



Episode 845: Betsy DeVos and the Department of Education: Are There Positive Things to Hope For?

Guest: Joy Pullmann

WOODS: I have to admit I haven't been able to find out a whole lot about Betsy DeVos. I know a bit about her background, but in terms of her full-fledged philosophy of education and public policy, I'm not really sure what it is. And I don't know if that's just me or because there's not as much known about it as we'd like. And I hear people on two sides of this question: she's in favor of Common Core so she's terrible; no, she's against Common Core. Well, I personally know a couple of folks who know her very, very well and know her whole family who insist to me she is an opponent of Common Core and is totally reliable and good. But what do you know about her? What are your thoughts?

PULLMANN: Right, it is hard to know, and actually, this episode of trying to figure this out — because I don't want to unfairly malign a good woman, to smear her name. I consider that immoral [laughing]. But I also don't want to be lending my support or my credibility behind someone who supports things that I don't agree with that I think will be bad for the country. So it's been a really difficult kind of season for me to talk about this issue since President Trump nominated her to be his Education Secretary, because, like you, I'm not personally connected with her.

And I have done a lot of work in the school choice and state policy arena for a number of years now, so I've been familiar with some of the organizations she's associated with, such as the American Federation for Children. But again, there are all these questions of, well, you know — unless you have specific evidence — you know, she said this; it's reported; here's the recording; here's the transcript — you know, I'm a reporter by trade, so I don't want to nick people unless I have it solid that they actually said they actually did X, Y, or Z.

So actually finding that information, I've been trying to do it for a number of weeks, ever since she's been named as his pick, and it's been surprisingly difficult to get any good hard evidence about the very nitty-gritty details of the policies that she supports, and I think the details are really what my support or interest in her hinges on, because — and everybody and anybody would say — I'm used to politicians, right? They'd sell you their own mother if they thought it would get them reelected [laughing]. So I don't want to follow what they tell me they're going to do for me; I want to look at what have they done, what is the way that they've worked.

And so since she has been a private citizen, it is very hard to find any good, concrete evidence about her proclivities about these details. All I know is she likes school choice programs – okay, that's great. How regulated does she want them to be? I do have personal testimony from folks in Michigan saying that there she supported Common Core and through her weight against the Common Core repeal. Also in her track record, while she was leading the Republican Party in that state, she was also against a proposal that actually passed into law to amend the state constitution to forbid race preferences in college admissions and state hiring. But those are basically the only hard facts that we have so far yet that I've been able to find.

WOODS: You start your article by referring to the federal Department of Education as a "horribly failed agency."

PULLMANN: [laughing]

WOODS: Now, it's interesting you say that, because right now a lot of progressives are treating the appointment of DeVos as being the equivalent of the abolition of the Department of Education, because their view is that now –

PULLMANN: [laughing] It is!

WOODS: Right, of course, of course. But their view is it is in the hands of the enemy. So the natural response a lot of my friends have had has been to ask their progressive friends, What is it about the Department of Education you feel you couldn't live without or that people couldn't just do in their – aren't you basically just saying people are too stupid to run their own schools? What kind of elitist arrogance is this? But also, point me to something – and you say this in your article. Point me to something successful that's come out of this thing. We can see that costs have skyrocketed and results have flat-lined. That we know. But then whatever initiatives they've had, what has been successful? Have you been able to dig up anything that they could plausibly point to? Or is it just because the word "education" is in the title, so therefore we're all supposed to bow down to it?

PULLMANN: You know, I don't know if you or your readers are familiar with *The Pity Party*. It's a book by the Claremont Institute's William Voegeli and basically one of the major concepts in his book is talking about – trying to grapple with the idea that the left seems to be a bunch of hypocrites, where they have all these really great ideals about helping people to really serve their needs, providing for them and so forth, but then when their ideas become reality and not only fail miserably to do what they promised would happen, but also actually can be counterproductive. So for example, in Medicaid, people who are uninsured are better off in their health outcomes than people who are on Medicaid care. It's the same thing in education.

So there is definitely a huge disparity on the left that we don't really see them grappling with. If you really care about poor kids, if you really care about kids getting a good education, being able to bootstrap themselves out of poverty, maybe you should take a look at the data we have over the past 50, 100 years that show that all of these programs that the left has been pushing on us in education and other areas not only are not providing, they're not making good on these promises on these intentions, they're actually counterproductive.

