11. Department of Education

Congress should

- identify and list all federal education programs;
- abolish all programs and agencies (including the Department of Education) not provided for by the Constitution; and
- return education to the state, local, and family level.

This handbook is filled with ways to restore limited, constitutional government because every government action increases the proportion of human action wrought by force and decreases that share done voluntarily. Laws are not suggestions, after all. To the extent that government does more, parents do less, and thus become less responsible, and education suffers. The history of state involvement in education is marked by an inexorable drift of responsibility from families to small local governments to larger local governments to states and finally to the federal government ~~all~~ the way from your house to the White House.

For the sake of the rule of law and respect for the Constitution, for the sake of the principles of subsidiarity and federalism that encourage personal responsibility and diverse approaches to public policy, and for the sake of strong families, Congress should remove itself from involvement in education.

In spite of much bitter debate over education, at least one critical consensus survives that would enable Congress to act with bold strokes: parental involvement is the key to all educational success. Like a good physician, Congress should first cease doing harm by "enabling" parents to do less for their children. Parents, for example, can certainly prepare their children's breakfasts, but many will not do so as long as a free substitute is available.

Accordingly, Congress should get out of the education business and return what it spends to taxpayers in the form of a tax cut. Some states

may take this pro-parent strategy to its logical conclusion and reduce or eliminate their own roles in education. Other states may step in to replace federal programs. The only thing of which we can be sure is that they will not react alike, and before long we could see which approach yields the best results.

Whence We Came

Many people do not realize that for most of American history—from the early Colonial period through the end of the Civil War—not only was there no federal involvement in education, there was comparatively little state or local government involvement, either.

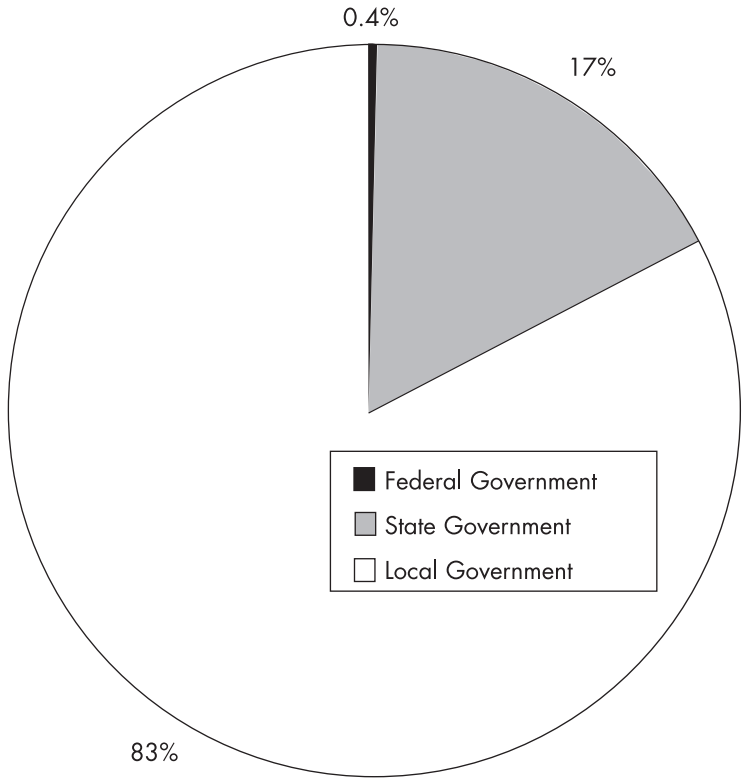
One sign of centralization is the migration of school financing from the local to the state and federal levels. In 1930 only 0.4 percent of funding for education came from the federal government, 17 percent from state governments, and 83 percent from local sources. By 1997 the federal government provided 7 percent of all funding, state governments' contributions had ballooned to 48 percent, and the local government share had shrunk to 45 percent. Also by 1997, schools in 35 states received less than half of their revenues from local taxes (Figures 11.1 and 11.2).

