

TESTIMONY OF
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My name is Carris Kocher. I am grateful for the opportunity to submit this testimony to the Labor Relations Committee concerning House Bill 2626. I offer the following testimony as a lifelong student and teacher of American history and our form of government; as the editor and publisher of several works on our Founding Fathers; as the chairman of the Bill of Rights Bicentennial Committee and the organizer of an annual Bill of Rights Commemorative Banquet – this December 15th being our 17th annual event; as an American citizen; and as a mother deeply concerned about the preservation of our liberties for the generations to come.

Gentlemen, may I speak plainly and to the point? This proposed bill flies in the face of one of the most highly prized and basic of our unalienable rights – Religious Liberty. Religious Liberty was the primary object of those who settled our country when it was but a howling, inhospitable wilderness. What moved them to bid farewell to their families and friends, to leave behind a familiar and settled way of life and scenes dear to their hearts, to make the dangerous voyage of several weeks – even months – to this unknown world on the other side of the Atlantic Ocean? Yes, for some there were other reasons, but for the great majority it was the pursuit of Religious Liberty.

As the 1600's passed, they watched from American soil as the history of Europe unfolded, and as the continued religious persecutions in the Old World caused many to seek out a new home across the wide ocean, where they could worship God, their Creator, according to the dictates of their own conscience. It was not for light or transient reasons that they set sail for America. This hope of Religious Freedom was the root and ground of their seeking a home in the New World. The realization of this hope is what gave birth to their hopes for prosperity and happiness.

It was for the continued security of Religious and Civil Liberties for themselves and their posterity that they declared their independence from England in 1776.

What HB 2626 proposes is not just a remedy for a difficult situation; it is a drastic change in our very form of government, for Religious Liberty is an essential pillar in the Temple of Freedom.

Gentlemen, each of you took an Oath of office when you entered the legislature. That Oath called upon God to witness your promise to uphold and defend the constitutions of the Commonwealth of Pennsylvania and of the United States of America.

The PREAMBLE to the Pennsylvania Constitution reads:

“We, the people of the Commonwealth of Pennsylvania, grateful to Almighty God for the blessings of civil and religious liberty, and humbly invoking His guidance, do ordain and establish this Constitution.”
[emphasis mine]

Pennsylvania Constitution, Article 1, DECLARATION OF RIGHTS begins:

“That the general, great and essential principles of liberty and free government may be recognized and unalterably established...”

Notice the words “essential” and “unalterably established.”

Reading further, Article 1, Section 3 declares that:

“All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences... no human authority can, in any case whatever, control or interfere with the rights of conscience, and no preference shall ever be given by law to any religious establishments or modes of worship.” *[emphasis mine]*

HB 2626, as it stands, would unavoidably interfere with the rights of conscience of those who have chosen to be part of religious-affiliated schools.

You are no doubt well acquainted with the right of Religious Liberty as expressed in the First Amendment to the national constitution, Article One of the Bill of Rights:

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.”

HB 2626, as written, would unavoidably prohibit the free exercise of religion.

What of those men who laid the foundations of our American form of government? Those who willingly sacrificed their comfort, their property, their sacred honor, and, yes, many even gave their lives in Liberty’s Cause? How important was Religious Liberty to them?

Let us look at the state of Virginia, a state notable for the number of persons prominent both in the time of our Revolutionary War as well as in the writing and adoption of the national Constitution. After declaring their independence from Great Britain in May of 1776, the Virginians proceeded to organize a government for their independent commonwealth with a written constitution and a declaration of rights. In the Virginia Bill of Rights, adopted on June 29, 1776, Article 16 reads:

“That religion, or the duty we owe to our Creator, and the manner of discharging it, being under the direction of reason and conviction only, not of violence or compulsion, all men are equally entitled to the full and free exercise of it according to the dictates of conscience, and therefore that no

man or class of man ought, on account of religion, to be invested with peculiar emoluments or privileges, nor subjected to any penalties or disabilities, unless, under color of religion, the preservation of equal liberty and the existence of the State be manifestly endangered." [*emphasis mine*]

I hardly think that the difficulties House Bill 2626 proposes to address can be said to manifestly endanger the existence of our government.

The original draft of the Virginia article of Religious Liberty is in the handwriting of Patrick Henry.

In 1788 this same Patrick Henry was chief among those who opposed the ratification of the proposed Constitution for the United States of America without the addition of a Bill of Rights. Consequently, one of the first matters for the first Congress assembled under the new government in March of 1789 was a proposal for amendments to the Constitution which were sent to the various states for ratification. The ten articles of amendment which were adopted we know as the Bill of Rights.

Historically the courts have been extremely narrow in what might appear to set aside Religious Liberty. For example, prior to the 1970's, certain ceremonies of some Native American tribes were prohibited by law because of the serious physical harm to participants or because of the lewd nature of the ceremony itself.

As did our founding fathers, the Bill of Rights Committee holds sacred the truth that these rights are given us by Almighty God, that we are endowed by the Creator with these unalienable rights - rights from which we cannot justly be alienated.

Like King Solomon of old in II Chronicles 6:39, we look to the Creator for the maintenance of our cause, our Liberties. He takes note of what you do regarding these rights.

I beg you not to undermine the unalienable right of Religious Liberty by the furtherance of HB 2626. Fulfill your sworn obligation to the citizens of this Commonwealth and to the Divine Author of Liberty by setting this piece of legislation aside.

As Patrick Henry said,

"Liberty ought to be the direct end of your government... Liberty, the greatest of all earthly blessings... give us that precious jewel, and you may take everything else."