So if we look at the Department of Education — there's an Independence Institute fellow named Vicki Alger, a friend of mine, and so I happen to know she's been working on this huge book that came out about the history of the U.S. Department of Education. She's been working on it for years now. And so she goes methodically through all of the research on this department and all of its original — the congressional debates that established the department and the kind of key priorities that were set in place. These are the reasons for its existence. And then she compares whether it has managed to help make any progress towards any of these key goals. And she concludes, based on the evidence, on the research, on the experience we have, that no, if we're lucky, the department has done nothing and the evidence even suggests that it has made things worse for its key program areas. So those include predominantly helping kids in low-income and minority communities and essentially the department has utterly failed at that key priority of it.

And there's also been some research done by Neal McCluskey at the Cato Institute. He did that in some congressional testimony a couple of years ago doing the same thing. By its own standards, the U.S. Department of Education is a massive failure.

WOODS: I want to review some of the things that you're saying she could do just on her own authority as Secretary of Education that would do some good for people. So let's start with — The very first one I want to look at you have labeled as "Reverse Obama's Illegal Executive Actions." What do you mean by that?

PULLMANN: Well, so I'm sure your listeners are familiar with the way that the Obama administration, which is to say that rather than faithfully executing, carrying out the laws that Congress, our representatives, gave to them to execute, the Obama administration essentially grabbed power from Congress to make laws. And so it did this massively in the education sector, and its use of this technique is why we have Common Core in the country today. So the Obama administration — and this is a common technique in many different areas, but prominently did this with Common Core, where it said to states, basically, if you adopt Common Core, you'll have a better shot at getting some of this money pile that they got out of the stimulus bill. And so that's basically what rushed all of the states into Common Core. They were just hoping to get a bit of that money, and so therefore they promised Obama that they would switch over all of their education system to the Common Core education system.

And so that is kind of a greased skids set for federal control of education, this way of running business. And Betsy DeVos could reverse that. She could tell states, Look, even though I have the power to tell you what to do with your curriculum and your tests, I'm not going to use that power, so I'm returning the power back to the states where it belongs. I'm using my power to give it back to you where it belongs, and you should run your own curriculum and your testing decisions, and I will use my tenure as Education Secretary to preserve that fundamental right that belongs to your citizens.

WOODS: I like this one. Number two: "Refuse to Enforce Vague Statutes." And let me read your first paragraph:

"Going further with the Common Core recommendation above, DeVos should have the department's lawyers scour federal education law for vague commands, list these in

order of greatest importance, and issue further guidance to states about which other provisions her agency will refuse to enforce since Congress has not made its will clear through specific language."

How much of that do you think there is?

PULLMANN: Basically almost everything that the Department of Education does [laughing]. So I'm trying to think about how much to back up here. So the federal government is basically this giant monolith, this leviathan that operates under something that we call in the business the administrative state. So what this means is Congress has for many decades now, rather than saying specifically — you know, using the power delegated to them by the people of the United States to write specific laws saying, nouns and verbs here, this is precisely what we want to have happen — instead Congress has been treating laws as a general grant of unspecified authority to the fourth branch of government, the one that the Constitution did not declare has the power to do these things, because that fourth branch takes away the powers that are separated within the Constitution to protect our legal rights.

Anyway, so rather than writing laws, than doing its responsibility of saying what it wants to have happen, Congress sends it over to the executive agencies. And what they do is interpret these vague laws, and they're the ones who put kind of the nuts and bolts, they put the nouns and verbs into the statute, and they're the ones essentially writing a law on behalf of Congress.

So this benefits Congress because then when the administrative agency does something crazy that voters don't like, that citizens don't like, then the lawmaker can just sit there and say, Well, it's not my fault. Oh my gosh, that crazy agency. Let's have a hearing about this. You know, bluster, bluster, bluster. And so they'll haul some people maybe before Congress and have some show hearings and nothing happens and the regulation stands. And then the congressman is basically pretending to his constituents, Look, I did what you wanted. But the regulation continues to stand, despite that not being the will of the people. So he gets to be reelected without ever actually having carried through on his campaign promises or carried out the will of his people who have elected him into office.

So there's lots of big statutes and the laws are full of them, and specifically in education, which is an extremely vague and kind of virtue-signaling kind of office in the first place. So there's a lot of things where the Education Secretary could say, Look, this law is not clear on what Congress specifically wants to have happen, so I can't enforce it because it doesn't tell me what to do. So that would leave those laws in force, and that would again return the freedom back to the people in the states, in the schools, in local communities to be living their own lives without unelected bureaucrats controlling minute details of their lives without the authority to do so.

