

**The “School-holm” Syndrome:  
A History of Federal Legislative Involvement in American Schooling<sup>1</sup>**

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To compel a man to furnish contributions of money for the propagation of opinions  
which he disbelieves and abhors is sinful and tyrannical.

--Thomas Jefferson

Like all educators, I am no stranger to averted glances, blank stares, and ducked heads when I ask a classroom of students a direct question. One of my favorite questions, therefore, to ask a class is, “What does the Constitution say about education?” As students inevitably start to squirm in their seats, I am able to laugh and reassure them that their lack of an answer is, of course, the right one. Neither the word *education* nor *school* nor any equivalent appears in the United States Constitution (though these words do regularly appear in state constitutions). Amendments Nine and particularly Ten notably reserve powers not given to the federal government to the states and the people. Consequently, education in the United States has historically been considered a local or state issue, and to some extent, it still is. As with seemingly every field one might consider, however, the history of the United States has been one of ever-increasing federal involvement—and education proves no exception.

Not surprisingly, America’s increasingly active judiciary has often served the vanguard role in the national government’s invasion into schools. Everything from school curriculum to school conduct to school dress to school attendance has been taken up by the United States Supreme Court in the 20<sup>th</sup> century. Thus, the Supreme Court implied and subsequently almost always ruled that the federal government did have authority over American schools. These

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essential, but generally familiar, debates, however, lie outside the purview of this project.<sup>2</sup> Rather than the judiciary and the role of unelected political leaders, this paper's focus centers on the history of the United States Congress, which also has assumed a greater and greater authority over education.<sup>3</sup>

Up until the 19<sup>th</sup> century, education and schooling in the United States (and England) were private affairs.<sup>4</sup> Parents handled education through their own efforts or by directly hiring and/or creating private schools of their own design. Children of the poor and orphans were educated through philanthropic efforts (primarily through efforts of the church). In the southern colonies and then states, this historic approach to education remained dominant until Reconstruction. In contrast, northern colonies and then states had established by the Civil War "common schools" that dictated a common (and frequently compulsory) basic education for children residing within these individual states.<sup>5</sup> By creating government schools, these states moved education of the young from the private to the public realm. Perhaps most significantly this moved teachers out from under the direct authority of the parents to the authority of the

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<sup>2</sup> For those desiring more information on the judicial branch's role in bringing American schools under federal control, I encourage readers to examine three of my earlier works published by The Center for Vision and Values: "Educational Leviathan: The Rise of Forced Government Schooling in the United States (2008)"; "From Dewey to Obama: A History of Progressive Education in the United States (2010)"; and "Fundamentalism and Freedom in the American Public School Classroom (2008)".

<sup>3</sup> Over the following pages, a sweeping history of American education will be offered, summarized, and referenced. While I have obviously tried to footnote accurately throughout for specific references, I want to note upfront my reliance on Urban and Wagoner's essential educational textbook entitled *American Education: A History* (now in its fourth printing though I rely most on the second). Theirs is the work I look to first for essential facts of educational history and one I have relied on; therefore often the line between their thoughts and my recollection blurs. For those seeking a general history of education I recommend turning to them first. I additionally would like to note a new book that proved very helpful to me for background information: William J. Reese's *America's Public Schools: From the Common School to "No Child Left Behind."* (Baltimore: The Johns Hopkins University Press, 2011). I hope that this book too will enjoy a wide readership in the future.

<sup>4</sup> The most significant exception to the rule in United States history came under the Articles of Confederation when Congress passed the famous Northwest Ordinance of 1785 that did set aside parcels of land to be sold for the support of the creation of schools (which, also interestingly, were specifically directed to support religion and morality).

<sup>5</sup> Massachusetts was the leading colony and state in the public school movement. Massachusetts public school laws arguably date back to 1647 with the "Old Deluder Satan Act" and Horace Mann established the common school system in Massachusetts in the 1830s and 40s.

government. Admittedly, the government in question at that time would be either local or state and thereby more answerable to its constituency; nonetheless, this historic shift in authority over children from parents to government is a Rubicon moment that is too little noted or understood.

