

# A Nation Still at Risk

*by Gary Jason*

The public education bureaucracy continues to resist school vouchers — and choice, generally. Why? What can be done?

The notion that there is a crisis in American public education is nothing new. Indeed, this year is the 25th anniversary of the 1983 national report, “A Nation at Risk,” which caused a furor at the time, and initiated the school reform movement.

There is little doubt that the crisis continues. Some current statistics make this fact as clear as it is depressing. Only 17% of low-income fourth graders are at grade level in reading, and only 15% are so in math. Only 14% of African-American and 17% of Hispanic fourth graders are at grade level in reading. In math the figures drop to 11% and 15%.<sup>1</sup> And Hispanics are among the fastest growing segments of our population.

Two reports, about which I have written elsewhere,<sup>2</sup> highlight the crisis. The first was the report issued by the nonpartisan America’s Promise alliance on graduation rates in the major cities. These school systems educate 12% of America’s students, but produce 25% of its dropouts.

Graduation percentages in public school districts such as Atlantic City, Dallas, Denver, Los Angeles, Milwaukee, and New York are in the mid-40s. In Baltimore, Cleveland, and Indianapolis, they are in the mid to low 30s; in Detroit, they are 25%.<sup>3</sup> And while suburban school districts typically produce markedly higher graduation rates (usually 25% higher), they are still nothing of which to be proud. The costs to society are enormous. Around 22% of white students, 45% of African-

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American students, and 47% of Hispanic students drop out.

Let’s begin with the economic costs. In terms of earning power, male dropouts earn about \$22,125 per year, compared to \$31,715 for males with a high school diploma, and \$55,446 for males with a bachelor’s degree. The figures for women show a similar disparity: \$13,255 for dropouts, \$20,650 for those with a high school diploma, and \$36,875 for those with a bachelor’s degree. The Alliance for Excellent Education<sup>4</sup> estimates that the collective lifetime cost in lower wages for the 1.2 million dropouts in 2007 alone is \$329 billion.

Next consider the social costs: 75% of state prisoners and 59% of federal prisoners are high-school dropouts.<sup>5</sup> The most recent figures are shocking<sup>6</sup>: more than 1% of all adult Americans are in jail. That is 2.3 million people. The prison costs alone amount to \$55 billion a year (state and federal combined). In both percentage of population and absolute numbers, we incarcerate more people than any other country, China included. America has 5% of the world’s population but 25% of all the world’s prisoners.<sup>7</sup> Among African-Americans,

the figures are especially worrisome. Quoting directly from the U.S. Department of Justice/Bureau of Justice Statistics website, "At midyear 2007 there were 4,618 black male sentenced prisoners per 100,000 black males in the United States, compared to 1,747 Hispanic male sentenced prisoners per 100,000 Hispanic males and 773 white male sentenced prisoners per 100,000 white males."<sup>8</sup> That figure doesn't include those awaiting trial, ex-prisoners, or those on probation.

The second report explores the costs of our mediocre educational system in a different way. A team of economists headed by Eric Hanushek set out to measure a bad education's cost to a nation's wealth.<sup>9</sup> The team looked at international student test scores, this being a more reliable indicator of actual educational level than, say, years in school. It found that American students placed 14th during the 1960s and 1970s, then dropped to 19th in the 1980s, then down to 21st in the 1990s. They have slipped even lower — to 24th — in this decade. The team calculated that had America scored at the top in science and math in 2000, by 2015 it would have resulted in a 4.5% higher GDP, which ironically is about what government at all levels spends in total on K-12 education now.

It might be asked, if 25 years ago the mediocrity of the American elementary and secondary school system was a "crisis," and the nation survived, why is it a bigger deal now? I would suggest several reasons why the crisis is now a threat.

Let's begin with the change in our global competitors. Twenty-five years ago, the economic disadvantage of our bad educational system was more than counterbalanced by the advantage of our relatively free economy. In competitive terms, we were lucky that half the world was communist. That is no longer the case.

Another reason our K-12 schools pose a more acute danger now is the increasing global shift from an industrial economy to an epistemic one. The relative number of high-paying blue-collar manufacturing jobs is diminishing, not just in America, but worldwide. Even China has been shedding manufacturing jobs.

Finally, there is an unprecedented national demographic shift underway. The aging Boomer generation — roughly 27% of the population — comprises a higher proportion of

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whites than the younger population, and the minorities that are the fastest growing segments of the population are disproportionately stuck in failing public schools. We are living off stored educational capital, which will decline rapidly over the next decade or so.

### The Case for Vouchers

To keep the discussion manageable, let me identify my tar-

get audience. I am addressing fellow minarchists (advocates of small government) rather than anarchists (advocates of no government). Government funded vouchers are, of course, indefensible from the anarchist perspective. Yet explaining why I am not an anarchist is for another time, another place.

But even if we agreed that government is legitimate for the common defense, the court system, policing, and so on, why should that include public support of schools? Granted, public support of education has usually been considered a legitimate function of government by classical liberals, but why shouldn't schools be left entirely private? As one of my readers pungently asked me, why should I be responsible for the spawn of others?

Here again, space is limited, so I will be brief. As it happens, many, possibly most, of today's parents could pay for adequate schooling. But a large minority could not. Do we want a society in which many poor children could not be schooled? We can expect that charity would step in to some degree, but experience suggests it would not get the job done fully. Hence many children, through no fault of their own, would be consigned to the bottom, permanently.

