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College Crisis Caused by Judicial Activism

The crisis in college sports is having a ripple effect, causing colleges to eliminate programs, which then decreases their enrollment as fewer students have a reason to go there. As enrollment declines, colleges go out of business, and at least a quarter of colleges teeter on bankruptcy even during good times.

In April, President Trump issued an executive order explaining that "financial perils" caused by the crisis in college sports "could impact [colleges'] capabilities and responsibilities as Federal contractors and grantees," and also that the "health of the university system is integral to the Federal Government's basic functioning."

A federal court in California caused this crisis by allowing a class action on behalf of college athletes seeking compensation, and then approving a $2.8 billion payout to college athletes dating back to 2016. Known as the "House settlement," this includes a whopping $750 million payout to attorneys which neither colleges nor the NCAA can afford.

With the exception of men's basketball and football, college sports programs are money-losers that serve the purpose of attracting enrollment in the college. The judicial activism from a federal court against college sports is bringing down entire colleges in the collapse.

This class action lawsuit is on appeal to the Ninth Circuit in San Francisco. Seven different groups of athletes are appealing, including women who receive almost none of the back pay, men in underappreciated sports like wrestling, and walk-on athletes who made their college team as many aspire to do.

College enrollment depends on the opportunity for all students to try to make the team in their favorite sports, without having been recruited in high school. The movie *Rudy* featured a walk-on who tried out and made the Notre Dame football team, and is considered one of the greatest sports movies ever made.

For more than a century, college sports worked well by keeping professionals out, and students played for the love of the game, not money. "I'd like to go exactly back to what we had and ram it through a court," Trump said in March, and his instincts are right.

He could do that by intervening in the "House" litigation. Trump's Solicitor General who represents the U.S. in the Supreme Court, John Sauer, was himself a "walk-on" college wrestler who became the team captain at Duke, and he could argue for a return to allowing colleges to keep compensation out of their sports.

The Senate Commerce Committee held a hearing on June 3 for the misnamed Protect College Sports Act, which would mandate as federal law the opposite of what has long worked. This new federal law would force colleges to allow compensation for players by allowing them to take money for their name, image, or likeness (NIL), to the detriment of team spirit.

The Protect College Sports Act would micromanage college sports in additional ways, such as adopting team roster size limits, which makes it harder for a student to become a walk-on. This bill would place wage controls on the compensation of agents who will negotiate lucrative contracts for a few students, when there should not be any agents or compensation at all in college sports that thrived with amateur athletes.

This federal bill would prohibit the two most successful conferences, the Southeastern Conference (SEC) and the Big Ten, from expanding or merging. Never before has a federal law interfered with private associations like this.

A generation ago, college was part of the American Dream. College sports attracted students and donations by alumni, and millions of students obtained a good education and a solid foundation for the rest of their lives by attending college to play sports.

The federal lawsuit encourages NCAA Division I colleges to pay their players $20 million annually, but for most schools the money simply isn't there. Most sports do not have a sizable television audience and will be eliminated, to save money to pay a handful of top basketball and football players who have little interest in academics.

Even before this court-ordered $2.8 billion burden on colleges, many were already going out of business. A study by the Federal Reserve Bank of Philadelphia predicted in

2024 that as many as 80 colleges might close in the next five years.

Last year 28 colleges went out of business, and during the past eight years more than 100 colleges have closed. The Huron Consulting Group found that roughly 25% of the private, nonprofit universities and colleges could close or merge in the next ten years.

Congress could help college sports by allowing a return to the amateur model, thereby ending what Trump has described as an "out-of-control financial arms race." The Trump Administration could also stop granting visas to foreign athletes to play on college teams, which worsens this "arms race."

Oppose Fed Expansion over AI

The draft Executive Order that Trump abruptly rejected on May 21 would have expanded federal power under the guise of pre-screening AI. Trump was right to cancel a blue-ribbon ceremony scheduled at the White House to sign this, which the heads of leading AI companies including Sam Altman and Mark Zuckerberg had found excuses not to attend.

The draft Executive Order was leaked to the media, and unfortunately two weeks later Trump did sign a revised version. Using AI slop like "Secure Frontier Model Deployment" and "covered frontier model," the EO expands federal power.

The EO prioritizes prosecution for anyone who uses AI, empowering the federal police state which should be downsized instead. The EO makes the Department of War, which lacks any AI expertise, a Big Brother over all new AI breakthroughs by asking AI developers to submit to the Feds their innovations "for a period of up to 90 [later reduced to 30] days before they plan to release such models to other trusted partners."

"Other trusted partners"? The Deep State attempts, through this EO, to become the foremost trusted partner of AI developers, so that the federal government would receive all new AI developments in advance of everyone else.

This program starts as voluntary, but what begins as a voluntary government program usually becomes mandatory. The EO could place AI development under federal supervision, which has never been done before for any emerging industry.

The federal bureaucracy in D.C. is corrupt beyond repair. Giving it any authority over AI innovations, even if initially voluntary as the Executive Order proposed, would be an invitation to interfere with and thwart beneficial developments.

Trump initially said he was unhappy with the proposed EO and refused to sign it. His initial instincts were right, as they often are.