In 1930 there were 262,000 government schools in America—one for every 470 people. Today those schools have been reduced to only 90,000 for a population more than twice as large—roughly one school for every 3,055 people. With the closing of small schools came the opening of large school districts. In 1932 there were 127,531 school districts nationwide. By 1994 only 14,881 school districts remained.

But long before the federal government got heavily involved in education, young America had waged a successful revolution against a titanic empire and founded a unique republic based on individual rights and responsibility. Alexis de Tocqueville would describe the ordinary citizens as the best educated in history.

In the mid-19th century, Horace Mann promised that "common" schools would all but eliminate crime and illiteracy, yet 150 years after schools became free and compulsory, we continue to await that result. According to the U.S. Census of 1850, 90 percent of Americans were already literate. Literacy in 1850 consisted of reading demanding and allusive writers like Walter Scott, James Fenimore Cooper, Washington Irving, and Shakespeare, along with the King James version of the Bible. In 1835 British statesman Richard Cobden announced that newspaper reading was six times higher in America than in England.

Figure 11.1
Education Spending in 1930

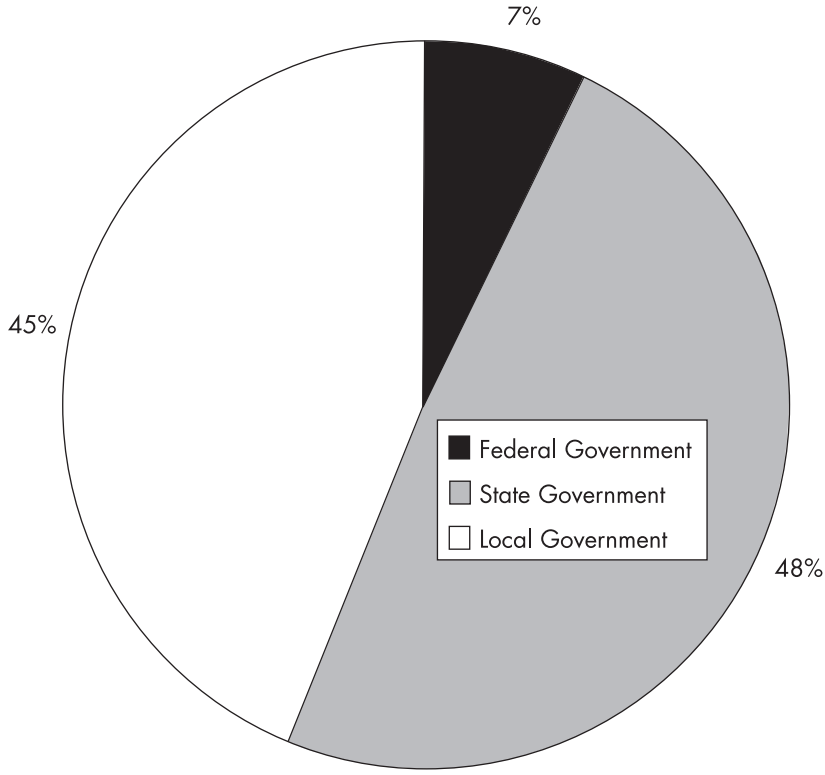


NOTE: Figures do not add to 100% due to rounding.

Where We Are

As government gained a larger, tighter grip, achievement declined. According to education historian John Taylor Gatto, by 1940 the rate of literacy in the United States was 96 percent for whites and 80 percent for blacks. By 1992, according to the National Adult Literacy Survey, 15 percent of whites and 40 percent of blacks tested at the lowest level measured. The survey also revealed that fully 80 percent of American adults lacked normal high school literacy and quantitative skills. The high end of this group can comprehend short articles, write a letter, and do single-step math problems with a calculator, but most cannot write a paragraph or do multiplication or division. This 80 percent cannot evaluate written arguments or use a bus schedule to determine the best route to

Figure 11.2
Education Spending in 1997



take. And, in spite of billions of federal dollars to help millions of people to attend college, a staggeringly paltry 3 percent of Americans demonstrate the abilities one would expect of college educated adults: the ability to summarize a long article, to understand information for prospective jurors, and to do multistep math (algebra and higher math not required).