With the shift of teaching from the private to the public realm, the stage was set for the federal government to become involved. All that was needed was the destruction of political and governmental barriers to a nationalized system. This destruction was accomplished with the defeat of the South in the American Civil War.

In the words of Shelby Foote, the Civil War made the United States an “is.” What was once a collection of states became through force of arms an indivisible, singular nation. The ramifications of the Civil War continue to reverberate through almost every area of American society—law, economics, and politics; education is no different. With the North’s victory, the road to federal involvement (and perhaps eventual control) in education was cleared and paved.

In 1862, Congress met for the first time without Southern representation. Consequently, a veritable cataract of legislation was passed, not the least of which was the Morrill Act.<sup>6</sup> Justin Morrill of Vermont had been stymied in previous efforts to involve the federal government in higher education. But, with the election of Abraham Lincoln and the absence of states rights advocates in Congress, his bill easily passed into law. Thus came the first major intrusion of the federal government into education and its impact can scarcely be overestimated.<sup>7</sup>

The Morrill Act provided federal lands for states to create new agricultural and mechanical universities which not only set a precedent for accepting federal dictation of

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<sup>6</sup> Other famous legislation from that year included the Homestead Act and legislation for the creation of the Transcontinental Railroad.

<sup>7</sup> For a far more detailed treatment of the Morrill Act, please see my earlier paper for The Center for Vision and Values entitled “The Morrill Act: The 19<sup>th</sup> Century Law that Created Today’s Twenty-first Century University (2008).”

curriculum, it shifted education in the U.S. toward its current fixation on vocational training. Facing essentially no opposition, the floodgates of federal involvement were now open and federal control of education quickly followed through the further work of Radical Republicans in Reconstruction, including the creation of the Freedmen's Bureau, and the later passage of the Dawes Act.

After Lincoln's death, Radical Republicans took charge of Reconstruction and demanded that southern states forge new state constitutions before they be allowed back into the Union.<sup>8</sup> These "new and approved" constitutions had to contain provisions for the creation of "free" public schools after the New England common school model. Thereby, the tax-supported public school model of the North became universal throughout the United States.<sup>9</sup>

In April 1865, Congress established the Bureau of Refugees, Freedmen, and Abandoned Lands, better known as the Freedmen's Bureau. Though charged with a variety of duties, the Freedmen's Bureau achieved perhaps its greatest success in the field of education by coordinating the educational efforts of many missionary societies. John W. Alvord, the general superintendent of schools for the Bureau, appointed a state superintendent for each of the southern states. Thus, these superintendents and their agents supervised a vast network of schools throughout the South, furthering federal control of education and modeling a structure of

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<sup>8</sup> Of course, President Abraham Lincoln had insisted that secession was impossible and so the southern states had never really seceded. Under this Constitutional interpretation, it would not make sense for the rebelling states to have to go through a "re-admission" process. Lincoln's assassination, however, dropped control of Reconstruction into the far more radical hands of Congress' Republicans, who embraced this opportunity to remake the South in their own image by assuming the eleven states of the Confederacy had left the Union, and consequently needed Congressional approval to join anew.

<sup>9</sup> Interestingly, other states at the time rewrote their constitutions and included these common school provisions. Kentucky is such an example, and in 1990 the Kentucky Supreme Court declared the state's entire school system unconstitutional because it did not live up to those Reconstruction provisions.

governance far removed from local or parental control.<sup>10</sup> This model would be widely adopted throughout the nation in the coming Progressive Era.

Upon winning the Civil War, many of the North's leading generals were assigned to the subjugation of another group of people: the Native Americans. Of course, the violent interaction between the United States and Indian tribes already had a significant history before the 1860s. The second half of the 19<sup>th</sup> century, however, would witness the final removal of Native American resistance and significantly the use of schooling to establish complete defeat. Much like the southerners, the Indians posed a problem because they remained "uncivilized" and unprogressive, at least in the minds of ruling American politicians. In 1887 Massachusetts Senator Henry L. Dawes sponsored the key measure designed to reconstruct Native Americans into citizens who understood the "American Way."

