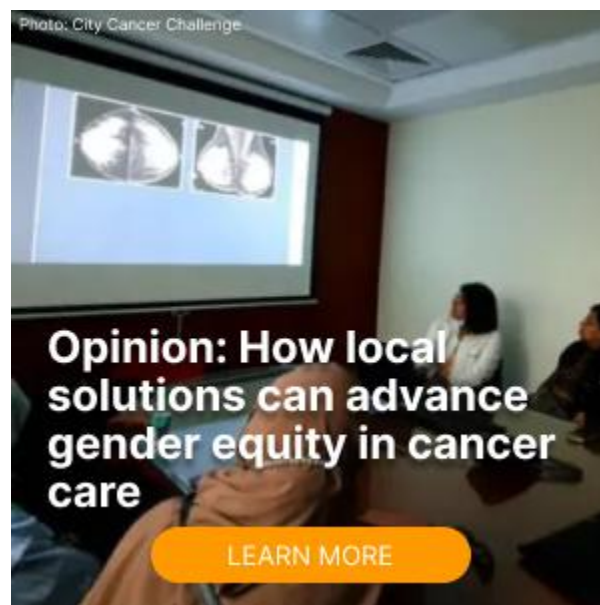
That means the ruling doesn't impact the [decision to terminate USAID staffers](#) and [some 83% of its programs](#) because that was approved or ratified by officials who had the authority to do so and not solely by DOGE.

The [shuttering of USAID's office](#) and [removal of its website](#), however, appear to have been conducted by DOGE without the necessary official authority, according to the court, prompting the judge to order specific remedial actions.

Musk and DOGE must submit a written agreement allowing USAID to reoccupy its headquarters in the Ronald Reagan Building if the plaintiffs win the case, or provide written notification of the decision to permanently close the headquarters signed by the acting administrator of USAID — U.S. Secretary of State Marco Rubio — or another authorized U.S. government official.

The injunction also prevents Musk and DOGE from sharing personally identifiable information of current or former USAID employees or personal services contractors outside of USAID. DOGE had posted personal information, including home addresses of some PSCs, on its website. The court stopped short of preventing Musk and DOGE from accessing personal information entirely.

The plaintiffs contend that Musk violated the appointment clause of the Constitution by acting as a U.S. government officer without being appointed and confirmed, asserting that the actions taken violate the separation of powers doctrine, cause irreparable harm, and that ruling in their favor would serve the public interest.



The judge agreed with many of those arguments, noting that while the president holds significant foreign affairs powers, actions affecting the internal affairs and structures of the government cannot be justified solely on the basis of the president's foreign affairs powers.

“The record demonstrates that Defendants, as well as other government officials, have acted swiftly to shut down, dismantle, and effectively eliminate USAID as an independent agency,” the decision said.

The ruling also asserts that while the president can address issues of waste and fraud, Congress “alone” possesses the authority to eliminate agencies it created, making Musk and DOGE’s dismantling of USAID a likely violation of the Constitution’s separation of powers doctrine.

The judge also determined that the plaintiffs were likely to succeed in their claim that the defendants’ actions violated the appointments clause because Musk acted as a government officer without Senate confirmation, though Musk asserted that he was merely an adviser without the authority to direct USAID to take the alleged actions.

“Authorizing the permanent closure of an agency headquarters as part of an overall plan to dismantle the agency is the exercise of significant authority that must be performed by an officer of the United States,” Judge Chuang wrote.

The judge also found that the plaintiffs would face irreparable harm — security risks, reputational harm, and public disclosure of personal information — if the court did not grant the preliminary injunction.

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