Although SAT math scores have seen a recent uptick, scores remained flat throughout the 1970s, 1980s, and 1990s, with the achievement gap between whites and blacks widening in the past decade. Moreover, today's SAT is a dumbed-down version of its old self: students are given an additional 30 minutes of time, calculators may be used, and many difficult questions have been eliminated. But Gatto points out something else rarely noted about SAT scores: Our best and brightest are becoming duller and fewer. In 1972, 2,817 students scored above 750; by 1994 the number had fallen by 50 percent to only 1,438 in spite of a larger pool and an easier test. That represents an absolute decline among the brightest students.

Things That Don't and Won't Work

People who hope that spending more and reducing class sizes would help are in for a disappointment. We've been doing those things for years. After adjusting for inflation, education spending has increased 14-fold since it was first measured reliably in 1920—from $535 per pupil to $7,299 in 1997. Teacher/pupil ratios have decreased in recent decades—by 36 percent from 1955 to 1995.

The most comprehensive examination of school spending was undertaken by economist Eric Hanushek, who reviewed nearly 400 studies of student achievement and found no strong or consistent correlation between spending and performance. Hanushek also reviewed 277 statistical studies relating class size to student achievement. Only 15 percent showed a clear positive relationship, whereas 13 percent showed a negative relationship. Even the recently touted Tennessee experiment with reduced class sizes shows insignificant results everywhere except kindergarten.

National standards do not hold much promise, either. As important as standards are, the best arise out of the needs and choices of millions of families and communities; they are not prescribed or loosely defined by Washington experts—be they conservative or liberal. Any federal involvement in curriculum standards requires a federal opinion about the content of the standards and will inevitably result in federal meddling in local schools. Nearly every state has already introduced or is developing some form of statewide standards and testing.

Since the facts about the education meltdown are many and unassailable, the best that defenders of the federal role can claim is that it has slowed the rate of decline. Even that is dubious, since there is reason to believe that federal intervention has hastened the decline of achievement by wastefully redirecting resources and displacing parents. Nevertheless, arguing that federal programs have failed on their own terms is a futile pursuit. The typical response to objective criticisms is that the program in question is underfunded or needs to be expanded to reap its full benefits.

For the record, we can look at two of the largest and best-known federal programs. Head Start, begun in 1965, is a preschool health and education program for low-income children—on whom, according to the General Accounting Office, there is no evidence of any impact. Title I of the Elementary and Secondary Education Act, also implemented in 1965, is aimed at boosting the achievement of at-risk students by providing additional funding to their schools. The only longitudinal study conducted on Title I shows all positive effects wearing off by junior high school. Head

Start has cost $44 billion so far; Title I has cost more than $120 billion. The response has been an increase in funding for both programs, and in 2000 both major presidential candidates called for still more spending.

The political problem for elected officials is that merely mentioning the failure of federal programs puts the critic in a position of appearing to oppose nutritious breakfasts or high standards or educating at-risk children, when that is far from the case. But the larger, strategic problem with such criticism is that it tacitly concedes the argument that the program should exist at all. If we want to get rid of programs because they violate the Constitution, we don't need to enter into discussions about how wasteful or unproven they are. It's time to turn the tables and ask defenders of federal education programs to explain how they are authorized by the Constitution.

The First Step

We can start with some good news. The first of the three tasks at the top of this chapter has already been largely accomplished. Thanks to Rep. Pete Hoekstra (R-Mich.), the heavy lifting involved in identifying federal education programs was completed in July 1998. The hair-raising report, "Education at a Crossroads: What Works and What's Wasted in Education Today," was prepared by the Subcommittee on Oversight and Investigation of the House Committee on Education and the Workforce, of which Hoekstra is chairman.

