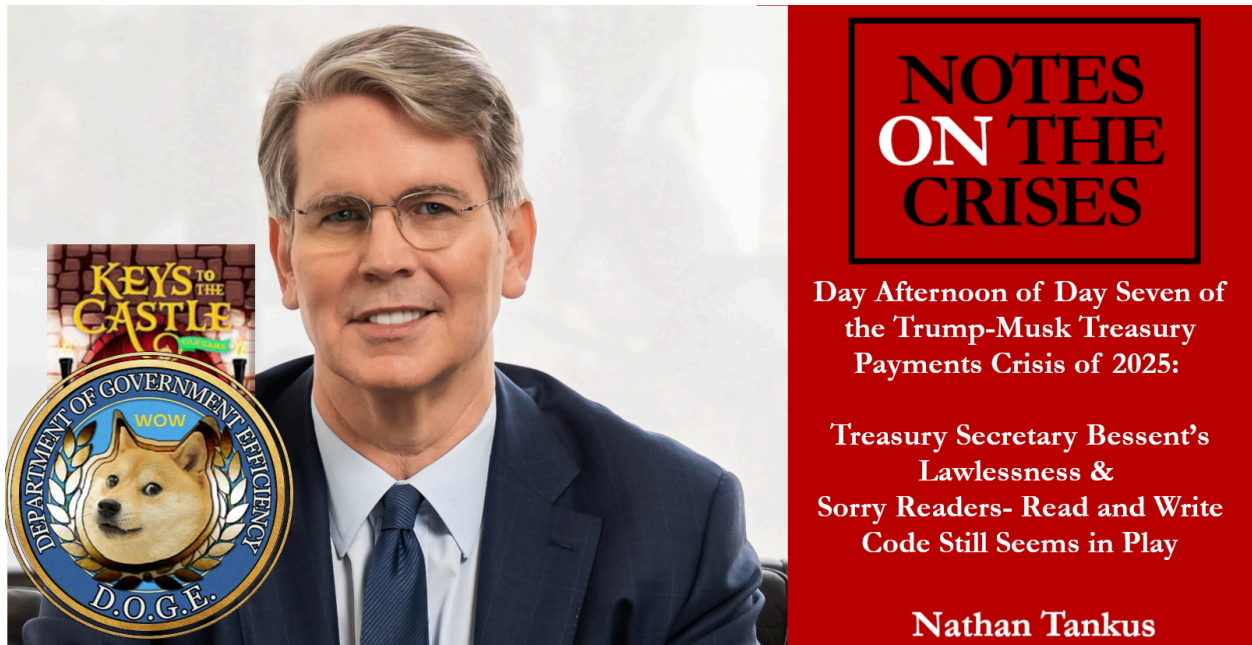**Afternoon of Day Seven of the Trump-Musk Treasury Payments Crisis of 2025: Treasury Secretary Bessent's Lawlessness & Sorry Readers- Read and Write Code Still Seems in Play**

Notes on the Crises

www.crisesnotes.com/treasury-secretary-bessents-lawlessness-sorry-readers-read-and-write-code-still-seems-in-play/

February 6th 2025

By Nathan Tankus

Notes on the Crises pivoted over the weekend into around the clock coverage of the Trump-Musk Treasury Payments Crisis of 2025

Read Part 0, Part 1, Part 2, Part 3 & Part 4 & Part 5

*If you are a **current or former career Bureau of the Fiscal Service Employee**, especially if you're a legacy IT programmer with years of experience **and especially if you are a COBOL programmer currently working on the PAM, SPS or any other adjacent team**, contact me over email or over signal — linked here. My Signal username is "NathanTankus.01". Legal counsel sources and payments level sources at the Federal Reserve are also helpful. I am also looking for sources at FINCEN*

*This is a free piece of Notes on the Crises. I will not be paywalling any coverage of this crisis for as long as it persists, so please take out a paid subscription to facilitate performing that public service. If you're rich, take out the **Trump-Musk Treasury Payments Crisis of 2025 Platinum Tier** subscription. The additional thing you get*

is me trying to stop the Treasury's internal payment system from melting down or Musk taking your confidential information, along with everyone else's. So far, nowhere near enough rich people are paying their fair share.

Note to Readers: *I am on [bluesky, an alternative to twitter.](#) It's been hard to let go of twitter since that is where I built my following, but clearly it's becoming less usable and there are obvious concerns about getting traction [about a Musk story on the Everything Musk app](#). I have also started an instagram for Notes on the Crises [which is currently being populated with my articles](#).*

Finally, I'm known as a crypto skeptic, and I am, but that doesn't mean I won't accept people giving away bitcoin to me. Here's my address: bc1qegxarzsfga9ycesfa7wm77sqmuqqv7083c6ss6

Through my reporting it has become clear that "read and write" and "read only" are phrases that are being used in many conflicting ways and that the Trump Administration, DOGE and Elon Musk are using this to their advantage. There is "read and write code access" and "read and write data access". The differences are essential and it is essential that any injunction for "read only" access, at the very least, apply to both data and code.