Public education is at least justifiable from every moral perspective I can think of, including the utilitarian, Kantian, natural rights, and virtue ethics perspectives. Perhaps the only one that doesn't obviously suggest guaranteeing every willing child an access to elementary and secondary education is the egoist one, but even there, I would argue that it does upon reflection.

Why should I pay to help that poor man's spawn? Because if I don't, the spawn will probably be less productive and more likely to wind up in criminal enterprise, which in turn may have a serious impact on me.

The interesting argument about vouchers takes place among those who accept the legitimacy of government support of education. And it is interesting, because from the premise that government should support education, it does not follow that government should either own or even run any schools.

Schooling can be government funded but privately run. Some small towns in Vermont and Maine have had a program like this since the mid-1800s. It's called "township tuitioning." The towns are too small to have public schools, so they just give checks to the parents to select a local private school or a public school in another town.

Between this option and the monopoly state-run school lie various forms and levels of school choice: charter schools, tuition tax credits, voucher systems. Charter schools are public schools, supported by money from the public school system, but set up by independent groups with the intention that they be run in significantly different ways from the standard public schools. Because they are part of the public system, some charter schools are just "more of the same." But many of them are able to maintain their special character.

Tax credit schemes vary. Tax credit scholarship programs allow individuals and sometimes corporations to earn a full or partial tax credit for donations made to private charities that offer scholarships at private schools. Personal tax credits and deductions allow parents to deduct some or all of the cost of their children's private schooling.

Vouchers are, in effect, government checks given to par-

ents for use at private or public schools. They can be full or partial, meaning they can give the child an amount of funding equal to the average spent per child in the public schools of that district, or only some fraction. They can be universal or limited in some way, say, to special-education or disadvantaged children.

My ideal would be a completely privatized system — give all students in a district an equal share voucher, and nothing but private schools from which to choose. But I regard that as a bridge too far, for my own lifetime. So my preference, here and now, is for vouchers within public school systems. Vouchers have the merit of being possible (though difficult) to achieve.

This is not to say I don't cheerfully support weaker forms of school choice. If the choice is between (say) allowing the deductibility of private school tuition and not allowing it, of course I will work hard for the former. It liberates some more children. When it comes to freedom, I'll take whatever I can get now, and fight for more in the future. That having been said, I'll focus my remarks on vouchers, though the merits of voucher systems often apply to lesser forms of school choice.

The best known arguments for vouchers are familiar. They give parents the right to choose where to send their children. From the perspective of natural rights, that seems good in itself. Vouchers tend to liberate children from dysfunctional public schools; they also encourage bad public schools to become better, to keep from losing their client base.

These arguments are broadly confirmed by experience. Voucher programs have been implemented in over 20 places in America, not to mention other countries. At the college level, they have been around for decades, in the form of Pell Grants and the GI Bill of Rights. As Jay Greene documents in his book "Education Myths,"<sup>10</sup> all the random-assignment studies of the American voucher programs indicate that vouchers work as the standard arguments suggest.

But I have other reasons to offer, besides those standard arguments.

One argument — an ironic one — is this. Despite the desperate opposition of the teachers' unions to all forms of school choice, especially vouchers, there is cause to believe that it benefits teachers, and helps in the recruitment and retention of good teachers. As Vicki Murray has noted,<sup>11</sup> teacher retention remains a major problem, regardless of all the state and federal programs designed to improve it. The average national public school teacher turnover rate, not due to retirement, is 14% per year. Teachers earn reasonably good money, but they quit in droves.

Murray notes that in California, the majority of regular public school teachers who quit cite job dissatisfaction as the reason. The most common complaints are excessive bureaucracy, lack of collegiality, inadequate support from administration, and lack of influence on management. By contrast, she adds, the rate of job satisfaction among charter school teachers is more than three times higher than that among regular public school teachers. Indeed, nationwide, more than 25% of charter school teachers say they would quit if they could not teach in their charter school. Seventy-five percent of former teachers say they would be open to returning to teaching if job conditions were better.

Murray's conclusion is that district-run public schools are

increasingly unattractive models — really, just dinosaurs — and that we need to move toward diversified systems with schools founded and run by educators rather than by bureaucrats. This is intuitively obvious and empirically well established. I would add that her conclusion is just as relevant to

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voucher schools as to charter schools. And as I have pointed out elsewhere,<sup>12</sup> Sweden's experience, when it adopted vouchers nationwide, was that teachers were more satisfied with their jobs — to the surprise of the Swedish teachers' unions, which had initially opposed the system.

This argument suggests another. As I suggested earlier, in my discussion of dropout rates, we face a crisis not only of teacher retention but also of student retention. Vouchers can help reduce those rates, for several reasons.

To begin with the most obvious, when parents and children are "condemned to be free," that is, forced to choose which schools the children will attend, they become (in the parlance of psychologists) entrenched. They become committed to their school, because they have chosen it. Moreover, as I have explained elsewhere,<sup>13</sup> vouchers foster the creation of markedly different schools, in the same way that choice in restaurants leads to greater variety among them, as each aims at a different niche. Being able to choose a school specific to their interests will increase the likelihood of children staying and graduating.

You already see glimmers of this in charter schools. My daughter attended the Orange County High School of the Arts (OCHSA), which is, if I am not mistaken, the largest charter school in the nation. OCHSA has no football, basketball, or track teams, much less cheerleaders — but it offers first rate training in various performing arts, along with a fairly solid academic curriculum. Because kids compete for admission, it is no surprise that the dropout rate is low, and it is easier for the staff to maintain discipline. Another famous example is the Bronx High School of Science, a public school that has produced seven Nobel Prize and six Pulitzer Prize winners. Although these results can hardly be expected universally, vouchers allow the cultivation of many school types, promoting military, prep, religious, science, arts, sports, vocational, business, and healthcare specialties. Vouchers mean variety, and variety stimulates interest.

