

February 2025

Constitutional Crisis

You may have heard various people discussing the “constitutional crisis” provoked by Elon Musk’s invasion of multiple federal agencies and takeover of federal payment systems and financial support of programs around the world. According to some reports, Musk has even halted payments to at least one federal program in Washington state. He has already cut off payments to USAID.

Why the fuss? Doesn’t the executive branch of the federal government regulate federal agencies? How is this a constitutional crisis?

A constitutional crisis occurs when one branch of government usurps the power of another branch of government. Aside from the very real concerns about invasion of privacy, HIPAA violations, and other legal issues, this is a constitutional crisis because Congress—not the President—controls federal spending.

Pursuant to Art. 1, section 9, clause 7 of the United States Constitution, Congress holds “the power of the purse.” Congress passes legislation, which is signed by the President, authorizing spending by the federal government. Once that legislation is passed and signed, the President has no authority not to write the checks and make the payments. Only Congress retains that right.

Therefore, the President or his agent has no authority to stop federal payments or to interfere with federal agencies making those payments. That authority resides in Congress.

We have legitimate, constitutional procedures to cut off or reduce expenditures. Legislation should be introduced in Congress, debated publicly, and voted on by our representatives. These legitimate procedures are being ignored.

On February 5, 2025, Democrats in the House Oversight Committee moved to subpoena Elon Musk to testify so the Committee could examine his work. Committee Republicans tabled the motion. It appears that the majority in Congress has abdicated its oversight function. Multiple lawsuits have been filed seeking to put an immediate stop to this cyber attack on our country.

What can you do? Call or email your representatives in Congress, asking them to exercise their oversight function and to demand answers from the President. Ask them to pressure their colleagues across the aisle to do the same.