This also connects to my reporting this morning. I had very little time to write up the story and get full approval from my sources (who always have full approval since they are the ones at risk) which meant I had very limited time to get advice from experts (or frankly, to take a breath and do some "slow" thinking). Having spoken to a number of sources unfamiliar with the situation since my reporting came out, it is now clear that my sources do not yet have information on whether or not Marko Elez can change code in these highly sensitive systems. "Insert only" permissions only apply to database access and tell us nothing about code access.

This clarification comes as the text of the Court Order (based on agreement between the parties lawyers) brings reason to think that the text leads to a potential loophole to "read only" access which Treasury will, **or is**, exploit to give Marko Elez read and write **code access**. Thus my sources are aligning with the cynical reading of the court order. The ability to read and write code is of course the central disaster the newsletter has been focused on, and frankly the horror of the idea that Marko Elez would or did have "read and write" access for **data** has not fully been a part of my thinking or alarm (except as a "hacking" situation).

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ALLIANCE FOR RETIRED
AMERICANS, *et al.*,

      Plaintiffs,

      v.

SCOTT BESSENT, *in his official capacity
as Secretary of the Treasury, et al.*,

      Defendants.

Civil Action No. 25-0313 (CKK)

ORDER
(February 6, 2025)

With the consent of the parties, the Court **DEFERS RULING** on the Plaintiffs' [8] Motion for a Temporary Restraining Order and **ORDERS** as follows:

- The Defendants will not provide access to any payment record or payment system of records maintained by or within the Bureau of the Fiscal Service, except that the Defendants may provide access to any of the following people:
    - Mr. Tom Krause, a Special Government Employee in the Department of the Treasury, as needed for the performance of his duties, provided that such access to payment records will be "read only";
    - Mr. Marko Elez, a Special Government Employee in the Department of the Treasury, as needed for the performance of his duties, provided that such access to payment records will be "read only";
    - Any person who is an employee (but not a Special Government Employee) of the Department of the Treasury and who has a need for the record or system of records in the performance of their duties;

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    - Any person who is entitled to access the record or system of records under 5 U.S.C. § 552a(b)(2)–(13); and
    - Any person who is entitled to access the relevant record or system of records under the Internal Revenue Code.

In agreeing to the entry of this Order, the parties expressly reserve all legal and factual arguments relevant to the Plaintiffs' claims.

This Order shall remain in effect until such time as the Court rules on the Plaintiffs' forthcoming Preliminary Injunction Motion.

SO ORDERED.

Dated: February 6, 2025

Hon. Colleen Kollar-Kotelly
United States District Judge

So what's the issue? The wording of the court order for Marko Elez to have "read only" access is ambiguous. Specifically it says:

> Mr. Marko Elez, a Special Government Employee in the Department of the Treasury, as needed for the performance of his duties, provided that such **access to payment records will be "read only"** [emphasis added]

Records are data which means that a cynical government lawyer may approve "read and write" access for code on the grounds that Marko Elez is only barred from modifying or adding new data to payment records directly rather than indirectly through editing source code. The plaintiffs position would of course, correctly, claim that "read and write code access" is a violation of this order as written. Nevertheless, the possibility is extremely concerning. And remember- "read only code and data" access is still "catastrophic"

All this comes as CNN and other outlets confirm that some of the worst case scenarios I was worried about **are true**. The truly bizarre and shocking story confirms [Talking Points Memo reporting](#) regarding already **putting code into production to stop payments** ([Tech Dirt had](#) a very good discussion based on Wired's and TPM's reporting). However, it goes well beyond that. The entire story is worth a full and complete read but I will quote the a sampling of extremely alarming statements:

> Four days after Donald Trump's inauguration, Elon Musk's top lieutenants at the Treasury Department asked its acting secretary, a career civil servant, **to immediately shut off all USAID payments using the department's own ultra-sensitive payment processing system**. [...]

> "What we would like to do is, to the extent permitted by law, **temporarily pause the automatic processing of payment files,"** from a USAID division called Health Systems Strengthening, [Treasury Chief of Staff] Katz wrote.

> Katz also wrote that Krause, Musk's deputy at Treasury, should be given access to the payments system so he and his team could take action.

> Some of the administration's plan, Katz added, included immediately pausing all payment files still in the queue and letting Krause and others look at individual payments certified by USAID for the health care systems. The State Department could then look closer at the payments through USAID, Katz added. [...]

> "There are also practical and personal liability issues that may come into play," Lebryk wrote, copying a lawyer from the Treasury Department's general counsel's office.
> But Krause, the special hire from DOGE sent to Treasury, was undeterred. "I would also recommend you consider an equal alternative liability," he wrote to Lebryk. [...]

Initially, Bessent didn't give Krause and DOGE any limitation on its access to the system, which Lebryk opposed, according to a source familiar with the exchange. [Emphasis Added]

This is among the worst case scenarios I wrote about on Monday (including in Rolling Stone) outside of total system meltdown.