This brings up yet another argument for vouchers. Many secularists are repelled by the idea of religious schools being supported by state money. But while I am as secular as they come, I think public funding of religious schools is fine. My interest in my money funding your child's education begins and ends with the common good: if your kid learns to read, write, and understand the basics of math, history, and

science, the general economy stands to gain. Whether he or she also learns to worship God is irrelevant — which is why most other countries that have adopted vouchers allow them to be used to fund religious schools. In the U.S., the Supreme Court has ruled that as long as the vouchers go directly to the parents, as opposed to the schools, it is legal for them to be used at religious schools.

I ought at least to mention here the valuable contribution made by Catholic schools for many decades, in educating inner city kids. As a recent piece in *The Wall Street Journal* noted,<sup>14</sup> “One University of Chicago researcher found that

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minority students at Catholic Schools are 42% likelier to complete high school than their public school counterparts — and two-and-a-half times more likely to earn a college degree. In difficult circumstances, and for an increasingly non-Catholic student body, these schools are doing heroic work.” Amen to that. But equally allowed under my preferred form of vouchers would be schools of an atheistic orientation — say, the Madalyn Murray O’Hair School of Atheism and Numismatics — not to mention schools of Buddhist, Muslim, or some other religious variety.

Religious schools, or antireligious schools, may be controversial, but two enormous disputes about public schools can actually be resolved by adopting vouchers.<sup>15</sup> Consider first the never-ending dispute about sex education, whether contraception-based or abstinence-based. Advocates of abstinence-based sex ed have often been successful in getting their approach adopted in public schools, irking many secularists and others. Contraception-based approaches have been adopted by many others, irking many religious folks and others. Neither side can convince the other of the rightness of its approach. But with vouchers, the problem disappears. Send your kid to whatever school teaches the program you support, if it is so important to you.

Again, the endless debate over teaching Intelligent Design shows no sign of ending. With vouchers, it disappears. Send your kid to the kind of school that teaches, or doesn’t teach, ID.

Of course, the free market has consequences. If you send your kid to Creation Science High, don’t be surprised if he can’t get into a biology program at a good college. You get to choose, but you also suffer the consequences.

### Statist Objections

As compelling as the case is for vouchers (and school choice generally), not everyone buys it. The main and most powerful PSSIGs (pronounced “piss-ig”: public school special interest groups) are the teachers’ unions. They are the storm troopers of the public school education monopoly. But there are other

PSSIGs as well: public school administration bureaucracies; education and “labor studies” departments at colleges; liberal thinktanks; even K-12 textbook publishers.

There are four arguments that these people commonly use against vouchers. I call them the Money Drain, the Brain Drain, the No Place to Go, and the Incompetent Parent arguments.

The Money Drain argument is that vouchers will starve public school systems of the money needed to educate students remaining in them.

But even under a strictly pro rata system, where a student gets a voucher in the full amount of the average spent per pupil in that system, the Money Drain argument is silly. If half the students used the vouchers to move to private schools, yes, the district would lose half its revenues, but it would also lose half its expenses. And most voucher programs are only partial — they don’t give the students who leave a pro rata share, but only a fraction of it. So under such schemes, as students leave, the amount left on a per student basis actually grows.

The Money Drain argument only works on someone who never learned basic math — such as many public school students. The PSSIGs who offer this sophistry are almost always being disingenuous. You can see this by remembering that teachers’ unions went after the Utah voucher plan, spending \$3 million to defeat it, even though the voucher funding came from a separate fund from the public school system funds!

The Brain Drain argument is that vouchers will “skim the cream” from the public school system, with the brightest and most ambitious young people fleeing, making the public schools mere holding cells for the less than bright.

This argument assumes that the only kinds of voucher schools that will arise will be elite prep schools catering to the college bound. But the natural course of business, as I argued earlier, is specialization. With vouchers, you will see all kinds of specialty schools, many aimed at the non-academically inclined — vo/tech, sports, military, performing arts, Montessori, and so on.

Nothing stops people from starting voucher schools for dyslexic and other special needs students. Georgia recently enacted a voucher program for such students — the Special Needs Scholarship Program, which has proven a hit with parents. Both Arizona and Florida have voucher systems for dis-

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abled students. But please note that the PSSIGs who push the Brain Drain argument do so (again) in bad faith, for they have fought special needs vouchers just as viciously as they have fought every other form of school choice.

The third common argument against vouchers is the No Place to Go argument, which holds that if we offer vouchers to all public school system kids, so many will leave the school system that they will have no place to go.

This is almost too dumb to discuss. The argument overlooks the economic dynamics: even if not all students who want to move to a private school can do so instantly, more private schools will soon open to serve the new voucher-enabled customers. In the meantime, children waiting in the public schools will be no worse off than they are now. Most important, experience (both in the United States and in Sweden) confirms what economic logic predicts, that the mere threat of losing students to their competition will motivate the public schools to improve their service.

Nevertheless, if the argument were even slightly plausible, it would make the case for vouchers, because it concedes that so many parents are currently unhappy with the monopolistic public school system that they would want to leave it immediately.

The fourth contention, the Incompetent Parent argument, is rarely trumpeted by voucher opponents, but it is never far from their minds. It is that parents, especially minority single mothers, are simply incompetent to choose a school for their own children; they are simply too stupid to figure out which schools are any good.