WOODS: I am interested also in your item here about "she's going to need some good lawyers," because if she's going to carry any of this out she's going to be challenged left and right by all kinds of people. And you point out that some of the lawyers in the department now are not really going to be reliable for her because — well, first of all, what would you imagine in the employ of the Department of Education would be like? But secondly, they've already been — they're already known quantities. They've been

advocates for the Obama administration. So she's really got to take the bull by the horns here in a lot of ways.

PULLMANN: Right, so I don't actually have to imagine what the lawyers inside the Department of Ed are, because I know what they've been doing for the past eight years under President Obama. And it has been just straight up seizing power that they do not have granted to them by the laws. Neither the laws nor the Constitution. They basically have been doing whatever they want and then using their legal expertise to cover their behinds with regulatory language and then just basically daring their opponents to bring them up in court. And of course while things take three or five or even more years to work themselves out in court, the programs that they wanted to have happen are already moving into place, which makes them extremely difficult to repeal, even though they were not legally granted to power to be imposing their will unilaterally on the nation in the first place. So that's a really convenient power for them, but it's tyranny. It's just straight-up tyranny to not have a grant of authority and to march roughshod over Americans anyway. And again, this is one of the features of the regulatory state.

So Betsy DeVos is coming into office — *Politico* published a couple of weeks ago reports from the employees she's going to oversee talking about they're crying — they're crying because they do not want to work for her because they do not support her policies so badly. And not only that, last I heard 200 people signed up for a civil disobedience class to learn basically how to work for American taxpayers but to subvert and completely oppose the directions of the people that the American citizens and voters and taxpayers have elected to be in charge of their departments. And adding another layer to this insanity is that we have we have civil service protections at the federal level that basically mean it's very, very difficult to fire any of these federal employees.

So put yourself in Betsy DeVos' position. You have engineered a hostile takeover of a large company, corporation, organization, several thousand employees. These employees hate you and they're going to use your money to try to gum up the works, to try to sabotage everything that you as the leader of that organization want to do. You cannot fire them [laughing]. So Betsy DeVos is going to need some good lawyers. That's just the conclusion of that.

WOODS: Well, the most fun item I think you have in your list of seven is "Create a Plan to Erase her Department," and we'll talk about that after we thank our sponsor.

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All right, let's talk about getting rid of the Department of Education. You'll understand why I'm skeptical here about that happening, because we've been hearing that ever since it was created, that the Republicans were going to get rid of it. Then they became kind of comfortable with it and they thought, well, what if Republicans were running it. It's a bad idea to begin with. If you are an old-timey conservative, one of the things you're supposed to believe in is local control. The idea of the federal government having something to do with education — and the type of people who would be in charge of a federal Department of Education I wouldn't want within 500 miles of my kids.

So having said that and given that we don't entirely — I mean, there's some stuff known about Betsy DeVos, but it's hard to speculate as to what the likelihood of this is. How, if she wanted to get rid of the department — which I think it would be an uphill battle, but I think it's a worthy one — how would she go about something like that?

PULLMANN: Well, actually, there is a blueprint in the book that I mentioned earlier by Vicki Alger; it's called *Failure: The Federal Miseducation of America's Children*. And it's kind of a sexy title, but it is actually a 500-page book with several hundred footnotes. It's a scholarly work. And she has a detailed plan for dismantling the U.S. Department of Education, and she goes through department by department, program by program, and has a plan for essentially gradually decommissioning the work that the department does and returning the important faculties back to the states to have them handle that if their taxpayers, their voters want the things that the department does to be done. They can have their representatives arrange to have it happen. It's not like there's only one government in the country called the federal government.

So that is possible and it would have to be very carefully done, because given — some of the things that I mentioned earlier — the backlash that would be created, the crying, the screaming, the meltdowns that we've seen over all kinds of things, not just the Education Department — obviously trying to dismantle the department would be a complex political task. And when you do that, even if that is your aim, if that will be something that DeVos would want to do, she would have to do it wisely. She would have to be very prudent about it, because for example, as President Trump, his actions with his executive order about immigration showed, there's always going to be unintended consequences of any major action. There are programs that the U.S. Department of Education runs that families are using, that teachers are using, and so it's very visible. It would be really easy to have really bad PR come out of dismantling the department if it were all done immediately, abruptly, without sort of a decommissioning, an off-ramp.

