

Gus J Solomon Inn CLE

Shark Tank: Executive Orders

April Pupilage Group – 4/15/2025 – Sentinel Hotel

Discussing the Legal Underpinnings (and current status) of the Following Executive Orders:

[EO 14168 - Keeping Men Out of Women's Sports](#)

[EO 14183 – Prioritizing Military Excellence and Readiness](#)

[EO 14160 – Protecting the Meaning and Value of American Citizenship](#)

[EO 14242 – Improving Education Outcomes by Empowering Parents, States, and Communities](#)

[EO 14169 – Reevaluating and Realigning United States Foreign Aid](#)

SHARK TANK INN

April 15, 2025





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- Any similarity to actual people or events is coincidental and unintended.
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- If you are offended, you are free to leave.
- If you are really offended, you are free to stand up and fight.
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- Put phones away and enjoy the show with no recording or filming allowed!

LET'S TALK
ABOUT SEX:
MAKE
AMERICA
BINARY
AGAIN!

EO 14168: Defending
Women From Gender
Ideology Extremism and
Restoring Biological Truth
to the Federal
Government.

EO 14183: Prioritizing
Military Excellence and
Readiness

SAY “YES” TO SEX!

Sex = An individual's immutable biological classification as either male or female.

Female = A person belonging, at conception, to the sex that produces the large reproductive cell.

Male = a person belonging, at conception, to the sex that produces the small reproductive cell.

SAY “NO” TO GENDER!

Gender ideology = the replacement of the biological category of sex with an ever-shifting concept of self-assessed gender identity, permitting the false claim that males can identify as and thus become women and vice versa, and requiring all institutions of society to regard this false claim as true.

Gender identity = a fully internal and subjective sense of self, disconnected from biological reality and sex and existing on an infinite continuum, that does not provide a meaningful basis for identification and cannot be recognized as a replacement for sex.

EO 14168:
DEFENDING
WOMEN FROM
GENDER
IDEOLOGY
EXTREMISM AND
RESTORING
BIOLOGICAL
TRUTH TO THE
FEDERAL
GOVERNMENT.

Among the many contexts where women need protection from men who self-identify as women are women's shelters and federal prisons.

Sections 4(a) & (c) bar trans women from being housed in women's prisons and categorically bans gender-affirming health care for people incarcerated in BOP facilities.

Iglesias v. Federal Bureau of Prisons, 598 F. Supp. 3d 689 (S.D. Ill. 2022) is the landmark case—a settlement requiring the BOP to provide Ms. Iglesias with gender-affirming surgery.

SO FAR, THE BOP HAS DONE THIS GOOD WORK TO PROTECT WOMEN:

- ▶ Scrubbed its website of the Transgender Offender Manual (Although I have heard that some scofflaws have kept their downloaded copy).
- ▶ Posted a digital bulletin on a system available to incarcerated people announcing the disbanding of the Transgender Executive Council (TEC).
- ▶ Issued two memos implementing the EO:
 - ▶ Prohibiting BOP funds for medical treatment of any kind relating to conforming that person's appearance to that of the opposite sex;
 - ▶ Barring granting of requests for other accommodations such as "undergarments do not align with an inmate's biological sex" and the purchase of "any items that align with transgender ideology," such as chest binders and hair removal devices;
 - ▶ Mandating that BOP staff members "must refer to individuals" with "pronouns corresponding to their biological sex."

SO MUCH LITIGATION! HELP US!

Trans prisoners are fighting back. Some have been transferred back to women's facilities, some transfers have been blocked, and medical care has been maintained. *E.g.*,

Moe v. Trump, No. 1:25-cv-10195 (D. Mass.)

Jones v. Bondi, No. 1:25-cv-401-RCL (D.D.C.)

Doe v. McHenry, No. 25-cv-286-RCL, 2025 WL 388218 (D.D.C.).

Doe v. Bondi, No. 25-cv-286 (D.D.C.)