The Automated Standard Application for Payments allows organizations receiving federal funds to draw monies securely from pre-authorized accounts established by the agency issuing the payment.

Agency
Authorization

Agency ASAP
Account for
Recipient (TGA)

Recipient
Drawdown
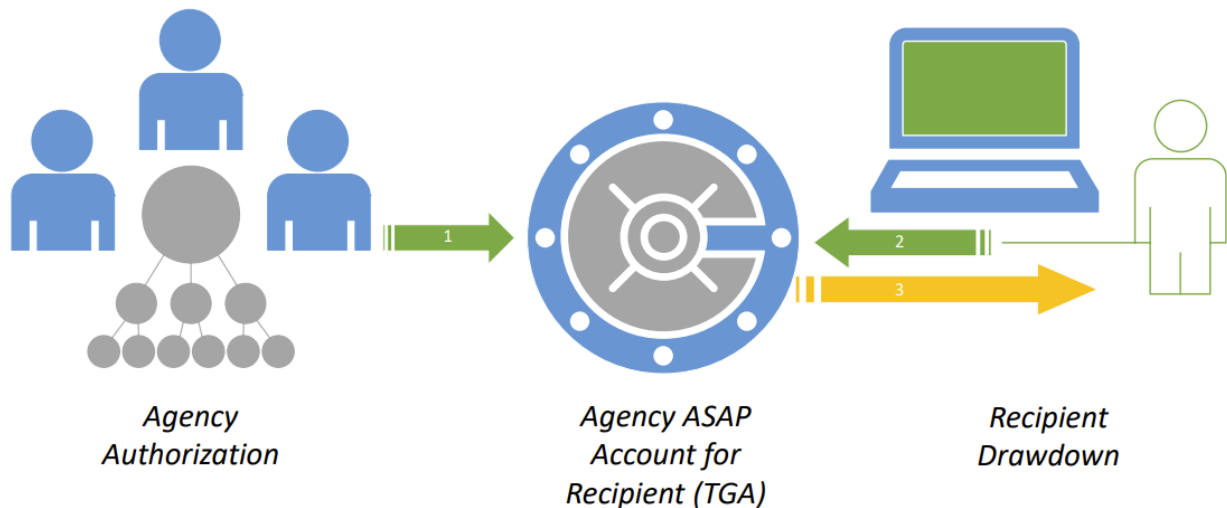
As I said on Monday:

This is the absolutely **crucial part.** Without political control of the payment's heart, the Trump administration and Elon Musk must chase down every agency and bend it to their will. They are in the process of doing that, but bureaucrats can notionally continue to respect the law and resist their efforts. They are helped in this effort by court injunctions they can point to. This is bureaucratic trench warfare. But if Musk and Trump can reach into the choke point, the **Bureau of the Fiscal Service,** they could possibly **not need** agency cooperation. They can just **impound agency payments themselves**. They could also possibly **stop paying federal employees they have forced on paid administrative leave, coercing them to resign**. These possibilities are what every Treasury expert I've talked to instantly thought of the moment they read the Washington Post reporting and are incredibly alarmed about.

I have never felt worse about being completely right in my entire life. If anything, I have not been striking a **dire enough** tone.

Every single person involved in this, from Secretary Bessent to Chief of Staff Dan Katz needs to be removed from the Treasury, not just Krause and Marko Elez. This all also adds credibility to what I reported from two anonymous sources on Monday:

I can exclusively report here for the first time that Scott Bessent was advised that **what Donald Trump wanted in a Treasury Secretary was a person who would have the**

credibility Steve Mnuchin had with Wall Street but who would be loyal to Trump above all other considerations, according to two sources familiar with the situation. This included, but was not limited to, unconditionally agreeing to work with whomever Trump sent over to the Treasury Department and helping go after Donald Trump's enemies. No outlet has even mentioned that I reported this because of how explosive it is. They will only mention my reporting if they receive independent corroboration. I hope they do. The fact that there is no current mechanism for removing these people from the Treasury means that this is the **greatest constitutional crisis since the Civil War**. It could be the greatest crisis in **United States history since the Civil War**.

So what's the latest state of play on the ground? A source familiar with the situation tells me that
> I have heard he[Marko Elez] is **still on many development-related projects he shouldn't be** if he is just being a passive 'read only' observer (which is still catastrophic)

When you combine this with the previous reporting, understanding that "insert only" only applies to data and the dishonest reading of the court order that seems to be available it seems like "read only" is just a total sham and Marko Elez still has **read and write code access** even if he "only" has **"read only"** access to data. The injunction is them on notice that people outside care, but they still have not brought this situation down to "catastrophic". It is still "apocalyptic". A source familiar with the situation says:
> My inclination on any type of question like this is that **he has more access, not less** and whatever access he doesn't have, he's trying to get

Sorry readers, There's not really good news to be had-yet