So again, it would have to be done prudently, but it should and could be done and Vicki's book goes into really good detail about it, but it basically just gives a sunset. And the time level of the sunset for each program depends kind of how big and complicated the program is, but basically between one to five years for each program to be giving the power again back to the states, back to the people, where it belongs.

WOODS: You also talk about a federal voucher program, and you're against the implementation of one. What are your concerns there? I agree with you.

PULLMANN: Yes. It's hard for me to talk about this, because I am a big school voucher/education savings account/school choice supporter. So I need to make that clear at the outset, because when I go on then to complain about a national voucher program people get confused. So I think that parents do have a right to direct their kids' education and the clearest way to ensure that right is to allow for markets to exist in education and we don't have markets right now. But also I think it is simply imprudent to enact a program like this at the federal level, and that's for a number of reasons that relate to basic political science.

And so one of those is that if you create a national program, it is almost inevitably going to be taken over by special interests, because creating a national program — It's kind of like the Death Star. If they get that sucker, they get everything [laughing]. So they will spend all of their time, all of their energy working to control a national, "one ring to rule them all" kind of scenario. So of course that is obviously why our founders created the country that has 50 separate state governments in order to create competing power centers, so it's harder for special interests to take over 50 programs than it is for them to take over one single program. So that's just basic political science.

So I actually think that a federal voucher program is the surest way to nationalize American education, and again, if we look back to what the Obama administration did with the power it didn't have over education but it had enough — using the money that Congress sends back to states for education with lots of strings attached, that was the excuse the Obama administration needed to go into, for example — I think it was Louisiana. It was definitely a Southern state. And they said to them, We need to see detailed data on all the children that are participating in your school voucher program because we want to basically put racial quotas on the program. Governor Bobby Jindall, he says this program is 80-90% black kids; it's not only benefitting white kids. But basically it was a power move. Any kind of power maniac who gets into the presidency, if he can touch every single school in the country because there's a national voucher program, he is going to use that power to impose his will on the country. So the simplest solution is to not give him that power in the first place, and so you don't create that national voucher program.

Now, some people are tossing around a number of different ideas, and I can — the only one that I might give a little bit on is a tax credit. We already have tax credits at the federal level for all kinds of things, and I generally am not keen on them because it's kind of — it's one of those special interest carve-outs. I think taxes should be equal and fair across the board and there shouldn't be special attempts to use the tax code to push people into socially preferred programs, but if you're going to do a national voucher program, if there's no way to get Congress off of it, I could support one that allows private individuals to use their own money to privately sponsor whatever kind of configuration of school choice to make that available to parents.

WOODS: Why would you be concerned that the president would have influence over all the schools in America and he could impose his priorities on them and not be concerned that 50 of the state governors could have the same influence over a state voucher program? I wouldn't want the governor of Maryland touching my kids' schools either.

PULLMANN: Well, then you shouldn't live in Maryland. It's a lot easier to pick up and leave Maryland or a certain school district in Maryland than it is to leave the United States entirely, right [laughing]?

WOODS: Well, that's right, but that's why I don't want to go down the voucher road to begin with. Of course it's going to mean control by the politicians. What else could it mean?

PULLMANN: Well, that's true. But I mean, the other route that you have to think of is basically — how do you say it? The cost-benefit analysis. So if your alternative is to opening up more of a marketplace of choice using school vouchers, education savings accounts, tax credit scholarships, a variety of mechanisms — if you don't do anything then we're just left with a straight up education monopoly in the form of public schools that are subject to burdensome national regulations that strangle their ability to provide kids a good education. So I see school choice at the state level as a way to actually break up an existing monopoly. So I guess I'm saying we have to think about what are the competing options that we have here and what is the alternative. So the system that creates the least amount of monopoly, the most amount of choice, the most amount of individual initiative and control, that's the one that I'm going to support. And so I think a school choice at the state level system improves on a public school monopoly-like system, but I think that a national voucher system makes the monopoly situation worse.

WOODS: Well, I guess this is an area of disagreement. I mean, that's why I would favor tax credits vastly over vouchers, because —

PULLMANN: Oh, I do too. Again, if we're going to get into the nitty-gritty and talk about school choice programs themselves, which is better, I do tend to lean towards the tax credit option also, because, like you say, this is the libertarian idea. It gives less of an avenue for government control.