Kingdom v. Trump, No. 1:25-cv-00691 (D.D.C.)

THE LAW

18 U.S.C. § 3621 Imprisonment of a Convicted Person

(b) Place of imprisonment.--The Bureau of Prisons shall designate the place of the prisoner's imprisonment. . . . **The Bureau may designate any available penal or correctional facility that meets minimum standards of health and habitability established by the Bureau**, whether maintained by the Federal Government or otherwise and whether within or without the judicial district in which the person was convicted, that **the Bureau determines to be appropriate and suitable**[.]

EO 14183: PRIORITIZING MILITARY EXCELLENCE AND READINESS

-Through Section 4 we are pitching:

- An end to “invented and identification-based pronoun usage”

- A directive that the Armed Forces shall not allow males or females to use or share sleeping, changing, or bathing facilities designated for the opposite biological sex

- An update to existing medical standards to eliminate providing any hormonal or surgical medical interventions to servicemembers

EFFORTS TAKEN SO FAR BY THE DOD

- ▶ Department of Defense Secretary Hegseth published guidelines on 2/26/25 disqualifying anyone diagnosed with gender dysphoria from serving in the military and ultimately requiring any active service members to voluntarily discharge or be involuntarily separated. The DoD also barred the use of preferred pronouns.

SO MUCH LITIGATION! HELP US!

-Talbot v. Trump – 1:25-cv-00240 (D.D.C)

-Shilling v. Trump – 2:25-cv-00241 (W.D.Wash)

-Judge Ana Reyes grants nation-wide preliminary injunction March 18, 2025 blocking implementation of EO 14183 in its entirety


-Judge Benjamin Settle adds a second nation-wide preliminary injunction March 27, 2025

-EO 14183 likely violates 5th amendment equal protection rights of trans services members and that government failed to provide evidence that ban serves a legitimate military purpose

-EO 14183 likely violates 1st amendment free speech guarantees despite significant deference given in military arena as government failed to demonstrate how viewpoint-based restriction furthers an important government interest.

-EO 14183 likely violates procedural due process on the basis that servicemembers relied reasonably on years of policy inviting them to serve openly





Reconstructing the 14th Amendment

BIRTHRIGHT CITIZENSHIP CLAUSE

Birthright Citizenship Clause

All persons born or naturalized in the United States, **and subject to the jurisdiction thereof**, are citizens of the United States and of the State wherein they reside.

Anchor Babies



“Birth Tourism”



Executive Order (EO) 14160

It is the policy of the United States that no department or agency of the United States government shall issue documents recognizing United States citizenship, or accept documents issued by State, local, or other governments or authorities purporting to recognize United States citizenship, to persons: (1) when that person's mother was unlawfully present in the United States and the person's father was not a United States citizen or lawful permanent resident at the time of said person's birth, or (2) when that person's mother's presence in the United States was lawful but temporary, and the person's father was not a United States citizen or lawful permanent resident at the time of said person's birth.

The problem

- ▶ In 2022, 255,000 births in U.S. to undocumented mothers
- ▶ 153,000 births where both parents were undocumented

The problem:



NBC NEWS

TRUMP ADMIN

POLITICS

U.S. NEWS

LOCAL

WORLD

EDITORS' PICKS

SHOPPING

TIPLINE

BUSINESS

WATCH



U.S. NEWS

Birth tourism brings Russian baby boom to Miami

Social media is full of Russian women boasting about coming to America to give birth, sometimes staying at Trump properties.

The problem:

Los Angeles Times

Why birth tourism from China persists even as U.S. officials crack down

Birthright Citizenship Clause

All persons born or naturalized in the United States, **and subject to the jurisdiction thereof**, are citizens of the United States and of the State wherein they reside.

14th Amend. Congressional Debates:

- ▶ Mr. Saulsbury:
- ▶ "I do not presume that any one will pretend to disguise the fact that the object of this first section is simply to declare that negroes shall be citizens of the United States. There can be no other object in it, I presume, than a further extension of the legislative kindness and beneficence of Congress toward that class of people."

