

Dr. Josh Cowen, reflecting on a webinar conducted by Public Funds Public Schools, addresses why billionaires like school vouchers and how state constitutional amendments can possibly block vouchers, even in view of recent U. S. Supreme Court decisions.

Many, if not most, citizens who ponder the effects of vouchers on the future of the public common school system have wondered why so many billionaires are bent on eliminating public education. Also, many concerned citizens wonder how the public school system can survive recent U.S. Supreme Court decisions.

Dr. Cowen offers insight into both issues.

Three Kinds of Voucher Billionaires—and Other Big Questions

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Hey Friends,

The team at Public Funds Public Schools recently hosted a [webinar](#) on education issues in the upcoming Trump Administration. Specific topics were school vouchers in general, a renewed voucher push in places like Tennessee and Texas, and the plan to [create a federal voucher scheme](#) through the tax code. That federal plan, a version of which has been proposed by GOP legislators in the past several congresses, would be modeled on [existing state voucher tax credit schemes](#). The goal: nothing short of pushing publicly funded private school vouchers into every state.

I want to use this newsletter to answer a couple of questions that came up during that webinar.

- **First up:** *Why do right-wing billionaires care so much about school vouchers?*

I get a version of this question everywhere I go to speak. It's a key question I ask in my book, [The Privateers](#), and I try to give some answers there. But it's especially important now with [Linda McMahon replacing Betsy DeVos](#) as Donald Trump's voucher-backing billionaire Education Secretary, with news that Elon Musk wants to [create his own private school](#) in Texas, with TikTok billionaire Jeff Yass [giving \\$10 million](#) to try to push vouchers into that state, and with the various [Koch-backed organizations](#) continuing their own voucher agenda.

These are all very different billionaires. But they have one thing in common in their demand for school voucher schemes across the country: vouchers fit into the way they think the world ought to work and, being billionaires, they're used to getting what they want.

Nonetheless, the differences are helpful to understand. I see these billionaires and their associated advocacy organizations falling into three categories representing three different areas of public policy that billionaires want to influence.

The first, and oldest, are **the Christian Nationalists**—the folks behind the idea that a far-right notion of Christianity should form the basis of American law and policy. This is the Betsy DeVos version. And the Linda McMahon version. Betsy DeVos has said she wants vouchers to literally “[advance God's kingdom](#)” on earth. It's why her 501(c)(4) is pushing a voucher campaign to “[save Catholic schools](#)” and why more regional, billionaire-founded groups like [the Herzog Foundation](#) are pushing vouchers in the heartland to help fill seats in church pews.

(There's high-quality research evidence, by the way, that when vouchers pass they become the [dominant source of funding](#) for churches that run private schools).

Next are **the zero-government folks**. This is mostly Koch Network groups like Stand Together, and [Yes Every Kid](#). As I recount in *The Privateers*, the Koch brothers had longstanding ties to Milton Friedman himself. They want school vouchers because they see public schools as “government” and—being from oil and gas money—they associate government with “regulation.”

Not for nothing do many of these groups hold up the [voucher scheme](#) created by the Pinochet regime in Chile—which coupled economic deregulation with rollbacks to civil liberties—as a policy model. Voucher godfather Milton Friedman, along with other University of Chicago colleagues, [advised Pinochet in the 1970s](#).

Third, and finally, there are **the tech bros** like Musk and Yass. These guys are new players in the billionaire voucher shell game. Without the long histories of the DeVos or Koch groups it’s hard to identify a coherent aim or ideology that ties them to vouchers. Except for one thing: the privatized, monetized idea of education as just another commodity. I’ve compared school vouchers to crypto-currency—something in which both [Musk](#) and [Yass](#) have emerging interest.

If your world view draws from an every-bro-for-himself mentality, stoked with the conviction that you’re a genius investor (and to be fair, your billions seem evidence to that effect!), it makes some sense that a check from taxpayers to go speculate on an open education market has some appeal.

We’ll see how dominant that appeal becomes—and how it interacts with the older DeVos and Koch ideologies in the coming years. If Trump’s victory coalition on other issues is any indication, they’ll find much to draw from one another.

- **Now for the Second Set of Questions:**

Do you have advice on how to talk with law and policymakers about crafting state legislation that keeps public funds for public schools in light of the [Espinoza v. Montana Department of Revenue](#) decision and how that impacts no-aid clauses?

Have any states enacted pre-emptive legislation that protects public schools and public school funding from voucher programs?

For these I’m going to ask Jessica Levin, ELC’s awesome Litigation Director and the head of the PFPS campaign, to weigh in. I’m learning so much from Jessica this year while I’m at ELC, so let’s just go to the expert:

Thanks Josh, and great questions from our webinar audience. The U.S. Supreme Court’s [Espinoza](#) decision dealt with Montana’s “no aid” clause, which barred public funding specifically to religious schools, and a majority of the Court found that provision problematic under the Free Exercise Clause of the First Amendment. But there are a number of states that have a different type of no aid clause that is not limited to religious schools, but rather bars public funding of private schools in general. These are very powerful bulwarks against voucher programs. In fact, the South Carolina Supreme Court recently struck down the state’s voucher program under a no aid clause of that very type. We at Education Law Center were proud to help represent the plaintiffs in that case, [Eidson v. South Carolina Department of Education](#).

So, what can states do to erect legal firewalls protecting public schools and the resources they need to serve their students? Even better than pre-emptive legislation are *constitutional* protections like the South Carolina style of no aid clause that preserve state funds for public schools. These are not necessarily products of long-ago times; Michigan enacted such an amendment to its constitution in the 1970s. We just saw Kentucky voters reject a constitutional amendment meant to open the door to vouchers. This indicates potential to enact voucher-blocking constitutional amendments.

Thanks, Jessica, and with that, we’ll wrap up this edition of the newsletter. Stay tuned next time!

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Josh

P.S. If this newsletter was forwarded to you, please consider joining the [PFPS distribution list](#) so you can receive future editions directly in your inbox.

P.P.S. Don't forget to check out the [first webinar](#) in the ELC series "What Do We Do Now?" that featured Josh and Jessica on private school vouchers. The second in the series is on Dec. 16; more info [here](#).

During this time of giving, please consider making a tax-deductible contribution to [Education Law Center](#), which directs the PFPS campaign. Follow [@EdLawCenter](#) and [@pfpsorg](#) on Facebook, X, BlueSky, and LinkedIn.