The Crossroads report includes many examples of red tape, colossal waste, total failure to achieve goals rewarded by increases, and other ordinary outputs of really big government. But its greatest contribution is the identification of no fewer than 760 federal education programs in 39 agencies; those programs cost $100 billion per year. And here's the real stunner: not one of the 760 programs is authorized by a power enumerated in the U.S. Constitution.

The urgent duty of Congress now is to evaluate each of those programs individually, including the Department of Education itself, and examine them not simply for their wisdom, or effectiveness, or cost, or wastefulness, or popularity, or likelihood to promote excellence or reform but for their constitutionality. If there is an educational duty of members of Congress, surely it is to provide a good example of respect for the rule of law.

More than likely there will be some programs, such as schools on military bases operated by the Department of Defense, that are a direct extension of a bona fide enumerated power. If such programs are deemed

constitutional, then they should be examined for their wisdom, effectiveness, and cost.

Five Good Reasons to Be Principled

No matter where you sit on the ideological spectrum, abolishing the federal role in education is good government.

1. Of the many ways in which our federal government ministers to us, education is among the most obviously unconstitutional. The words "education" and "school" do not appear in the Constitution or any of its 27 amendments.
2. No matter how brilliantly designed government programs are, they have a homogenizing effect on state and local actions. With the federal government out of the picture, state and local reform efforts would burst forth with a renewed sense of purpose.
3. Abolishing the federal role in education would reverse the century-old centralizing trend in education, returning authority in education to at least the states and allowing them to experiment with less government involvement, which might well permit power to devolve to parents and local authorities.
4. Likewise, more responsibility for education would flow to parents, through both their direct involvement in reform efforts and the enhanced impact of their power to choose within a more experimenting and diverse environment. Moving to another school district—or state—might make a big difference.
5. The endless and unwinnable debate over who cares most about education would be over, and federal legislators could focus on things for which they really are responsible. Members of Congress would no longer be answerable for a problem they neither created nor have any ability to fix.

Conclusion

The Sputnik launch in 1957 gave President Eisenhower a national security rationale for increasing the federal role in education. For President Johnson new federal education programs were part of the War on Poverty and the legacy of segregation. Under Carter, the federal voice in education got its own cabinet-level department. Under Reagan, that hitherto controversial department acquired invaluable prestige and permanency by producing a study, *A Nation at Risk* (1983), that candidly detailed the wholesale

decline in educational achievement—a decline that up to that time had been persistently disputed by the establishment. Following the release of the report, there was a tactical shift by defenders of the establishment to embrace the crisis and use it as a justification for more government spending and programs. That change of tactics worked. Now everyone is a deeply concerned reformer. In 2000 the presidential candidates of both major parties promised to expand the federal role in education, giving it still more power, prestige, and money.

As is any crisis, this is a time of great opportunity and danger. As bad as things are today, they could get worse, and educational authority and financing could drift further and further from families. If we cannot say with confidence that the federal role in education is unconstitutional, then what will we be able to resist? Will every future program enjoy the benefit of the doubt until proven wasteful and ineffective?

What education desperately needs is less Uncle Sam and more mom and dad.

Suggested Readings

Boaz, David, ed. *Liberating Schools: Education in the Inner City.* Washington: Cato Institute, 1991.

Coulson, Andrew J. *Market Education: The Unknown History.* New Brunswick, N.J.: Transaction Books, 1999. See also www.schoolchoices.org.

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Hanushek, Eric. "The Evidence on Class Size." W. Allen Wallis Institute of Political Economy, University of Rochester, Occasional Paper no. 98-1, February 1998.

Richman, Sheldon. *Separating School and State: How to Liberate America's Families.* Fairfax, Va.: Future of Freedom Foundation, 1994.

Subcommittee on Oversight and Investigations of the House Committee on Education and the Workforce. "Education at a Crossroads: What Works and What's Wasted in Education Today." 105th Cong., 2d sess., July 17, 1998.

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