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Redux: Press Inquiry & Legal Questions re missing document and DOE stance on 3 key issues (total 4 inquiries + 1 bonus)

Gordon Watts <gww1210@gmail.com>

Thu, Sep 9, 2021 at 2:02 PM

To: Joe.Biden@ed.gov, Miguel.Cardona@ed.gov, Secretary@ed.gov, Kamala.Harris@ed.gov
Cc: Jim.Bradshaw@ed.gov, Press@ed.gov, Alan Collinge <justice@studentloanjustice.org>, Alan Collinge <alanmcollinge@gmail.com>, "Gww1210@aol.com" <gww1210@aol.com>, Gordon Watts <gww1210@gmail.com>
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Mr. Biden:

Surely you have a "secret" email address at Ed.gov no? You are Sec. Cardona's boss, right?

In any case, Jim, I know it's only been like 2 days since my press inquiry, so I'm not pressuring you, just checking in with you. And, in any event, I don't blame you for the royal screwups at Ed Dept, but as American higher education is the mosy expensive in the world, and horrible in quality, I don't feel good about a dedicated servant like you looking bad.

But, with all due respect, I did make similar (tho less broad) press inquiries during the DeVos era, and The Press Officers at Ed never clarified your department's stance on constitutional bankruptcy uniformity, as required by the uniformity clause, Article I, Sec.8, clause 4 of the U.S. Constitution. What happened, if I may ask?

Thx,

Gordon//_

----- Forwarded message -----

From: **Gordon W. Watts** <gww1210@gmail.com>

Date: Tue, Sep 7, 2021, 4:46 PM

Subject: Press Inquiry & Legal Questions re missing document and DOE stance on 3 key issues (total 4 inquiries + 1 bonus)

To: <Jim.Bradshaw@ed.gov>, <Press@ed.gov>, <Miguel.Cardona@ed.gov>, <Secretary@ed.gov>

Cc: <Reed.Rubinstein@ed.gov>, <Reed.Rubinstein@dinsmore.com>, Alan Collinge <justice@studentloanjustice.org>, <Ron.Petracca@ed.gov>, <Philip.Rosenfelt@ed.gov>, <Rob.Wexler@ed.gov>, Gww1210@aol.com <gww1210@aol.com>, Gordon Watts <gww1210@gmail.com>

Jim, thank you for taking time to speak with me by phone just now. Long time no see. As some of my questions are difficult legal questions on DOE policy positions, I hope you don't mind me cc copying your top 3 lawyers. As well, I'm copying Atty. Reed Rubinstein (who wrote the DOE memo in question) and Alan Collinge, both of whom were subjects of my recent news coverage, in case they want to weigh in.

#1.) MISSING DOCUMENT -- what happened, and why? Anyhow, I just wrote and published a legal memo rebutting an opinion piece written by national ed finance expert, Mark Kantrowitz (and it is front-page news on my namesake blogs), but while doing so, I noticed another legal memo coming down on the wrong side of the issue, namely that the president lacked legal authority to issue an Exec Order to cancel all federally-held student debt. When writing my legal memo and citing sources, I notice that the memo was deleted from your website: Please compare <https://www2.ed.gov/about/offices/list/ope/ogcmemohealoans.pdf> with all the archives of this memo, for example, <https://Archive.vn/zy3tC> and <https://Web.Archive.org/web/20210113182246/https://www2.ed.gov/about/offices/list/ope/ogcmemohealoans.pdf> as well as the sources section in the

legal memo which I wrote in response to both Atty. Reed D. Rubinstein (Dept of Ed) and Mark Kantrowitz (finance expert). I've included, in the attachments, both the DOE memo and my response, for your convenience, but they are all front-page news and posted for download, as well. My questions regarding the missing documents are both general in nature (is it common or acceptable practice for DOE to delete and remove online documents?), as well as specific (what happened to this memo, why, and does the DOE plan to post it again at the same URL?). It is not without weight and merit that deletion of documents damages the DOE name and reputation. I know that Atty. Rubinstein was a political appointee, and removed after the end of the Trump administration, but this is no excuse: DOE is supposed to have an "institutional memory" and be above partisan politics. (I'm not blaming you, but someone is to blame. Who? And why?)

#2.) What is DOE's position on the student loan bankruptcy bills which are described in my written testimony to the U.S. Senate Judiciary Committee? While they may not accept it into the record late (I submitted it late for reasons outside my control), they are reviewing it, and it will prove helpful in forming an opinion on DOE policy here. (NOTE: To my recollection, DOE has never taken a stance on a change in federal law, here, to fix the constitutional violations of the Uniformity clause, but DOE should weigh in one way or the other. While not required by law, DOE has a bully pulpit, and we pay those people good money to ask lawmakers for needed change: DOE is the only neutral voice in DC speaking for citizens, and it should not remain silent here.)