The Dawes Act was part of a larger educational effort designed to "Kill the Indian...and save the man."<sup>11</sup> With the Native Americans, the federal effort to standardize these subjected people began with schools on the reservation, but finding these ineffective, moved to federal boarding schools on the outskirts of the reservation. Still, students stubbornly remained "Indians," so to eliminate their culture, Indian children were shipped thousands of miles away from their homes to attend boarding schools in the East where they would be stripped of any remaining vestiges of their traditions and customs. As is so often the case, resistance proved

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<sup>10</sup> Wayne Urban and Jennings Wagoner. *American Education: A History*, 2<sup>nd</sup> ed. (Baltimore: The Johns Hopkins University Press, 2011), 143-44.

<sup>11</sup> Lieutenant Richard Henry Pratt coined the phrase: "Kill the Indian in him and save the man." He also created the first off-reservation boarding school in 1879. It is the famous Carlisle Indian Industrial School of Carlisle, Pennsylvania. It is perhaps worth noting as well that Pratt enjoyed the support of Harriet Beecher Stowe and General Samuel Chapman Armstrong, the administrator at the Hampton Normal and Industrial Institute. Hampton served as an initial destination for some Indians before the creation of the school at Carlisle. Booker T. Washington is, of course, Hampton's most famous graduate, and he would take that educational system with him to Alabama with the creation of the Tuskegee Institute, which also participated in the Dawes Act education plan. Jim Thorpe, arguably America's greatest athlete, attended the Carlisle Indian Industrial School.

futile, for in the name of helping the Indians, the federal government funded and created schools to serve national goals and objectives.

“United,” Americans headed towards the 20<sup>th</sup> century with progress on the mind, and educational “Progressives” planned to lead the way. The Progressive Era remains perhaps the most important decades for American education, for in it the structure, philosophy, and methods of education that still dominate today were established.<sup>12</sup> These educational presuppositions resulted from educational theorists such as John Dewey and William Heard Kilpatrick and the dominating position of Teachers’ College Columbia University. Despite the importance of the Progressives for education, however, their efforts did not depend on federal lawmaking. Nevertheless, two crucial precedents set by Progressives must be considered that made future federal intrusion almost a certainty.

Though most famous as an educational theorist, John Dewey played perhaps the key role in shifting the country’s understanding of liberalism generally from the Lockean focus on “negative” freedom/liberalism, which restrained the government (freedom equals an absence of coercion) to “positive” freedom/liberalism, which desired citizens be “empowered” through governmental action. As the 20<sup>th</sup> century played out, in case after case modern “liberals” entreated the federal government to empower the citizenry to full freedom; citizens increasingly embraced this new understanding of liberalism rather than considering federal intrusion into daily life tyrannical. For Dewey, the essential institution for reform was the school; here, “associated living communities” could incubate democratic life into its citizens.<sup>13</sup> With the

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<sup>12</sup> For a powerful explanation of this phenomenon see E.D. Hirsch’s *The Schools We Need and Why We Don’t Have Them* (New York: Doubleday, 1996).

<sup>13</sup> John Dewey. *Democracy and Education* (New York: Macmillan, 1916).

adoption of an “empowerment” model of liberalism and its leading light focused on education, future federal involvement became inevitable.

The second reason the Progressive Era looms as essential in educational history is the adoption of compulsory attendance. In 1890, twenty-seven states had compulsory attendance laws, but by 1918 all forty-eight did. At the end of the 19<sup>th</sup> century, the constitutionality of such laws was still highly questionable and hotly debated. As historian Stephen Provasnik notes:

If a state legislature could compel school attendance (i.e. dictate in some way how parents should raise their children), then the state not only had the (traditionally recognized) power to proscribe activities that interfered with the rights of others or the public good but also had the power to prescribe how people should live their lives.<sup>14</sup>

Court rulings upholding compulsory attendance reinforced the shift of ultimate authority for a child’s education from the parents to the state.<sup>15</sup>