8 U.S. Code § 1401 - Nationals and citizens of United States at birth

(a) a person born in the United States, and subject to the jurisdiction thereof;

(b) a person born in the United States to a member of an Indian, Eskimo, Aleutian, or other aboriginal tribe: Provided, That the granting of citizenship under this subsection shall not in any manner impair or otherwise affect the right of such person to tribal or other property;

United States v. Wong Kim Ark, 169 U.S. 649 (1898)

The evident intention, and the necessary effect, of the submission of this case to the decision of the court upon the facts agreed by the parties were to present for determination the single question stated at the beginning of this opinion, namely, whether a child born in the United States, of parent of Chinese descent, who, at the time of his birth, are subjects of the Emperor of China, but have a permanent domicil and residence in the United States, and are there carrying on business, and are not employed in any diplomatic or official capacity under the Emperor of China, becomes at the time of his birth a citizen of the United States. For the reasons above stated, this court is of opinion that the question must be answered in the affirmative.

United States v. Wong Kim Ark, 169 U.S. 649 (1898)

Chinese persons, born out of the United States, remaining subjects of the Emperor of China, and not having become citizens of the United States, are entitled to the protection of, and owe allegiance to, the United States so long as they are permitted by the United States to reside here, and are "subject to the jurisdiction thereof" in the same sense as all other aliens residing in the United States. *Yick Wo v. Hopkins* (1886), [118 U. S. 356](#)



**One Weird Trick for Reducing
Regulations and Government
Assistance:
Just Get Rid of the Departments!
(Bureaucrats Hate This)**







Executive Order 14242 on “Improving Education Outcomes, by Empowering Parents, States, and Communities”:

Sec. 2. Closing the Department of Education and Returning Authority to the States. (a) The Secretary of Education shall, to the maximum extent appropriate and permitted by law, take all necessary steps to facilitate the closure of the Department of Education and return authority over education to the States and local communities while ensuring the effective and uninterrupted delivery of services, programs, and benefits on which Americans rely.

The Department of Education was established by Congress in 1979 through the “Department of Education Organization Act”

The Department:

- 1. Administers Federal student aid and manages outstanding student loans**
- 2. Provides 13.6% of funding for K-12 public schools**
- 3. Provide supplemental assistance to schools with a high percentage of children from low-income families**
- 4. Provides money to teach students with disabilities**
- 5. Enforces non-discrimination and civil rights laws in schools**
- 6. Funds research and policies aimed at improving education.**





Legal Arguments Supporting Dissolving the Department

Tenth Amendment: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

Article I, Sec. 8 - Education is not an enumerated power

20 USC § 1231(a)(1): “The Secretary is authorized to enter into arrangements with other Federal agencies to jointly carry out projects of common interest, to transfer to such agencies funds appropriated under any applicable program, and to receive and use funds from such agencies, for projects of common interest.”

20 USC § 1082 and 20 USC § 1087a arguably allow responsibility for student loans to be transferred.

Sample Lawsuits Challenging the Dismantling of the Department:

New York v. Mahon, Case 1:25-cv-10601 (D. Mass.)

Carter v. U.S. Department of Education, Case 1:25-cv-00744 (D.D.C.)

Somerville Public Schools v. Trump, Case 1:25-cv-10677 (D. Mass.)

NAACP v. USA, Case 8:25-cv-00965 (D. Md.)

New York v. Mahon, Case 1:25-cv-02990 (S.D.N.Y.)

US Agency for International Development

Executive Order 14169

- 90 day pause on all foreign aid
- Dramatic reduction of workforce

American Federation of Government Employees v. Trump, Case 1:25-cv-352 (D.D.C.)

US Conference of Catholic Bishops v. Department of State, Case 1:25-cv-465 (D.D.C.)

Brehm v. Morocco, Case 1:25-cv-660 (D.D.C.)







