

In the 1930s John W. Bricker, a conservative Republican, as Attorney General in Ohio issued an opinion that private schools are not eligible for public tax money (PART 5).

Attorney General John W. Bricker quoted a paragraph from the case of People v Brooklyn Board of Education which pinpoints the concept of “common schools” as used in Article VI, section 2 of the Ohio Constitution.

In the case of People vs. Brooklyn Board of Education, 13 Barb. 400-410, it is said: "Common schools' are such as are organized by law, and are not confined to any class of pupils, but are open to all. They are such that the trustees have no power to admit or reject pupils arbitrarily, nor to make rules and regulations fixing standards of admission for members. They are bound to instruct all children who present themselves, without regard to their social relations, their station in life, or their religious faith. The word 'common' as applied to our schools, has the broadest and most comprehensive signification, it being equivalent to public, universally open to all, and they are common to all children in the sense that public highways are common to all persons who may choose to ride or drive thereon. Common schools are distinct from such schools as savor of sectarian opinion or control."

It is abundantly clear that the private school system the Ohio legislature is highly subsidizing is not a common school system.

The private school system in Ohio is becoming dependent on public funds for operation. Hence the private school lobby will appeal to the judiciary that the cutting of EdChoice vouchers will do great harm to private school students. The Constitution is the supreme law of the state and state officials who have been supporting tax-funded EdChoice vouchers are doing so with eyes wide open hoping the judiciary will not follow the Ohio Constitution. Voucher seekers and users should come to grips with what the Ohio Constitution actually says about this matter. Voucher users should understand that they are receiving government payments that are unconstitutional—illegal.