Up until the Progressive Era, the courts had consistently ruled that school authorities had the power to govern and manage their schools but that parents maintained authority over the particular educational content including whether they wanted their children to enjoy the benefits of common schooling at all. Four separate cases at the turn of the century, however, reversed tradition and ruled compulsory attendance constitutional.<sup>16</sup> Significantly, the courts did use different constitutional justifications for these decisions; but the later decisions ultimately relied on the state’s police powers as the grounds for compulsory attendance, thereby conferring “upon state legislatures practically unlimited authority over all children’s education.”<sup>17</sup> Once parents accept that government can dictate to them regarding their children, it takes little to transfer that

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<sup>14</sup> Stephen Provasnik, “Judicial Activism and the Origins of Parental Choice,” *History of Education Quarterly* 46 (Fall 2006): 318-19.

<sup>15</sup> Provasnik, “Judicial Activism,” 328

<sup>16</sup> These cases are: *Patrick F. Quigley v. The State of Ohio*, 5 Ohio Cir. Ct., 638 (1891); *State v. Bailey*, 157 Ind. 324, 61 N.E. 730 (1901); *State v. Jackson*, 71 N.H. 552, 53 Atl. 1021 (1902); and *Commonwealth v. Edsall*, 13 Pa. D.R., 509 (1903). See: Provasnik, “Judicial Activism.”

<sup>17</sup> Provasnik. “Judicial Activism,” 336.

authority from state governments to a federal one, especially when the federal government increasingly dominated American political consciousness.

Progressives represented by the National Education Association pushed for increased federal involvement, particularly desiring funding, throughout the first decades of the 20<sup>th</sup> century but achieved little success. As with many issues, wars are what seem to inspire Americans collectively to turn power over to the central government and education certainly follows that trend. In the mid- and late- 20<sup>th</sup> century, it was ultimately two wars—one against communism and one against poverty—that led to the massive intrusion of the federal government into education, especially by the legislative branch.

Coming out of World War II, America faced the immediate dilemma of what to do with millions of returning veterans and a more protracted challenge of what to do with the looming threat of world communism. In both cases, Congress turned to involvement in education to solve at least part of the problem.

Congress passed the Serviceman's Readjustment Act in 1944. Better known as the "G.I. Bill," it famously provided funding for veterans willing and able to attend schools or colleges to increase their job skills. Like the Morrill Act before it, the G.I. Bill served to solidify the changed understanding particularly of higher education in the United States. Veterans returned to the classroom not for the pursuit of some liberal ideal of becoming a Renaissance man, but rather to gain vocational skills that were a ticket to participating in the now booming American economy. Likewise, the G.I. Bill opened up the halls of higher academia to all Americans, fulfilling ideals of equal opportunity for those willing and able to work rather than reserving educational opportunities for the wealthy and highborn. Veterans took advantage of the



government's largesse in massive numbers and the program's popularity attested to the country's embrace of federal action.<sup>18</sup>

The G.I. Bill does not mark the only dramatic change to educational policy brought on by World War II. The United States emerged from World War II allied with the Soviet Union, but the partnership almost immediately dissolved. As the sole possessor of the atomic bomb, the U.S. initially enjoyed a clear position of superiority, but that also crumbled rapidly. In fact, a mere twelve years after the conclusion of the war, the Soviet Union displayed to the world that she had not only caught the United States in technological expertise but also surpassed her. The Soviet Union's launching of *Sputnik*, the first man-made satellite in 1957, literally rocked America's confidence and its impact rapidly spilled over into the halls of academe.

To many, America's failure to keep ahead of the Soviet Union technologically represented a breakdown of the American school system—and one that literally could bring an end to the United States. This tangible evidence added fuel to the fire of criticism American education had increasingly received for “dumbing down” the curriculum. For decades the Progressive's support of “child-centered” schooling as well as a recent embrace of Charles Prosser's “life adjustment” philosophy had led to a highly watered down academic curriculum.<sup>19</sup> Fearing for their very existence, American citizens now demanded that schools academically prepare American youth to defend themselves on the Cold War's world stage.

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<sup>18</sup> By 1950 over two million veterans (of the 14 million eligible) had enrolled in postsecondary schooling through the G.I. Bill. The cost exceeded \$5.5 billion dollars (\$48 billion in 2000 dollars). See: John R. Thelin. *A History of American Higher Education* (Baltimore: The Johns Hopkins University Press, 2004), 263.