When you put this argument bluntly, its asininity stares you in the face. If the public school administrators are such soaring intellects, why is the school system they have devised so full of failing schools? And children of incompetent parents would be no worse off than they are now — they would remain at their local schools.

Moreover, a parent doesn't have to have an Ed.D. to figure out with a reasonable degree of probability which local schools work. He or she can talk to other parents, look at graduation rates, look at SAT scores, and check police records online at the local library to get the needed information. It doesn't take long. Free market thinktanks could help. When the Fraser Institute of Canada started collecting school performance data, newspapers and magazines competed to publish them. In Quebec, this was followed by a 30% increase in private schools.<sup>16</sup>

In any event, it is bizarre to suggest that while a woman has the competence to raise her child, she is not to be trusted to choose where to send the child to school. And what does observation tell us? Far from being uninterested in their children's schools, whenever voucher and charter schools become available in a district, so many of the supposedly incompetent inner-city parents apply for the openings that lotteries have to be held. A recent report on Minneapolis schools showed that African-Americans are rapidly fleeing the public schools for charter schools.<sup>17</sup> This is hardly evidence of parental incompetence. It is the same parents whom the PSSIGs ask to vote against vouchers. But if a single mom is too dumb to choose a school for her own child, why is she able to vote on the right school system for her child and everyone else's?

### Conservative Objections

The arguments I've reviewed are to be expected from left-liberals who hate school choice, and hate free markets generally. What is surprising is the arguments now coming from the Right.

Let's start with a conservative (or perhaps neoconservative) critique. I call this the No Panacea argument. It has been articulated by Sol Stern<sup>18</sup> and echoed by Daniel Casse.<sup>19</sup> Stern

is a longtime fighter for school reform — if they gave combat medals for that fight, he'd be a Medal of Honor winner. In his recent influential article, he begins by noting that voucher initiatives have lost in five straight elections. And he notes that many Catholic schools — preferred by parents with partial vouchers — are closing at an increasing rate. He asserts that despite the fact that vouchers have forced improvement in the public schools, the gains have stalled. No "transformation" of the public schools has happened.

Stern then points out that the school reform movement, as symbolized by the Koret Task Force — formed in 1999 and including the movement's major stars — has split into the "incentivist" camp, which focuses on markets and choice, and the "instructionist" camp, which focuses on curriculum and instruction. (In truth, these "camps" go back to the start of the

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school reform movement in the '80s, with school choice advocates pushing their views, and "Back to Basics" and "cultural literacy" proponents pushing theirs.) Stern says that while he started with the incentivist camp, he is now in the instructionist camp. Several things convinced him. One was the failure of choice to improve Milwaukee's public school system. Another was the failure of the free market to improve the nation's 1,500 ed schools. Students are free to choose whatever ed school they want, but this market choice hasn't resulted in ed schools improving their quality; they are still swamps of mediocrity and zany progressive nonsense (fuzzy math, new math, whole language reading methods, and so on). He says that Massachusetts schools have improved more than most other states over the last 15 years, although the state has very little school choice, and certainly no vouchers. The improvement was the work of the instructionists (especially John Silber, Sandra Stotsky, and Abigail Thernstrom), who forced a rigorous curriculum and tests at all levels.

Yet I find the No Panacea argument unconvincing. Stern concedes that the students receiving vouchers and other forms of school choice have seen their educations dramatically improve. I should think that that alone would make a good case for vouchers. And in fairness to Stern, he says he still believes in them — but that fact has been lost in some of the commentary on his article. Further, Stern's key claim — that voucher systems don't force the rest of the public schools to improve — seems quite debatable. Greene, who reviewed all random-assignment studies on vouchers, says the data support the hypothesis that public schools do respond to competitive pressure to improve. Jason Riley<sup>20</sup> concurs, citing four studies of Milwaukee's voucher program and four of Florida's A+ voucher program, which show that public schools do respond to competitive pressure by improving their quality.

Stern doesn't note the obvious point about Milwaukee's voucher program. It is limited to a small number of students, and they are given small partial vouchers — only enough to get into a Catholic school, typically, not an exclusive prep school. That such a small voucher program has improved the massive public school system as much as it has is remarkable.

But how are you going to get curriculum reform without the force of consumer pressure? The case of Massachusetts is hardly as compelling as Stern makes it, because in 1993 Massachusetts (under the Education Reform Act) did introduce charter schools. And as Stern himself notes, in the ensuing 15 years the system has improved. As Riley puts the point,

In Mr. Stern's view, education reformers would do better to de-emphasize choice and focus instead on improving curriculums and teacher quality. The reality is that the former fuels the latter. Researchers at the Urban Institute, by no means a bastion of conservatives, recently collected information on how public schools respond to competitive pressure. It turns out that one response is to put in place instructional reforms, including more rigorous standards. In other words, instructional reform is a product of competitive pressure and is less likely to occur in the absence of school choice.<sup>21</sup>

The point that ed schools are bastions of mediocrity is one that I agree with entirely.<sup>22</sup> But the idea that they prove that free markets don't work is fallacious. The problem is that anyone wanting to be a public school teacher is forced to go to

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them to get a teaching credential as a condition of employment. If we have vouchers, and more schools are free to hire teachers without an ed school certificate, then the ed schools will be forced to compete.

In reality, the No Panacea argument is a false dilemma. Few school choice supporters hold that choice is all you need for all students to succeed. Most advocates of school choice are also big supporters of rigorous curricula and meaningful testing. For example, Jay Greene says that there are four school reforms that have been shown to be effective: accountability programs (including testing), school choice (including vouchers), early intervention for kids having difficulties, and the teaching of specific skills and factual knowledge (aka basic education).