Is your government full of waste, fraud, and abuse?

DOGE: KEEP IT FLOWING!

The quick and easy way to clean up your government and keep it flowing smoothly.

- January 20, 2025:
ESTABLISHING
AND
IMPLEMENTING
THE PRESIDENT'S
“DEPARTMENT OF
GOVERNMENT
EFFICIENCY”
- February 26, 2025:
IMPLEMENTING
THE PRESIDENT'S
“DEPARTMENT OF
GOVERNMENT
EFFICIENCY” COST
EFFICIENCY
INITIATIVE



ESTABLISHING AND IMPLEMENTING THE PRESIDENT'S "DEPARTMENT OF GOVERNMENT EFFICIENCY"

- Executive Order signed President Trump on January 20, 2025
- Goals are to improve governmental efficiency, modernize federal technology, and encourage interagency coordination throughout the federal government.
- Each federal agency must create a DOGE team consisting of a DOGE Team Lead, an engineer, an HR specialist, and an attorney to coordinate with DOGE.



AMY
GLEASON

EARLY MONTHS OF DOGE:

- Slim down the federal work force
 - Elimination of certain agencies, like USAID
 - Terminating leases on federal offices
 - Access to the treasury's payment systems to identify waste and fraud
- Ensure productivity in the federal work force
 - Weekly email check ins with federal employees

New slim-silhouette
EXECUTIVE
BRANCH

Gets the deep-down dirt
other cleaners miss

the cleaner with
the Automatic Shift

Extra power for attachments—Automatic Shift
gives you 50% more suction for off-roag cleaning.
Just click in the converter, and your Hoover automa-
tically shifts into high gear for cleaning furni-
ture, draperies, bare floors. Model 66, \$109.95.

Colors stay bright in a Hoover home! The new
Hoover Convertible "beats" as it sweeps, as it
cleans, "gets all the deep-down dirt that other
vacuums miss. Crisp over lightly, and wilted
colours bloom again. Guide an emptying
Hoover through your home and see the differ-
ence. It's the real best thing in redecorating!

A Clean "all-around" for your child—clean deep
down—and what a comfort that is to know! Deep
cleaning means longer rug life, too (almost all
rug manufacturers recommend Hoover).

DOGE

for the very best in home care



IMPLEMENTING THE PRESIDENT'S “DEPARTMENT OF GOVERNMENT EFFICIENCY” COST EFFICIENCY INITIATIVE

- Executive Order signed by President Trump February 26, 2025.
- Stated goal is to identify non-essential government spending
- Requires each DOGE team lead for each agency to provide the Administrator of DOGE, Amy Gleason, with monthly informal reports on that agency's contracting activities
- Puts a stop on all non-essential travel for “non-essential purposes” and freezes discretionary non-essential government spending

