



Written by [Joe Wolverton, II, J.D.](#) on June 26, 2015

Nevada's New Education Savings Account: School Choice or Legal Plunder?

Beginning in January 2016, parents in Nevada may be able to take advantage of a new state law that pays families at least \$5,000 per pupil for educational expenses, including those associated with paying private school tuition.

Earlier this month, Governor Brian Sandoval signed Senate Bill 302 creating educational savings accounts in the Silver State, a law described by *U.S. News* as “an unprecedented state-wide opportunity for school choice.”



The *Las Vegas Sun* reports on the particulars: “Under the bill, any parent with a child enrolled in a Nevada public or charter school has the option to leave and take the state’s education funding with them to use for private school, tutoring and homeschooling.”

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Reportedly, school choice advocates “are heralding this as a big win because of its unparalleled scope.”

The *U.S. News* article explains the excitement over the new program:

Nevada has taken center stage for school choice because, unlike other programs, these accounts are open to all public school students. Students with disabilities or who live below 185 percent of the federal poverty line will receive \$5,700. Proponents consider these accounts superior to vouchers because they can be used for private school tuition or for most other educational expenses.

Many in the media are praising the program’s potential, especially in light of Nevada’s position near the bottom of the country’s public-school rankings.

The bill passed along strictly party lines with all 25 Republicans in the state assembly and all 11 Republicans in the state senate voting in favor of the measure. Sandoval is a Republican, as well.

Some activists opposed the plan on the basis that they claimed it would reduce funding for public schools, thus leaving them in a worse position than prior to passage.

Ron Paul’s Voice of Liberty reported that “in fact, federal funding will remain the same, meaning more money spent per child in public school.”

And there’s the rub.

Though the 10th Amendment to the Constitution makes it very clear that education remains within the realm of state (and popular) power, small tyrants are not to be preferred over large ones.

In this case, the money that will be doled out to families has to come from somewhere: the citizens of Nevada.



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The legislative counsel digest of the bill states that funds for the program will come “from local sources” and a “state apportionment per pupil.”

What the conservative “school choice” supporters of this scheme don’t mention is that the money collected by the state for use in its several educational endeavors is never given voluntarily.

The state forcibly (under penalty of law) takes a portion of every Nevadan’s paycheck to fund these programs.

For proponents of individual liberty, the goal would be for parents to keep the fruits of their labor and then be free to spend that money in any way they see fit, including on the education of their children. That goal is far from being reached, however. For now, government keeps creating programs that take the property of parents and shift it to others.

Taking money from a person against that person’s will — even if that money is used for an arguably good cause — is theft. And, if it is illegal for an individual to do something, it is equally illegal for government to do that thing, as the government is nothing more than collective organization of the rights of individual members of the society.

This process of government-sponsored thievery is known as “legal plunder.”

As French political economist Frederic Bastiat explained in his 1850 pamphlet, *The Law*:

Man can live and satisfy his wants only by ceaseless labor; by the ceaseless application of his faculties to natural resources. This process is the origin of property.

But it is also true that a man may live and satisfy his wants by seizing and consuming the products of the labor of others. This process is the origin of plunder.

Speaking specifically of the use of plunder in the propping up of public education, Bastiat said:

You say: “There are persons who lack education,” and you turn to the law. But the law is not, in itself, a torch of learning which shines its light abroad. The law extends over a society where some persons have knowledge and others do not; where some citizens need to learn, and others can teach. In this matter of education, the law has only two alternatives: It can permit this transaction of teaching-and-learning to operate freely and without the use of force, or it can force human wills in this matter by taking from some of them enough to pay the teachers who are appointed by government to instruct others, without charge. But in this second case, the law commits legal plunder by violating liberty and property.

Why do politicians — Democrats and Republicans — think they should use the authority they have been given to take the property of others and use it for this or that social program? Bastiat has an explanation:

When a politician views society from the seclusion of his office, he is struck by the spectacle of the inequality that he sees. He deplores the deprivations which are the lot of so many of our brothers, deprivations which appear to be even sadder when contrasted with luxury and wealth.

Perhaps the politician should ask himself whether this state of affairs has not been caused by old conquests and lootings, and by more recent legal plunder. Perhaps he should consider this proposition: Since all persons seek well-being and perfection, would not a condition of justice be sufficient to cause the greatest efforts toward progress, and the greatest possible equality that is compatible with individual responsibility? Would not this be in accord with the concept of individual



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responsibility which God has willed in order that mankind may have the choice between vice and virtue, and the resulting punishment and reward?

But the politician never gives this a thought. His mind turns to organizations, combinations, and arrangements — legal or apparently legal. He attempts to remedy the evil by increasing and perpetuating the very thing that caused the evil in the first place: legal plunder. We have seen that justice is a negative concept. Is there even one of these positive legal actions that does not contain the principle of plunder?

Nevada is the fifth state to create education savings accounts. Bureaucrats have until July 1 to adopt necessary regulations to carry out the new law's mandates, with the law set to go into effect on January 1, 2016.



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