But then I'm going to — So when I talk about this with my boss at the Heartland Institute — it's a libertarian think-tank headquartered out of Chicago — Joe Bass, very libertarian guy, but he supports school vouchers and here is his main reason: he sees the public school monopoly as being so strong and that none of the tax credit programs that exist, even the biggest ones, are very good at competing against it, typically because the amount that the money provides is not enough to really get you up to level that playing field between the private schools that it creates and the public school system. So he, even though a very strong libertarian, more libertarian than I am on a lot of issues, he is a straight-up voucher education savings account proponent just for the simple reason that he doesn't think essentially there's enough amp, there's enough power in a tax credit scholarship system to be able to compete with the big monopoly of public education.

But I mean, obviously that's a live debate within the libertarian world, but 90% of Americans are going to public schools, so that's kind of a niche debate and I just tend to find it more effective to be talking about public schools versus any other education option period.

WOODS: In your article you've got these seven things that Betsy DeVos could do, so if she did them you'd be pleased. But tell me what would strike you as a red flag if she did.

PULLMANN: Hmm. There's a number of things of course that would be a red flat. So President Trump and Kellyanne Conway, his advisor, just right after DeVos was confirmed reiterated his campaign promise to repeal Common Core. If the way that Betsy DeVos attempted to go about that was by using the same mechanism Obama used to push it on the states — that would be saying to states, I'm going to bully and

threaten and push you into doing what I want; otherwise, I'll take away something that you like that I have — that would be a huge red flag to me. That would not be the way to go. You know, to respond to abuse of power with another abuse of power, just in a different direction.

Another huge red flag — of course we've been talking about this voucher issue — is if she starts standing up and supporting a federal school voucher program. I do not want federal bureaucrats being able to reach their hand into every public school, every private school in the country. No thanks [laughing]. So those are kind of the two key areas.

Another thing that I am looking for is the way that she is going to handle the Title IX redefinition by the Obama administration. We haven't discussed that yet. But this was another one where the Obama administration took what the law said and just straight up rewrote it using regulations. You know, the law says you can't discriminate based on sex, and they interpret that to discriminate based on sex, and as well as do things like strip due process rights from kids at universities involved in these sexual abuse cases. So that is another kind of hot area that I'm watching to see what she does, essentially whether she shows a proclivity towards sending the power that the federal government has stolen from Americans without our consent, whether she will send that back to us to give us more power to run our own lives without being "Mother, may I-ed" from her agency, or whether she becomes one of these Republican-types who says, Look, I've got all this power and I will use and abuse it in order to push everyone into my preferred vision of good education.

WOODS: Is it okay if I mention on the air how many children you have? Is that too personal?

PULLMANN: Oh no, I put that in my bios; I just don't like to talk about where my city is or their ages or names or pictures.

WOODS: Oh no, no, fair —

PULLMANN: But saying I have four kids, that's all over the place [laughing]. So sure, thanks for asking.

WOODS: Okay, because I have five daughters —

PULLMANN: Oh nice.

WOODS: — and we had at one time three under age three. So I think you're somewhere in — You're not a million miles removed from that situation, let's say —

PULLMANN: No, my oldest is six [laughing].

WOODS: All right, so you're getting — you're sort of in that. But there are joys and struggles with that —

PULLMANN: Yeah.

WOODS: — but I'll tell you that as they get older together, they just become best friends. And they become so helpful —

PULLMANN: I have heard that from others. It's encouraging.

WOODS: Yeah, it's just going to be incredible to watch that unfold. I'll just tell you that.

PULLMANN: Thank you, I appreciate that. Sometimes I wonder [laughing].

WOODS: I mean, we had three in diapers at once. Did you at any time have — ? You didn't have four in diapers. You had —

PULLMANN: At one point I was approaching three in diapers, and that was when I said to my husband, We have got to potty train this oldest one —

WOODS: Yeah, enough is enough [laughing]. Right. That is it. All right, great. Listen, I'm going to link to of course your article. I mentioned that. I'll link to your article archive at The Federalist. We'll get your Twitter up there. We'll have a whole Joy Pullmann smorgasbord at TomWoods.com/845. All kinds of links related to what you're doing. We'll get the Heartland Institute up there. It'll be great. That's where people should go, TomWoods.com/845. Well, thanks for your time and your insights into this, and we'll just have to sit and watch.

PULLMANN: I'll be joining you very eagerly on the edge of my seat.

WOODS: Thanks again.

PULLMANN: Thank you.