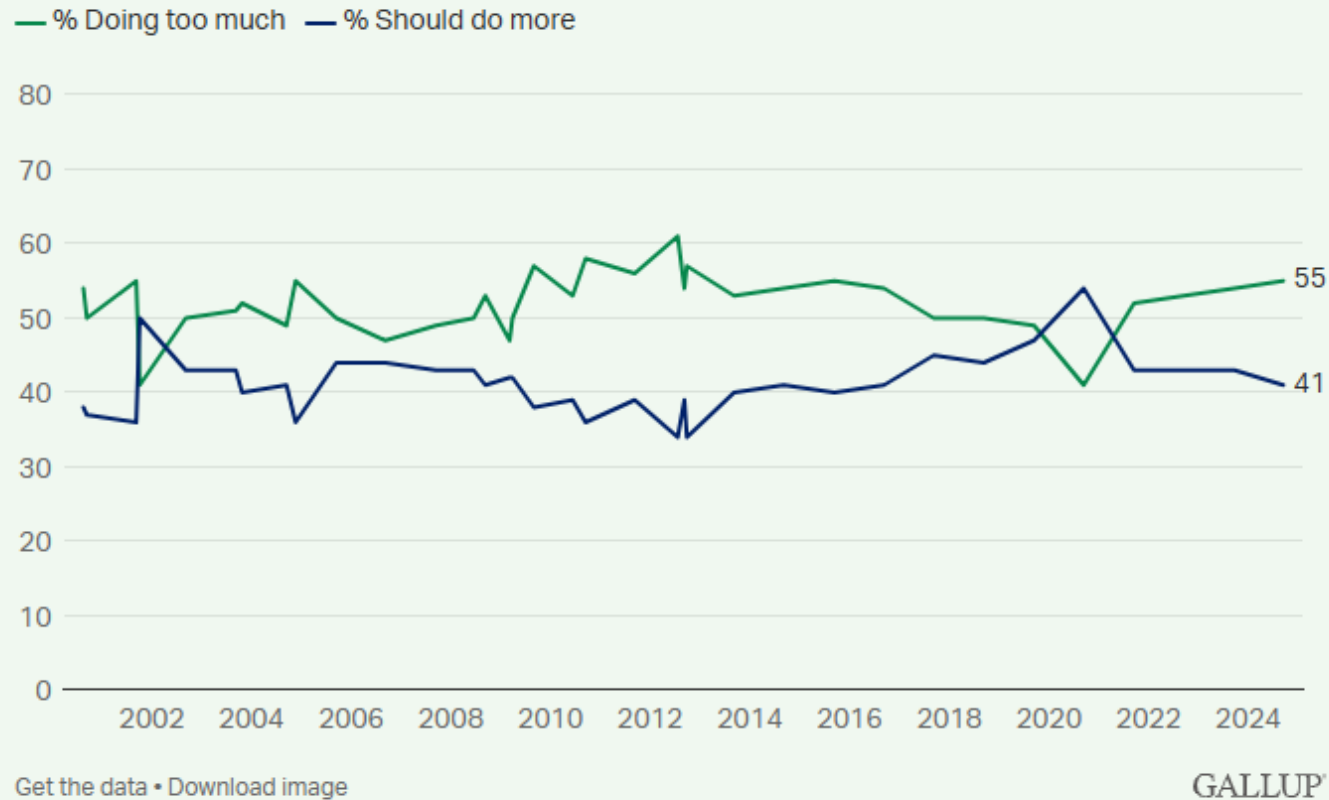
DOGE TAKES ON THE COURTS

INVEST TODAY, TO HELP KEEP THESE LAWSUITS AT BAY!

- At least 33 lawsuits have been filed against the federal government related to DOGE's work. The cases vary widely, for example:
 - Federal Advisory Committee Act: *Public Citizen v. Trump*, No. 25-cv-164 (D.D.C. January 20, 2025).
 - Freezing federal funds: *New York et al. v. Trump et al.*, No. 1:25-cv-00039 (D.R.I. January 28, 2025).
 - Access to sensitive data: *Alliance for Retired Americans, et al. v. Scott Bessent*, Case 1:25-cv-00313-CKK (D.D.C. Feb 3, 2025).
 - Appointments Clause: *New Mexico v. Musk*, No. 25-cv-429 (D.D.C. February 13, 2025).

Americans' Views on the Role of Government

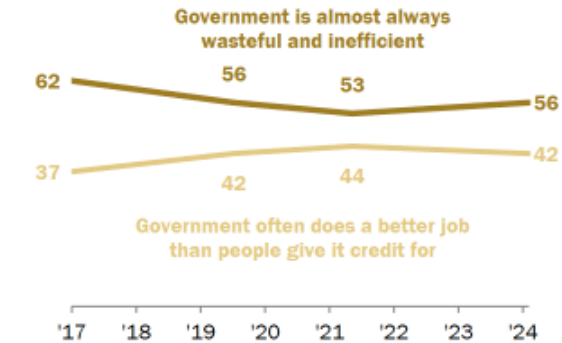
Some people think the government is trying to do too many things that should be left to individuals and businesses. Others think that government should do more to solve our country's problems. Which comes closer to your own view?