<sup>19</sup> The quintessential critique of the American educational system came in 1953 with the publication of Arthur Bestor's *Educational Wastelands: The Retreat from Learning in our Public Schools* (Champaign, IL: University of Illinois Press, 1953). Mislabeled then and now as a conservative, Bestor railed against both the Progressive philosophy of John Dewey and William Heard Kilpatrick as well as the life adjustment model of Charles Prosser for fostering the demise of academic rigor in American schools. Bestor particularly took to task American colleges of education (including his own Columbia Teachers' College) for offering a flimsy curriculum for America's future teachers.

For liberal education reformers who for years could not gain federal financial assistance due to conservative opposition, the launching of *Sputnik* provided an ideal opportunity to attach federal involvement in education to national defense and thereby secure conservative support. Consequently, in 1958, Congress passed and President Eisenhower signed into law the National Defense Education Act (NDEA), the largest intrusion of the federal government into all levels of American education up to that point. With this act, the federal government poured money into American education as never before. Focusing on higher education, the federal government loaned money particularly to students studying in fields crucial to national defense, such as math, science, engineering, and foreign languages. National Defense Fellowships offered money to graduate students who affirmed their allegiance to the United States. Once again, this outpouring of federal tax dollars fundamentally altered American higher education. For instance, no longer could America's science professors be focused on knowledge for knowledge's sake. Rather, researchers competed to secure federal funds that they knew would be awarded to research with clear military or economic value—applied, not pure, science is always willing to dance when the federal government calls the tune.

With a new beachhead precedent for federal involvement in education established, the next decade witnessed the full invasion. This time, however, the Cold War would not be the only justification—a new war would. When President Lyndon Johnson declared a war on poverty in 1964, the schools became one of his first battlegrounds. The Economic Opportunity Act passed in 1964 established “Head Start,” an independently run program designed to appeal directly to economically poor parents. In short, the program, which remains popular in the 21<sup>st</sup> century, was designed for young children who previously entered kindergarten or first grade unprepared to learn. As was increasingly noted at this time, school success did not depend primarily on school

facilities but on home life.<sup>20</sup> So, in an unprecedented expansion, Head Start sought to help children develop not only intellectually, but socially and physically too.<sup>21</sup> In tangible and startling ways, this represented the government taking on the role of parent to America's families rather than the traditional American ideal of self-sufficient, free citizens making decisions themselves.

Even more significant than the creation of Head Start was the passage of the Elementary and Secondary Education Act (ESEA) of 1965. More costly and wide-sweeping than any education law before it, the ESEA especially targeted helping the disadvantaged poor by sending tax dollars to schools that had high numbers of economically poor children.<sup>22</sup> While 75-80% of the funding went to "Title I" programs, the ESEA also funded other programs designed to fight poverty, including cultural enrichment programs, library programs, nutrition plans, and medical services.<sup>23</sup> Originally slated as a five-year program, the ESEA has been renewed by Congress and the President every five years since its creation (including in 2001 when it passed under the name "No Child Left Behind"). The majority of the funds from ESEA have remained in the first through sixth grades although monies can be used through high school. Though the original ESEA specifically banned establishing a national curriculum, schools wishing to be allotted Title I funds must submit a plan for approval that demonstrates how increased academic achievement

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<sup>20</sup> Most famously, the 1966 Coleman Report, which had been funded by the 1964 Civil Rights Act, stated that a child's peer group and home life was a far more important predictor of school success than the quality of school facilities.

<sup>21</sup> Head Start remains one of the most celebrated yet controversial educational programs. Though it continues to cost taxpayers millions of dollars, the effectiveness of the program has been in serious question ever since its founding. The preponderance of official governmental evidence suggests that Head Start is initially effective in helping students (participants do better than non-participants in first and second grade), but shows no long term benefit (By the fourth grade there is no difference between participants and non-participants.). See, for instance, E.D. Hirsch's *The Schools We Need*, 45-6, for an insightful discussion of the government's data.