With reference to my 3rd question, I quote Sec. DeVos in a recent column I wrote: QUOTE: "On Nov. 16, 2018, *The Ledger* published my column decrying skyrocketing tuition and mounting student debt, paid for by our tax dollars. [] Apparently, in response to my column, U.S. Secretary of Education Betsy DeVos, in her speech 11 days later, repeated my complaints that "collegiate debt, now almost \$2 trillion, is almost 10 percent of total U.S. debt." I quote her: "Today, FSA's [student debt] portfolio is nearly 10 percent of our nation's debt. Stop and absorb that for a moment. Ten percent of our total national debt." [] Apparently, this chain reaction even influenced the president to fall in line with conservative spending cuts: Forbes reported on March 19, 2019, that "Trump proposes limits on student loan borrowing." [] Despite even getting the president's attention, nothing has changed. Lawmakers didn't grant his request, and President Donald Trump, distracted by other issues, has dropped this. Based on that, I maintain my initial prediction of a crash of the dollar if lawmakers refuse to cut spending." SOURCE: "Polk Perspective: Rescue taxpayers from mounting student debt," By Gordon Wayne Watts, Guest columnist, *The Ledger*, November 16, 2018, Archive-1: <https://Archive.is/YrNST> * LINK: <https://www.TheLedger.com/opinion/20181116/polk-perspective-rescue-taxpayers-from-mounting-student-debt> * Archive-2: <https://ContractWithAmerica2.com/TheLedger-Online-PDF-FairUse-cache-WATTS-GuestColumn-Fri16Nov2018.pdf>

#3.) What is DOE's position on the "Bill Bennett" subsidy hypothesis, that is, does DOE support DeVos, Trump, Bennett, and myself in our collective beliefs that DOE should use its "bully pulpit" to ask lawmakers to reduce or eliminate use of tax dollars to make or guarantee student loans? (The prior DOE position was in favour, but DeVos dropped the issue, and did not push for legislation here, and neither did Trump. Bennett and myself have continued to, however.) Dr. Bennett's hypothesis states that cutting subsidies will reduce costs, **but I'm asking not only DOE's view of his hypothesis, but also whether DOE will use its bully pulpit to ask lawmakers for legislation along those lines.**

#4.) What is DOE's position on the controversy surrounding competing claims about the President's "Exec Order" authority to cancel all federally-held student debt? Please note, Jim, that this is a tough issue, and it might be a good idea to review both my legal memo (remember, I'm the guy who almost won the Terri Schiavo case all by myself, so I might know a something about law) as well as the other 7 legal memos that address this, 6 of the 8 in favour of the Exec Order theory, and 2 opposed to it. While DOE expressed an opinion in the past, Atty. Rubinstein, who spoke on behalf of the

#5.) BONUS QUESTION: Why doesn't DOE have a General Counsel -- and when will you fill that position? Your website says that position is vacant. When looking for Atty. Rubinstein's current email address (to include him in my press inquiry, here), I noticed this omission: https://www2.ed.gov/about/offices/list/ogc/ogc_staff.html Besides deleted/missing documents, also empty/vacant vacancies/positions do not help DOE's reputation. I say this to offer helpful suggestions (not to make fun of or write embarrassing things, mind you.)

When attempting to answer my 3 policy questions (e.g., where does DOE stand on these issues), I suggest downloading and reviewing all four legal memos in the email attachments, plus all others citations in my sources section in my own memos. That will be helpful to answer these tough questions, trust me.

While I can't guarantee I'll have time to give you as much news coverage as I believe you all deserve, I do promise that I won't to "hit and run" or "attack" journalism, that is, I'll try to be both accurate and respectful, even if I disagree in reporting on the opinion/editorial side. Thank you, in advance, for any clarification you can afford me in my press inquiries, here. Your agency, DOE, may, if it likes, make references to my press inquiry and/or news/opinion coverage, in public comments. If you do, I have no worries that you all will do a good job.

Current news coverage of DOE is in front-page news of GordonWatts.com and gordonWAYNEwatts.com as well as in SEC.VII Costs of College, subsection 10., regarding 19 states' student debt, and directly linked here: QUOTE: "*** Higher Education - REDUX: Student Loan "Forgiveness" in the news again (Mon.06 Sept. 2021)** As documented in a new legal memo published by *Register* editor, Gordon W. Watts, 6 of 8 recent papers by legal experts came to the conclusion that The President does, indeed, have statutory legal authority, under Federal Law (the 1965 HEA), to issue an Executive Order to cancel all federally-held Student Debt (but not privately-held collegiate debt)" LINK:

<https://ContractWithAmerica2.com/#19states>

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"First, they [Nazis] came for the Jews. I was silent. I was not a Jew. Then they came for the Communists. I was silent. I was not a Communist. Then they came for the trade unionists. I was silent. I was not a trade unionist. Then they came for me. There was no one left to speak for me." (Martin Niemöller, given credit for a quotation in The Harper Religious and Inspirational Quotation Companion, ed. Margaret Pepper (New York: Harper & Row, 1989), 429 -as cited on page 44, note 17, of Religious Cleansing in the American Republic, by Keith A. Fournier, Copyright 1993, by Liberty, Life, and Family Publications.

Some versions have Mr. Niemöller saying: "Then they came for the Catholics, and I didn't speak up, because I was a Protestant"; other versions have him saying that they came for Socialists, Industrialists, schools, the press, and/or the Church; however, it's certain he DID say SOMETHING like this. Actually, they may not have come for the Jews first, as it's more likely they came for the prisoners, mentally handicapped, & other so-called "inferiors" first - as historians tell us -so they could get "practiced up"; however, they did come for them -due to the silence of their neighbors -and due in part to their own silence. So: "Speak up now or forever hold your peace!"-GWW

5 attachments



ReviewOfMarkKantrowitzForgivenessArticle_WATTS_9-6-2021.pdf

396K

 **GordonWayneWatts_AMENDED_Testimony_SenateJudiciary_Tue03Aug2021_Proposed.pdf**
414K

 **Response-to-JoeBidenEtc.pdf**
693K

 **ogcmemohealoans.pdf**
290K

 **Ed.gov_OfficeGenCounsel_MeetTheStaff.pdf**
157K