

Trump Admin Urges Supreme Court to Permit DOGE Access to Social Security Records

Lower courts are causing ‘irreparable harm’ by restricting DOGE’s ‘unquestionably lawful’ activities, the government argues.

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The U.S. Supreme Court in Washington on April 3, 2025. Madalina Vasiliu/The Epoch Times



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The Department of Justice urged the Supreme Court on May 13 to let the Department of Government Efficiency (DOGE) have access to Social Security data after lower courts blocked that access.

President Donald Trump [issued](#) Executive Order 14158 on Jan. 20, implementing DOGE, an advisory body that recommends cost-cutting measures. The order directed the entity to “implement the President’s DOGE Agenda, by modernizing Federal technology and software to maximize governmental efficiency and productivity.”

Solicitor General D. John Sauer argued in the new filing that the lower courts have overreached and are attempting to turn themselves into “the human resources department for the Executive Branch.”

The filing came after Maryland-based federal district Judge Ellen Lipton Hollander issued an [order](#) on March 20 preventing DOGE from viewing Social Security Administration (SSA) records because such access “violates” the federal Privacy Act.

The lawsuit was brought in February by labor unions and retirees represented by the Democracy Forward Foundation.

“The DOGE Team is essentially engaged in a fishing expedition at SSA, in search of a fraud epidemic, based on little more than suspicion. It has launched a search for the proverbial needle in the haystack, without any concrete knowledge that the needle is actually in the haystack,” the judge wrote in granting a temporary restraining order against the federal government.

DOGE’s team at the Social Security Administration has had “unbridled access to the personal and private data of millions of Americans, including but not limited to Social Security numbers, medical records, mental health records, hospitalization records, drivers’ license numbers, bank and credit card information, tax information, income history, work history, birth and marriage certificates, and home and work addresses,” Hollander wrote.

Hollander directed DOGE to delete any personally identifiable data in its possession. On April 17, Hollander [upgraded](#) the temporary restraining order to a preliminary injunction.

Then on April 30, the U.S. Court of Appeals for the Fourth Circuit voted 9–6 to maintain Hollander’s order while the appeal process continues.

On May 2, the Trump administration [filed](#) an emergency appeal with the Supreme Court, asking the justices to pause the preliminary injunction.

In the May 13 [filing](#), Sauer argued that the district court erred in preventing “the 11 members of the Social Security Administration (SSA) DOGE team—from accessing data ... for purposes that are unquestionably lawful.”

The district court “dictated to the Executive Branch which government employees can access which data and even prescribed necessary training, background checks, and paperwork for data access,” Sauer wrote.

“When district courts attempt to transform themselves into the human resources department for the Executive Branch, the irreparable harm to the government is clear,” he wrote.

When the courts “stymie the government’s initiatives to modernize badly outdated systems and combat rampant fraud—leaving those initiatives on a litigation track that may halt them for months or years—the irreparable harm is even clearer.”

Reviewing Social Security Administration data is important because the agency has “one of the largest documented histories of improper payments,” Sauer added.

In a [brief](#) in opposition filed on May 12, the lead respondent, the American Federation of State, County, and Municipal Employees, said that after years of honoring “its data security obligations,” the Social Security Administration “now seeks to throw open its data systems to unauthorized (and often unvetted) personnel who have no demonstrated need for the personally identifiable information ... they seek.”

The April 17 preliminary injunction should be left in place because it is “narrow and, contrary to the government’s assertions, permits SSA to disclose both anonymized and non-anonymized data to DOGE Team members,” the brief said.

The Supreme Court could rule on the government’s emergency application at any time.

Jack Phillips contributed to this report.

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