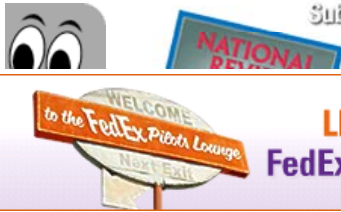


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# Phi Beta Cons

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## Re: School Choice

By Robert VerBruggen

May 26, 2010 12:51 PM

At the Cato blog, Andrew J. Coulson [brings up](#) something I was not aware of: The Arizona Supreme Court has bought into the idea that tax-credit voucher programs — that is, having [corporations](#) fund voucher programs, and then reimbursing them (in full or close to it) with tax credits — are legally different than traditional voucher programs (in which the government first collects tax money and then spends it). From the decision:

Petitioners argue that this [tax credit](#) channels public money to private and sectarian schools in violation of the state constitution. . . . As respondents note, however, no money ever enters the state's control as a result of this tax credit. Nothing is deposited in the state treasury or other accounts under the [management](#) or possession of governmental agencies or public officials. Thus, under any common understanding of the words, we are not here dealing with "public money."

If the Supreme Court buys this logic — which I suppose is sound on its face — it could lead to some very interesting programs. Any time it's illegal for a government to fund something directly, it could simply make a dollar-for-dollar "tax credit" program for it, allowing sympathetic taxpayers to technically "donate" — but actually just redirect the taxes they'd otherwise have to pay — to the cause.

PERMALINK 05/26/10 12:51 PM

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