As I have written elsewhere,<sup>23</sup> schools and kids fail for all kinds of reasons: lousy curricula, bad teachers, lack of discipline or standards, toxic parents, toxic peer groups, and so on. I doubt that one medicine can cure all these problems. But a free market allows parents to access different solutions for different problems.

## Libertarian Objections

The idea of vouchers, though first devised by a libertarian thinker of impeccable credentials, Milton Friedman, has met resistance from libertarians who view themselves, I think, as more ideologically pure than everyone else. Their major weapon is what we might call the Trojan Horse argument.

Perhaps the classic expression of this doubt goes back nearly a quarter of a century; it's by Dwight Lee.<sup>24</sup> Using Public Choice Theory (PCT), Lee argued that a voucher system — which he lumped together with tuition tax credits — will be gamed to hurt existing private schools. In particular, the public school lobby would use vouchers to extend their control to private schools.

Vouchers or no vouchers, as long as education is financed publicly, control over education will be exerted through political power, not through consumer choice. Educational vouchers may, for a time, give the appearance that consumers are exercising genuine choice. But consumer choice can, and will, be circumscribed by restrictions on the vouchers; restrictions that will reflect the interests of the politically organized public school lobby, not the interests of the politically unorganized public.<sup>25</sup>

I find this argument weak for a variety of reasons, reasons based upon common sense, observation, and careful consideration of the PCT.

First, note that the government doesn't need vouchers to pass laws applying to children in private schools. In some countries in Europe, private schools are highly regulated, with curricula and other matters dictated by the Ministry of Education. The government can do the same here at any time. Just recently in California, a Court of Appeal judge, H. Walter Croskey, ruled that parents without teaching credentials cannot homeschool their children. Parents who disobey his order face jail and having their children taken away by the state.<sup>26</sup>

Moreover, even though states don't routinely impose curricula on private schools, they do impose a welter of anti-discrimination laws, building codes, and health and safety regulations, as well as educational regulations such as mandatory minimum numbers of school days. The government can add to these at any time, vouchers or no.

Common sense suggests that not all requirements that might be built into vouchers would be bad in themselves, or something that private schools would find burdensome. It also suggests that even if a voucher system were enacted with Trojan Horse provisions in it, that wouldn't mean it would take over the existing private schools. The vigilance of the parents would be a deterrent. Let's say that my public school system goes voucher, and the existing private school that my kids attend — Chastity Prep — sees a number of applications for the admission of students from public schools who now have vouchers to cover the tuition. Suppose Chastity Prep has up to now set great store on teaching abstinence-based sex ed (under a program called "Don't Even Think About It!"). But the crafty PSSIGs have made a Trojan Horse: the voucher plan includes a requirement mandating that any school accepting vouchers must teach contraception-based sex ed (under a program called "Do It Till You're Satisfied, So Long as You Use a Condom!").

Faced with this threat, the parents of the current students could simply tell the school that if it accepts any voucher

students, they will take their kids elsewhere. Likely the school will cave to the parents. If it doesn't, they are free to resort to a similar school ("Virgin Prep") or start one up.

That is not to deny that whenever voucher laws have been enacted by state legislatures, the public school interest groups haven't tried to twist the legislation closer to their hearts' desire. But typically the effort is to limit the number of students who can avail themselves of the vouchers, not to build in specific curricula, hiring standards, or whatever. Really, the interest groups just don't want to lose any of their captive clientele.

And why, if vouchers will dramatically enhance the power of the PSSIGs to control education, sucking private school students back into their control, are the interest groups so uniformly and bitterly opposed to vouchers? Are we to suppose that when teachers' unions devote tens of millions of dollars to stopping voucher programs (and charter schools, and tuition tax deductions, and even home schooling, for that matter), they either don't understand what they are doing, or else they desire less control of the educational system than they already have? This is absurd. Obviously, the PSSIGs oppose vouchers and all other types of school choice precisely because school choice empowers parents, as opposed to bureaucrats and union leaders, and causes a permanent change in that shift of power.

Next, consider what observation teaches. In the decades since Lee put forward his prediction, the experience of vouchers has not been that teachers' unions have been able to use them to take over private schools by regulation. In America, they have used our flawed legal system to conduct endless suits to overturn the voucher systems (and charters, and home schooling). Nor do you see unions co-opting vouchers in other countries, where lawsuits are more difficult. Indeed, charter schools — which, remember, are part of the public school system and so are directly open to control by public school bureaucratic and union control — have been typically able to maintain their different standards and characters. And with vouchers, that independence is amplified enormously.

Again, remember that we already have many decades of experience with vouchers in higher education — Pell Grants and the G.I. Bill of Rights, programs in which federal support for college students follows them to whatever colleges, including religious colleges, they attend, without stipulating anything about curricula, hiring, grading standards, or much else. Neither program has forced, say, Notre Dame to abandon its religious orientation.

But let's turn to what underlies the Trojan Horse argument. We need to be clear on what Public Choice Theory says and does not say. To put it crudely, PCT holds that the people directly involved in government, including voters, bureaucrats, and special interest groups, are motivated primarily by self interest. Voters usually have little incentive to follow specific legislation, because they are usually not greatly affected by it (nor can they greatly affect it), whereas special interests do, because they are (and can). The voters are "rationally ignorant" in the sense that it is not worth their time to study the details. So legislators typically write laws that benefit the special interests.