Military uses of AI are only a small part of its future, and the prominent AI developer Anthropic walked away from its profitable business with the Department of War rather than cave in to its demands that Anthropic remove ethical restrictions on its use. The War Department might take control of AI developments by declaring them to be national security risks, thereby stifling innovation without justification.

Rather than lobby the Department of War for business, a co-founder of Anthropic was at the Vatican, urging the Pope to include ethical limitations on the use of AI in his religious teachings. On May 25th, Pope Leo released a 42,300-word encyclical letter that condemned unethical uses of AI by militaries and to undermine jobs, and appeared to contain some of Anthropic's ideas.

Graduating college students appear to agree with the Pope's criticisms of AI, as commencement speakers were nearly booed off the stage whenever they praised AI. Former Google CEO Eric Schmidt was remarkably booed for minutes on May 15 during his speech at the University of Arizona graduation.

The booing was not limited to the Big Tech billionaires who are presumably profiting from AI. Boos greeted a music executive, Scott Borchetta, when he said about AI in his speech to Middle Tennessee State University, "It's a tool. Make it work for you."

Boos were the students' response to even a real estate executive, Gloria Caulfield, when she told University of Central Florida graduates that AI is the "next industrial revolution." College graduates are upset at the loss of jobs due to AI, and how their resumes are filtered by AI now rather than being read by real recruiters.

Steve Wozniak, the co-founder of Apple who was the brains behind the engineering in its early products, has never put dollars above people and only he drew applause for his remarks to graduates about AI. "You all have AI—actual intelligence."

"I was at a company where the engineers figured out how to make a brain," Wozniak added. It "takes nine months," he said, referring to the time we all spend in our mother's womb.

Outside of college, ordinary folks are furious at how AI is causing unwanted data centers to be built on hundreds of acres in their small communities, blighting the landscape, soaking up scarce water, and overloading the energy grid. In Festus, Missouri, a small town near St. Louis, citizens have initiated recall petitions against the mayor and three councilmen who approved a mammoth data center there.

The federal government is investing $2 billion in quantum computing, which is another reckless high-tech boondoggle. AI benefits from trillions of dollars in private investments, and there should not be any federal or local subsidies for AI at taxpayer expense.

Many feel that Covid was caused by taxpayer-funded gain-of-function research, which escaped from a laboratory. Actual intelligence should take priority over the artificial kind.

Transgender Movement on the March

On May 18, the Colorado Supreme Court, by a wide 5-2 margin, ordered a Colorado children's hospital to resume transgender treatments and surgeries on minors based on state law, even though the decision could force the hospital to lose its federal funding. The Trump Administration has taken strong action against the transgender movement, yet it marches on.

Last December the Trump administration threatened to withhold federal funding from facilities that provide transgender treatment to children, but a Biden-appointed federal judge in Oregon named Mustafa T. Kasubhai blocked that rule. Children's Hospital Colorado had wisely suspended its program of applying hormonal treatments and puberty blockers to children due to the threatened loss of funding.

A lower court upheld the hospital's decision against a legal challenge. Children's hospitals depend heavily on federal funding, including their services under Medicaid, and thus ordering the hospital to continue with transgender treatment would do more harm than good.

The practice of medicine is historically regulated by state law, but since health care providers receive billions of dollars of federal funding, the Trump Administration said it would cut federal funding from facilities that continue to perform harmful procedures aimed at altering a child's gender. Recently the American Medical Association and the American Society of Plastic Surgeons reversed their guidance on such procedures, urging a delay in transgender surgery prior to the age of 19.

Dominated by federal employees, Virginia has become like Colorado and other blue states in pushing the transgender agenda. When a police officer in Norfolk in southern Virginia objected to orders requiring him to use transgender pronouns, he was ordered to leave, stripped of his gun, suspended, and then fired.

Norfolk has historically been conservative, with many military veterans. It is alarming that police officers in Norfolk have been suspended and even fired for objecting to the use of the women's locker room by a man purporting to be a transgender woman.

State courts in the mostly conservative states of Kansas and Montana are also imposing the transgender ideology on their residents. In Kansas, on May 15th, a county judge appointed by Democrat Gov. Laura Kelly issued a 117-page injunction against a good Kansas transgender law, which had been passed by the Republican legislature over her veto.

The ACLU brought this lawsuit against the Kansas ban on transgender operations and treatments for children. The county judge blocked the law based on an activist decision by the liberal Kansas Supreme Court, which invented a right of "personal autonomy" to expand abortion there even though those words cannot be found in its 167-year-old state constitution.

Meanwhile, the Montana Supreme Court has rendered multiple Leftist decisions, despite being in a red state that Trump won by 20 points in 2024. On April 14, the 5-2 court held that birth certificates and driver's licenses must be changed to accommodate transgender demands.

The Montana Supreme Court ruled, based on its state constitution, that state agencies cannot refuse to alter birth certificates and driver's licenses to accommodate transgender demands. Despite being born male, for example, a resident of the Big Sky Country can now change his birth certificate to state falsely that he was born female instead.