<sup>22</sup> These are typically referred to as "Title I" programs, named for the "Title I" section of the ESEA law.

<sup>23</sup> Urban and Wagoner, *American Education*, 2<sup>nd</sup> ed., 373.

(specifically now in reading and mathematics) will be achieved, indicating again that he who pays the piper calls the tune.

As demonstrated by the seemingly permanent establishment of the ESEA, the War on Poverty drew the federal government into American schools like never before.<sup>24</sup> Sadly, however, the time and treasure invested bore little fruit; academic results continued to decline and researchers increasingly noted that educational programs could not fix what truly ailed America's poor—the dissolution of the family.<sup>25</sup> Still, through Republican and Democratic Congresses and presidencies, the trend to increase federal involvement generally continued and was perhaps permanently crowned in 1979 with the creation of the Department of Education by President Jimmy Carter, thus moving education to the highest possible standing in the national government. Created as a political payoff to the national teacher unions, Carter's effort did little to aid his reelection campaign. As education historian William J. Reese notes:

Asking schools to consider addressing social and political issues that divide the American people inevitably leads to conflict, as citizens conclude either that the schools have usurped the authority of parents and churches or that they have failed to keep up with the times. In one breath the public demands higher academic standards and the basics, in another attention to just about every divisive social problem. Teachers are rarely asked to do less, since so many citizens seem to think that every human problem falls under the school's purview.<sup>26</sup>

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<sup>24</sup> Though outside the purview of this paper, when considering educational history and the increase of federal involvement particularly in the 1950s and 60s, the importance of the Civil Rights movement cannot be overstated. Whether one considers Supreme Court decisions such as *Brown v. Board of Education of Topeka, Kansas* (1954) or congressional action like the passage of the Civil Rights Act of 1964 or the Bilingual Education Act of 1968, the Civil Rights movement's impact on the operation of American schools continues to this day.

Likewise, the increasingly activist Supreme Court of the 1960s and 1970s continues to influence American education through several momentous decisions of the era including: *Tinker v. Des Moines Independent Community School District* (1969), which established rules on free speech; *Goss v. Lopez* (1975), which addressed due process and school discipline; *Engel v. Vitale* (1962), which banned school prayer; and *Abington Township School District v. Schempp* (1963), which banned school Bible readings.

<sup>25</sup> In addition to the already noted Coleman Report, other controversial sociological studies emerged at the time, questioning the viability of school programs to fix what seemingly truly vexed the economically disadvantaged. Here one thinks of the 1969 Arthur Jensen report that laid the blame on genetics; the 1972 study on schooling by Christopher Jencks, which saw family background as determinative; and the Moynihan report of 1965, which blamed the demise of the nuclear family among blacks as the key problem. See for instance: Urban and Wagoner's *American Education*, 4<sup>th</sup> edition, 374-375, for a consideration of these reports.

<sup>26</sup> Reese, *America's Public Schools*, 330.

While the conflict generated by Carter's educational policy undoubtedly contributed to his political defeat in 1980, the Department of Education remains and grows.

Swept into office with a call to a renewed federalism, Ronald Reagan, in terms of education, had three main goals: 1) abolish the unconstitutional Department of Education; 2) provide tax credits to parents paying private school tuition; and 3) return prayer to public school. Though Reagan proved to be one of the most successful presidents in United States history, he achieved none of his official education planks. In fact, in regards to education at least, Reagan did not make serious inroads into removing the Great Society programs of Johnson. As has been noted, Title I of the ESEA was the largest federal education program in size, scope, and cost, yet it was renewed in 1981 as Chapter I. This new legislation did emphasize block grants rather than categorical ones and more state authority generally but left the fundamentals of federal involvement relatively unchanged.<sup>27</sup>

Furthermore, shortly into Reagan's presidency, the most significant federal educational report in history was published. Entitled *A Nation at Risk*, this brief but powerful pamphlet stoked an educational firestorm that has continued burning right into the 21<sup>st</sup> century. Simply put, in headline-catching rhetoric, *A Nation at Risk* proclaimed what its title suggested—America's school system was failing badly and putting the entire country in jeopardy. From this point on, the demands of citizens and parents to improve America's schools forced politicians—national and otherwise—to act. The American people would no longer tolerate the sinking test scores and