But this theory does not suggest that it is always rational for me to be ignorant. There is a limit: when the price paid

by voters gets high enough, they notice it, and ignorance is no longer "rational." Let's call this the public choice tipping point, the point at which the price that a politician must pay for carrying out the agenda of a special interest group exceeds the benefits he gains from that group's support.

So I would argue that PCT doesn't spell doom for consumers; it predicts that special interests will rip them off in ways small enough to escape easy detection — but at some point the situation tips. When that happens in the field of education, voucher programs will be easier to get through, because the public will be aroused. After vouchers pass, the special interests' ability to pervert the systems will be greatly diminished. A school choice program creates a countervailing special interest group, a pool of parents with a vested interest in their free school or tax credits. This group will now pressure legislators to keep the freedom it has won, and even to increase it.

This is why, once a narrow school choice initiative succeeds, broader measures often follow. In 2007 Georgia passed a special education voucher scheme that proved popular; in 2008 it passed a universal tax credit program that gives a matching credit on state taxes for donations made by individuals and businesses for scholarships for students to attend private schools.

When I look at the weakly grounded resistance of some libertarians to what is clearly a major step toward free markets in education, I cannot help thinking that people sometimes seek ideological purity for its own sake, rather than trying to improve things as much as they can in a given time and place. With friends like that, liberty has no pressing need for enemies. Indeed, she'd best watch her back and start packin' heat.

Robert Enlow expresses my view exactly, when he says,<sup>27</sup> "In most cases, having a school choice program is better than not having one. More freedom is better than less and we

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*If the public school administrators are such soaring intellects, why is the school system they have devised so full of failing schools?*

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understand that, while we should strive for the gold standard, we don't want the perfect to be the enemy of the good." Or as I would put it, if it is only in my power to free 10% of the slaves held in bondage, I will, and hope that later it will be in someone else's power to free the other 90%.

I would add one last point. It is better to fight on offense than defense. If you give up on school choice and retreat to your closed private school or home school, don't think that the PSSIGs will just go away. No, they will then attempt to close those "loopholes" as well — witness Justice Croskey's ruling against homeschooling.

### **The Real Causes of Defeat**

As a philosopher, I am by nature focused on the arguments for and against a given issue. As a realist, however, I

understand that often reasons are not causes. Often they are rationalizations for decisions that were made on other grounds, for other motives — typically, self-interest or tribal feeling. This, I believe, is especially true in the case of opposition to vouchers. The arguments against vouchers are transparently flimsy, yet they are often put forward by intelligent people, as rationalizations for such real motives as rent-seeking; misplaced coalition politics; and suburban complacency.

Virtually all political opposition to vouchers has come from the army of PSSIGs. There is no doubt what the real motive is when public teachers fight vouchers so fiercely. It is

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*Another contention is rarely trumpeted by voucher opponents, but it is never far from their minds. It is that parents are simply too stupid to figure out which schools are any good.*

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pure rent-seeking. The unions freely use the immense financial resources obtained from compulsory dues to defeat school choice of any kind because they fear that their members' jobs or working conditions might be threatened if students were free to go elsewhere. (Think of that \$3 million used to defeat vouchers in Utah, a huge amount for a small state).

If the unions really worried about what sort of educational system would benefit the students, they would do what medical investigators do when they worry about what benefits the sick: they would allow large-scale clinical trials of alternative systems. But the teachers' unions oppose all trials of any form of school choice. In many places, upwards of half the public school teachers send their own children to private schools. Yet their unions do their best to keep others from following their example.

Next we have to look at one of the great voting anomalies of all times. African-Americans and Latinos support school choice overwhelmingly (many polls show support in the 70+% range), but they vote en masse for the political party that opposes choice, the PSSIG party in all its forms. Until that coalition breaks down, school choice will continue to be hard to enact.

Many suburban white parents oppose vouchers, and for a variety of reasons, but the least of their motivations is any kind of libertarian squeamishness about the taint of government support. Their main motive seems to be a fear that if the inner city (read: Latino and African-American) students are given vouchers, they will try to attend suburban schools. Amid the liberal gloating over the Utah voucher defeat, and the conservative and libertarian clucking, few have mentioned this factor directly. One of the few was William McGurn,<sup>28</sup> who noted that "suburban voters of both parties are not enthusiastic about school choice. Many of these voters see increasing options for inner city kids as enabling blacks and Latinos to find their way into their children's schools."

There is a morally legitimate concern that one's own chil-

dren may be crowded out of the schools they already attend and like. Also legitimate is the desire to preserve the existing cultural environment of those schools. (I have noted elsewhere that parental concern for the peer groups to which their kids belong is justified by recent psychological work.<sup>29</sup>) Less morally legitimate is a complacent "I've got mine, Jack!" attitude, which leads people with reasonably good schools not to care whether students elsewhere are trapped in failing schools. Even less legitimate is an exaggerated competitiveness that makes some parents happy to see other kids trapped in failing schools, because it means that their kids have less competition for good colleges and careers. And downright despicable are racist feelings towards children of other groups.

Of course, this suburban fear of seeing schools swamped by a flood of inner-city kids — with smiles on their faces and vouchers in their hands — is overwrought. Few inner-city parents want to see their kids bused to faraway schools. No, they want good local schools, and school choice is what they need to get them.