These Kansas and Montana decisions were based on their state constitutions, and the Colorado ruling was based on state law. This reasoning generally shields such decisions from review by the U.S. Supreme Court which, regardless, has avoided review of many important transgender cases that it could have decided.

The 7-2 decision on May 14th by the U.S. Supreme Court in favor of abortion pill manufacturers was the result of all three Trump appointees crossing over to the liberal side of the Court, without explanation. Justices Thomas and Alito expressed their dismay at how well-established principles of law were disregarded to allow the continued distribution of the abortion pill without sensible safeguards such as in-person dispensing, and without compliance with a longstanding federal ban on abortion-by-mail.

The entire Democrat Party is lockstep in support of the transgender agenda, due to how Planned Parenthood supplements its revenue by offering transgender treatments. Only a few courts have been willing to defend children against harmful transgender procedures.

The U.S. Supreme Court indicated last year in the *Skrmetti* case that there is no right to transgender operations and treatments for children under the U.S. Constitution, but this good decision was silent about state constitutions. The Court upheld a law in Tennessee protecting minors against this harm, but this precedent does not protect children against pro-transgender state court decisions based on state law.

Under *Skrmetti* the federal government can act further to protect children against life-altering procedures and treatments pushed on them by the transgender ideology. In addition to withholding federal funds from facilities that promote transgender treatments, federal regulations could require transparency to the public about which facilities provide these objectionable treatments.

Another Unforced Error for the Midterms

As both political parties scramble for votes ahead of the upcoming midterm elections, even racing to do some last-minute redistricting, someone in the Trump Administration just committed an unforced error that could cost the GOP crucial men's votes. On May 7, a "spokesperson" announced that the U.S. State Department would begin to revoke the passports of thousands of American citizens subject to child support orders from a family court.

Anyone whose passport is revoked while traveling abroad becomes unable to travel through international airports. The passport is the only official document proving that someone is an American citizen, and a birth certificate alone does not prove citizenship as demonstrated by the ongoing debate over birthright citizenship.

Soldiers and sailors, thousands of whom have child support obligations, could be hard hit by this new policy. While they can travel on official duty with a military ID, their dependents cannot, and thus our servicemembers need active passports to travel with their families.

In 1996, Congress inserted into the massive welfare reform bill a politically correct provision authorizing revocation of passports based on unpaid child support obligations, but administrations of both parties have wisely chosen not to enforce that law because it inflicts far more harm than good.

The State Department said it would initially revoke passports of men whose unpaid child support exceeds $100,000, which is impossible for most to pay, but subsequent revocations could be triggered by a debt of only $2,500. To restore their passports, the debts would have to be paid in full, and attorneys would be needed to clear the judgments in both the state and federal systems, a process that could take many weeks to accomplish.

In the meantime, the American men could be stranded abroad and subject to arrest by a hostile foreign government as unlawful residents. While much-needed deportations of illegal aliens appear to have dried up in the U.S., the State Department's new policy could turn law-abiding Americans into criminals in foreign countries.

When an American citizen is accused of a crime in a foreign country, even murder, he can show his passport to the American embassy there and obtain support. Even if convicted, neither his American citizenship nor his passport is revoked, and a child support judgment is merely a financial obligation, and not a crime that justifies revoking American citizenship.

Men are the key demographic that Republicans need to attract to have a chance in the upcoming midterm elections, which makes the unexpected announcement of this new policy particularly senseless. It sounds like something Kamala Harris would have done if she were elected president, to pander to her feminist base.

Over 20 years ago the Bush Administration abruptly revoked the passport of the famed chess champion Bobby Fischer for having played a chess match in Yugoslavia, which violated a federal law that had never been enforced like that against anyone else. Fischer was then stranded with an invalid passport at Japan's Narita airport as he tried to travel to the Philippines, and was detained for 9 months by Japanese immigration authorities.

As an American celebrity, Bobby Fischer was ultimately granted asylum in Iceland, where he had won the world chess championship against Boris Spassky in 1972. But no country is likely to grant asylum to many thousands of American men soon to be affected by this new passport policy.

Despite its misleading name, child support orders are not based on the actual needs of any child, do not have to be spent on a child, and often go to a welfare agency rather than the mom. The more that the father is denied custody and visitation, the higher his child support obligation is, and it can include above-market interest rates and attorney's fees, non-dischargeable in bankruptcy.

States already have the means to try to enforce child support orders, such as imprisonment or denying occupational licenses or gun permits, but often decline to use such draconian tools because the father simply does not have the money. Moreover, unpaid child support obligations can result from denying the father visitation rights for his own children.

Roughly 70% of divorces are initiated by women, and among college-educated women the percentage is as high as 90%. Large child support obligations result from raising children in a fatherless home.

Revoking passports puts American citizens at risk of harm abroad. Without a passport enabling them to travel, these Americans can then be held and used as bargaining chips for a prisoner swap, as Russia did when it imprisoned a woman basketball player for alleged drug possession.

President Trump's stated policy is to defend American citizens who are overseas. Putting American citizens at risk of being arrested in foreign countries, and held in foreign prisons, due to an arbitrary revocation of their passports is inconsistent with the goals of MAGA.

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