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<sup>27</sup> Federal grants previously were "categorical," meaning they were for specific groups and designated programs/purposes. Federal block grants, in contrast, allow states to spend the monies for educational purposes as determined by the state rather than in more precise categories dictated by the federal government. See: Reese, *America's Public Schools*, 249, as well as Allan C. Ornstein and Daniel U. Levine, *Foundations of Education*, 8<sup>th</sup> ed. (Boston: Houghton Mifflin, 2003), 240.

dismal performances on international comparisons of academic achievement, and the politicians wishing to ascend to or remain in office had to come up with programs to fix the problem.<sup>28</sup>

Of course, the electorate's demands touched all levels of the American political system; local, state, and national leaders all understood the power of both offering solutions and painting opponents as wrong-headed or inactive on the education front. Thereby, a momentous shift occurred in conservative political circles easily witnessed on the national stage. President Reagan's presidency marked the end of a traditional conservative approach to education, for his vice-president and successor George H. W. Bush declared that he would be "the education president." Such an action clearly demarcated him from Reagan, whose educational philosophy had embraced the traditional conservative position of moving away from federal involvement in education, as in most areas of life.<sup>29</sup> Here, instead, was a "new" or "neo" conservative who embraced the idea of empowerment and rejected a strict interpretation of the Constitution, at least in regards to education.

Ironically, President George H. W. Bush's work with all 50 states' governors on education in his "America 2000" program is what helped to move a relatively obscure Arkansas governor named William Jefferson Clinton to more national prominence. The eventual President Clinton altered the America 2000 name to Goals 2000 but shifted little of the philosophy or methods. In a nutshell, Americans, both Republican and Democrat, were now demanding accountability. Americans wanted to know if students were successfully learning what they

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<sup>28</sup> It might also be worth noting the ironic fact that to this day the most prominent and active Secretary of Education in history was Ronald Reagan's appointee William J. Bennett, who served in that post from 1985-1988.

<sup>29</sup> This fundamental shift of "conservative" politics from considering governmental interference a curse to a blessing is a prime example of the difference between what is now generally referred to as "paleo-conservatism" (what Reagan's education policy reflected) and "neo-conservatism" (what both George H. W. Bush and George Bush endorsed).

needed to learn, and the only way to do that (at least in the short term) is to establish standards and then test to see if these standards were being met.

Naturally, Republicans and Democrats squabbled over exactly what the standards should be, how much funding programs required, who should be held most accountable for failure, and what the punishments should be. While not trying to discount the importance of these debates, however, it is most significant to note the consenting assumption that the federal government would be involved in education with seemingly no one remembering (or caring) that this was a clear abandonment of American political tradition and remained arguably unconstitutional. Nothing demonstrated this consensus more than when in 2001 “conservative” president George Bush joined hands with the most noted liberal of the day, Massachusetts Senator Ted Kennedy, to pass the No Child Left Behind Act—the largest intrusion of the federal government into the American educational system to date.

Technically a renewing of the Elementary and Secondary School Act, No Child Left Behind (or NCLB) demanded that states establish academic standards particularly in math and reading, and annually test their students. Congress dictated that *all* students must reach proficiency levels by 2014 (a date conveniently distant for lawmakers in 2004), and schools that did not demonstrate adequate yearly progress towards that goal would face a loss of funding and control and would perhaps even be closed. Enjoying wide bi-partisan support at the time of its passing, NCLB enjoys little popularity now. Complaints run the usual gambit from inadequate funding and unrealistic academic goals (including being both too high and too low) to an unhealthy encouragement for school teachers and administrators to cheat on standardized exams. Still, as represented by the two major political parties, few question the principle of federal participation. In fact, though arguably not a keystone of his campaign, in 2008 President Barack

Obama ran on a platform that promised more funding for NCLB and vague promises of federal involvement in the education of 0-5 year olds, indicating, if nothing else, that federal involvement in education is not likely to wane in the near future.<sup>30</sup>