## Prospects

Although special interests have great power to squelch free choice in education, the school choice movement has been able to succeed to a surprising degree. Over the past 20 years, the number of voucher systems in the United States has grown from only two to 21, with the majority of the new programs coming in the last eight years. Something like 190,000 students now use vouchers to attend private schools. Internationally, vouchers are finding favor too. Various sorts of voucher systems have been adopted in Belgium, Chile, Colombia, Denmark, Japan, The Netherlands, New Zealand, and Sweden.

Charter school enrollment has grown from essentially nothing to 1.1 million students, with over 4,000 charter schools nationwide. One-third of Washington DC schools are now charter, as are most of New Orleans schools. Many charters have distinguished themselves. In 2007, the Harlem Success Academy moved 6-year-olds, only 11% of whom were at grade level in math at the beginning of the year, to a point where 86% achieved grade level by the end.<sup>30</sup> The Knowledge is Power Program is a chain of 57 charter schools, most located in inner cities. They are focused on basic education. Eighty percent of the students who attend KIPP schools in grades 1 through 8 wind up in college.<sup>31</sup>

Tuition tax credit and tax deduction schemes are now fairly widespread. The parents of almost 650,000 students receive tax credits. In addition, the number of homeschooled students has now hit over 2,000,000, with the homeschooling rate increasing by nearly 30% between 1999 and 2003. We should note that on standardized tests, homeschooled kids outscore kids who attend traditional schools. In 2006, for example, homeschooled students averaged a 22.4 composite ACT score, compared to the national average of 21.1.

The pace is quickening. Three-fourths of the states introduced new or expanded school choice legislation in 2006–2007. As Chester Finn, a long time school reform advocate and education scholar, recently noted,<sup>32</sup>

We're . . . far more open to charter schools, vouchers, virtual schools, home schooling. And we no longer suppose kids must attend the campus nearest home. A majority of U.S. students now study either in bona fide "schools

of choice," or in the neighborhood schools their parents chose with a realtor's help.

You can detect a sea change by looking at the number of Democrats now favoring school choice — despite the fact that the Democratic party is the home of teachers' unions. And African-Americans are voting with their feet whenever they have the chance.

It's true, the smackdown of the Utah universal voucher plan has taken the tuck out of some school choice advocates, such as the aforementioned Sol Stern. But I believe they are overreacting. Despite the loss, prospects for school choice remain good. It seems to me, in fact, that we are reaching the public choice tipping point in education. It took losing the Vietnam War to get an all-volunteer military. It is taking a severe energy crisis to get overly restrictive environmentalist regulations on domestic oil production put aside. It will take the prospect of losing our high-tech industry to the Indians and Chinese to get people finally to accept the need for school choice.

While I support continuing to push for tax credits, charter schools, home schooling, and so on, we should still continue to aim at full voucher proposals. I am responding here to a suggestion by Adam Schaeffer of the Cato Institute,<sup>33</sup> who argued after the Utah defeat that the voucher program is dead, so school choice advocates should just push for tax credits, which have more bipartisan support. He claimed that many Utahans feared more government control, whereas with tax credits, that wouldn't be the case.

But while some libertarians may fear that vouchers run the risk of greater government involvement in the schools, it is very unlikely that this is the reason Utahans voted against vouchers. Anyway, tax credits are not much easier to pass. Half-measures don't placate the rent-seeking opposition. Teachers' unions have opposed even the ridiculously small vouchers, such as Milwaukee's. They opposed Utah's plan, which separately funded the vouchers; if a student left the public school system to go to a private school, the public school didn't lose one damn nickel in funding. The PSSIGs have attacked charter schools, trying to cut their funding, cap their numbers, or even close them down, in such states as California, Ohio, Nevada, and New York. There is a move in Congress to end the charter school experiment in the District of Columbia. The PSSIGs attack tax credits too.

## Recommendations

Let me offer some suggestions to those who want to continue the fight for vouchers.

First, and most importantly, you should always be aware that enacting significant policy changes in governance requires a brutal political fight, not a polite philosophic debate. You don't win by merely making an intellectual case. You have to do the political work. This means fundraising, to create campaigns of anything like the size of those that the unions mount. It means running effective ads, and being astute about politics in general.

For instance, voucher initiatives need to go on a general election ballot, especially a presidential election ballot. This is just Public Choice Theory 101: rationally ignorant voters tend to skip minor or special elections, but the union Myrmidons do not. In the Utah vote, only a small minority of eligible vot-

ers showed up, giving members of the PSSIGs a much larger influence than justified by their numbers. Additionally, you have to gear your political campaign to address the real motives that people have for opposing vouchers, instead of merely offering arguments for them and refuting the rationalizations put forward by the opponents.

Start with the rent-seekers. Here we can borrow from our leftist opponents (remember Saul Alinsky's "rules for radicals"?): make the political personal. Show the unions for the rent-seekers they are; show that they are people who profit by denying freedom and equality to downtrodden children. Mindful of the fact that members of teachers' unions oppose freedom of choice, but often avail themselves of that freedom for their own kids, run TV ads that show teachers dropping their children off at private schools, and then show poor kids walking to crappy public schools where those same union members teach.

Mindful of the political oddity of overwhelming support for vouchers among a group that votes solidly Democratic, show African-American students filing into lousy schools, while a voiceover recites the names of the local Democrats who oppose vouchers. Run testimonials by African-American parents describing how well their kids are doing since choosing their new schools. And make it personal. Run ads asking Obama why he opposes vouchers, even though his own children attend private schools (as did he).

But while holding the PSSIGs' feet to the fire, we should avoid demonizing public school teachers. Most teachers are just trying to do their jobs, and many are outstanding. A personal disclosure: I left parochial school in the third grade, in a cloud of disgrace, and spent the rest of my academic career — through graduate school — in public schools. Many of the wisest and most wonderful people I have met have been public school teachers. We oppose the system, but not the teachers who are doing their best.