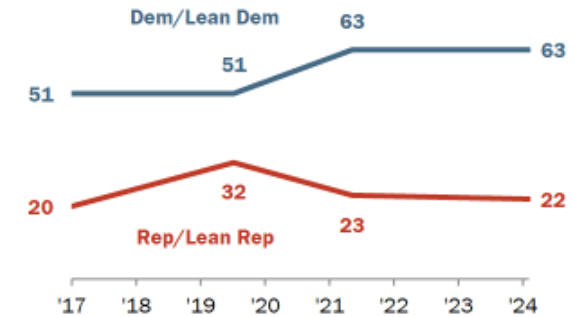
Source: Frank Newport, *Public Support for Making U.S. Government More Efficient*, <https://news.gallup.com/opinion/polling-matters/653657/public-support-making-government-efficient.aspx> (last accessed April 13, 2025).

Majority of Americans say government is 'almost always wasteful and inefficient'

% who say ...



% who say *government often does a better job than people give it credit for*



Note: No answer responses not shown.

Source: Survey of U.S. adults conducted April 8-14, 2024.

PEW RESEARCH CENTER

Source: Pew Research Center, *Americans Views of Gov'ts Role: Persistent Divisions and Areas of Agreement*, <https://www.pewresearch.org/politics/2024/06/24/government-s-scope-efficiency-and-role-in-regulating-business/#views-on-the-efficiency-of-government> (last accessed April 13, 2025)

INVEST TODAY!