From 1787 to 1937, Congress enacted only fourteen significant education laws. In the last seven decades, however, Congress has passed education laws numbering in the hundreds and representing billions of tax dollars spent and committed.<sup>31</sup> As has been witnessed by this brief legislative history, conservatives have frequently played as large a role as liberals in granting the U.S. federal government control over America's educational systems. For two decades now, the two major political parties in America have agreed that the federal government will take the leading role in America's schools. Naturally, the two parties have squabbled over the details, but only third parties have represented fundamental differences over federal authority. Interestingly, whether one looks to the extreme "Right" of the Constitution Party, the extreme "Left" of the Green Party, or the extreme "whatever" of the Libertarian Party, most third parties have fairly consistently supported the outright removal of federal involvement from education. Going forward then, a political opportunity seems to logically arise particularly for conservatives to declare "enough is enough" and push for the federal government to recuse itself from American schools. After all, it is easy to get people from all sides of the aisle to agree that American education is both crucial in importance but failing. Likewise, No Child Left Behind has become fairly universally despised. The history of ever-increasing federal involvement in education, particularly when considering academic achievement, strongly suggests that the federal intrusion

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<sup>30</sup> Politically, the transition between Presidents Reagan and Bush marks an underappreciated sea change moment particularly in education; however, the key shift could be considered earlier. In 1968 for instance, President Nixon asserted that due to President Lyndon Johnson, "We will all have to be education presidents now," as quoted by Reese, *America's Public Schools*, 216.

<sup>31</sup> Ornstein and Levine, *Foundations of Education*, 8<sup>th</sup> ed., 221.



into the system has done far more harm than good. Nevertheless, it is hard to imagine that such an opportunity will be taken or that politically it even truly exists.

At the beginning of the 21<sup>st</sup> century, Americans (liberal and often conservative) have come to assume that their federal government (and particularly the president) holds the key to solving all that ails society. So, for a politician to suggest that the solution to the failing educational system is for the federal government to do even less than it currently does or even to do nothing at all is not likely to play in Peoria. Throwing actual freedom and consequently actual responsibility back into the laps of American citizens is rarely a way to be elected. Americans seemingly still appreciate freedom rhetorically, but every campaign advisor in America knows that being a “do-nothing President/Senator/Representative/Mayor/Councilman” is a sure path to the unemployment line, not the halls of power. So, for the foreseeable future it is hard to imagine anything but homeopathic reform being suggested: We know the patient is sick so we will redouble our current efforts and just ignore the fact that the “cure” we have been applying has been a key component of the disease.

Regrettably, Americans refuse to acknowledge that schools cannot fix all that ails the human heart, even if Congress mandates that they must. As noted by historian William J. Reese, for

almost two centuries, nearly every campaign for social justice, human equality, and individual advancement has been waged in part in the public schools. So have popular movements for the preservation of traditional subjects, values, and morality.... Public opinion polls may indicate widespread support for national tests and higher standards, but few Americans want to strip schools of their many social obligations and have them concentrate on academics.

In other words, locally, nationally, and at the state level, Americans have increasingly turned to the government, in the form of schools, to save them and to create a utopia. This is, however, the equivalent of bringing a knife to a gunfight; all of Congress' laws and all of the Education

Department's men are not going to put American society back together again. Schools can be outstanding institutions for fostering learning, but they make lousy homes and churches, not to mention miserable medical facilities, public commons, entertainment complexes, news distributors, exercise centers, and vacation destinations.

Just as there is historical precedent for claiming that an automobile will work well as long as you do not demand that it fly, schools have a solid history of success when academics is their goal. In this sense, Congress' recent focus on academic testing may indeed reflect philosophical progress as it centers attention on the one job schools are truly designed to perform. The practical reality is, however, that scholastic success is largely determined by the condition of the home and culture at large. Without healthy homes and a highly moral populace, schools cannot successfully instill essential knowledge into the minds of America's youth. Hoping that schools can fix the home and culture—something Americans frequently demand—places the cart before the horse, something that enjoys no historical precedent for success.

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