Also, work hard to develop coalitions — with religious groups, minority advocacy groups, and so on. Voucher proponents (who are often libertarians) need to work hard to

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*Enacting significant policy changes in governance requires a brutal political fight, not a polite philosophic debate. You don't win by merely making an intellectual case.*

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help home-school proponents (who are often religious conservatives). They also need to court the support of more Democratic politicians, especially by running ads praising prominent Democrats who are willing to speak out. We don't care which party supports school choice — we simply support those who do.

It is vital, in any new voucher campaign, to address suburban parental resistance. To address the legitimate concern of parents who are happy with their public school and fear their kids will be "bumped" by newcomers, design your

legislation so that preference is given to people who live closest to the voucher school, and guarantee that existing students aren't bumped. Hammer home the economic costs to everyone of America's huge numbers of poorly educated people. What will it profit your kids to have a better shot at college if the price is that he or she will wind up paying massive taxes to support the unemployable and the incarcerated? You need to remind people of the difference between enlightened and unenlightened egoism.

Consider running ads reminding complacent suburban parents that the high-quality education their kids are supposedly getting in their nice local schools may be an illusion. At many schools, an A average merely indicates that a student hasn't succeeded in killing anyone yet. Radio and TV ads featuring Eric Hanushek reviewing the rapid decline of our students' international ranking in academic achievement might help here.

Fight fire with fire. Whenever a group of legislators is working on school choice legislation, the various pro-choice organizations should join forces to hire trained lobbyists to counter the opposition lobbyists. It would help if those of us who favor school choice supported the pro-choice organizations financially. I refer to such groups as the Alliance for School Choice and the Friedman Foundation for Educational Choice.

There are many reasons for vouchers: don't neglect any of them. Vouchers are justifiable on ethical egoist and utilitarian grounds, but also on the essential grounds of freedom and autonomy.

To advance these arguments, you need a network of articulate scholars, especially economists, from free-market think-tanks ready to speak on behalf of any proposed school choice initiative, and ready to counter any new propaganda the rent-seekers dream up.

An illustration of where this would have been useful comes from the last major attempt to allow freedom of choice in California's notoriously bad public school system a few years back. Initial polls showed strong support for the voucher initiative, especially in minority school districts. But literally a few days before the election, some PSSIG professor suddenly published a study "showing" that if the voucher system were enacted, so many kids would instantly leave the public schools that they would overwhelm the private ones (the No Place to Go argument). This was trumpeted by the teachers' unions. The proponents were taken off guard, and the rent-seekers won. Had a group of scholars been ready to contact the media with the obvious rebuttals, this might never have happened. (Progress is being made: the Friedman Foundation has set up a School Choice Speakers Bureau — a useful step forward.)

Another suggestion is that voucher supporters need to support other measures as well. The power of unions to stop or slow free choice in education comes from their ability to misuse their members' dues, in defiance of the members' rights under the Supreme Court's *Beck* ruling (which held, in essence, that workers cannot be compelled to pay dues to support political activities with which they disagree). Several states have passed initiatives requiring a union to get written permission from its members before it uses dues for political activity; in each case, union dues for politicking plummeted.

So if you want vouchers in your state, work also to enact paycheck protection bills. Similarly, I recently argued that America should adopt a "loser-pay" system to cut down on the huge number of frivolous lawsuits we have to endure.<sup>34</sup> Such a system would help deter unions from their relentless lawsuits against school choice.

While fighting for related causes, however, we must make sure to keep our own proposals well focused. Part of the reason the Utah initiative failed was that it brought in a mandate for testing, not just for vouchers. Standardized testing makes sense, but school choice needs to be the focus. Don't worry — as schools compete for students, they will automatically have to consider how well their students do on tests.

But if you'll permit me to make a final suggestion . . . I believe it's high time that I and everyone else came up with a better name. Instead of talking about "vouchers," we should talk about "Freedom of Education." □

#### Notes

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3. See Greg Toppo, "'Crisis' Graduation Gap Found Between Cities, Suburbs," *USA Today* (April 1, 2008).
4. Alliance for Excellent Education, "The High Cost of High School Dropouts: What the Nation Pays for Inadequate High Schools," Issue Brief (October 2007), available for download from the Alliance website.
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6. N. C. Aizenman, "New High in U.S. Prison Numbers," *Washington Post* (February 29, 2008).
7. Liptak, Adam "U.S. Prison Population Dwarfs that of Other Nations," in the *International Herald Tribune*, April 23, 2008.
8. [www.ojp.usdoj.gov/bjs/prisons.htm](http://www.ojp.usdoj.gov/bjs/prisons.htm).
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13. Gary Jason, "Free to Choose," *Liberty* (October 2006) 16.
14. William McGurn, "McCain's School Choice Opportunity," *Wall Street Journal* (April 29, 2008).
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22. See Gary Jason, "Ed Schools Flunk Again," *LewRockwell.com* (October 10, 2006).
23. Gary Jason, "The Chauvinism Gap," *Liberty* (June 2008) 11–12.
24. Dwight R. Lee, "The Political Economy of Education Vouchers," *The Freeman* 36.7 (July 1986).
25. *Ibid.*
26. "Home-schooling in the Cross Hairs," *Orange County Register*, March 9, 2008.
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34. Gary Jason, "The Ethics of Tort Reform," *Liberty* (June 2008) 23–28, 62.