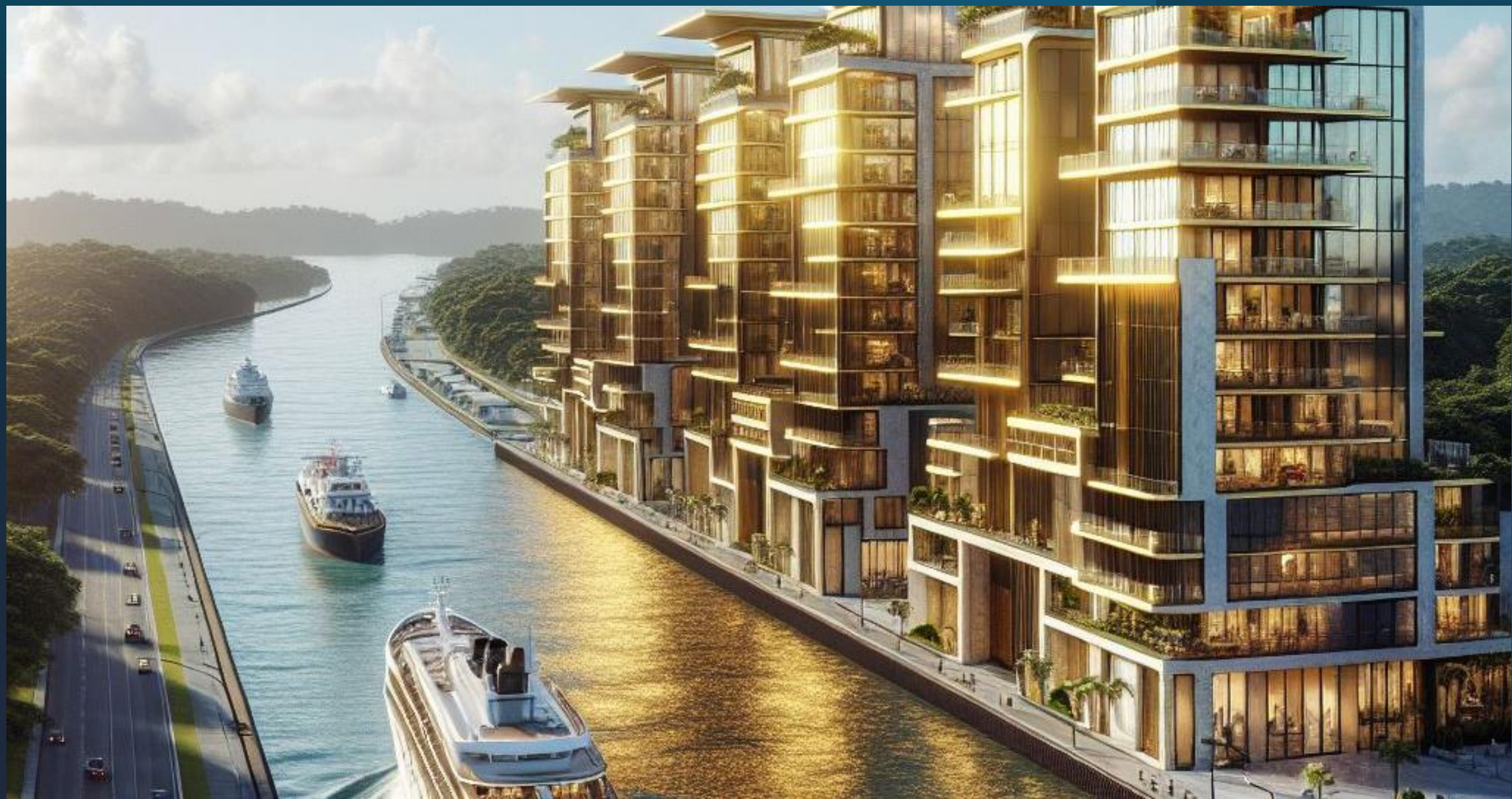
DOGE

**WORKS
FAST
TO DISSOLVE:**

- ✓ Waste
- ✓ Fraud
- ✓ Abuse
- ✓ Inefficiencies

An aerial photograph of a large body of water, likely a canal, filled with numerous cargo ships. The ships are of various sizes and colors, including red, blue, and green, and are loaded with colorful shipping containers. They are scattered across the water, some moving in different directions. The water is a deep blue, and the sky is a lighter blue. The overall scene depicts a busy maritime hub.

PANAMA CANAL ZONE: RE-DEVELOPMENT OPPORTUNITIES







We the People

*of the United States, in order to form a more perfect Union, establish Justice,
insure domestic Tranquillity, provide for the common Defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves
and our Posterity, We ordain and establish this Constitution for the United States of America.*

Article. I.

“The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States”

U.S. Const. art. I, § 8, cl. 1

“Notwithstanding the provisions of Article V or any other provision of the Treaty, if the Canal is closed, **or its operations are interfered with**, the United States of America and the Republic of Panama shall each independently have the right to **take such steps as each deems necessary**, in accordance with its constitutional process, **including the use of military force in the Republic of Panama**, to reopen the Canal or restore the operations of the Canal, as the case may be.”

“the agreement ‘to maintain the regime of neutrality established in this Treaty’ in Article IV of the Treaty means that either of the two Parties to the Treaty may, in accordance with its constitutional processes, **take unilateral action to defend the Panama Canal against any threat, as determined by the Party taking such action.**”

Article II.

Section 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four years, and together with the Vice President, chosen for the same Term, he shall be elected as follows:
Each State shall appoint, for the Term of four years, a number of Electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress, plus an equal number of Electors as Members of the State Legislature, or as may be provided by the State. No Elector shall have the right to vote for more than one person for President, nor shall he be qualified for an Office of Trust or Profit under the United States, during the term for which he is an Elector.

“He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur ...”

U.S. Const. art. II, § 2, cl. 2

Forfeiture except during the life of the Person Attainted.

Article IV.

Section. 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the

“The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States...”

U.S. Const. art. IV, § 3, cl. 2



INVEST TODAY!



DOGE

WORKS
FAST
TO DISSOLVE:

- ✓ Waste
- ✓ Fraud
- ✓ Abuse
- ✓ Inefficiencies