

JASON B. O'NEILL

And

JENNIFER R. O'NEILL

CIVIL ACTION – LAW

No. 08-01620-29-1

MEMORANDUM OPINION

**IN THE COURT OF COMMON PLEAS OF BUCKS COUNTY,
PENNSYLVANIA**

MEMORANDUM OPINION

Before this Court is a Motion for Judgment to Confirm the Validity of Marriage Pursuant to 23 Pa. C.S. § 3306. This Motion, filed by Jason and Jennifer O'Neill, seeks a declaration that their marriage, solemnized by a minister of the Universal Life Church, is valid. Pennsylvania law authorizes "(a) minister, priest or rabbi of any regularly established church or congregation" to preside over a marriage. 23 Pa. C.S.A. § 1503(a) (6). Therefore, the sole question before this Court is whether a minister ordained by the Universal Life Church is a minister of a regularly established church within the meaning of the Pennsylvania Marriage Act.

Background

The relationship of Plaintiffs, Jennifer and Jason O'Neill (hereinafter the "O'Neills"), began ten years ago when the couple met in college. They began dating in 2000, and later became engaged in 2004. The O'Neills consider themselves spiritual people. Jennifer and Jason come from mixed religious backgrounds and were raised according to the principals of several faiths. As testified to by Jason O'Neill before this Court, the couple's beliefs are not guided by the values of any single religion. Consistent with their upbringing, the couple wanted to include a religious element in their wedding ceremony, but did not want any one religion to dominate. After giving a great deal of thought to how their ceremony would represent their beliefs, the O'Neills selected a faith that supported the spectrum of their religious values, the Universal Life Church (hereinafter "ULC" or the "Church*"). The couple chose Robert A. Norman, Jason O'Neill's uncle and ULC minister, to officiate their wedding. With the aid of Mr. Norman, the couple planned a wedding ceremony that reflected their families' diverse cultural traditions and religious beliefs. On September 3, 2005, witnessed by three hundred (300) of their friends and family, Jennifer and Jason were married in a detailed ceremony performed by Mr. Norman.

The ULC is a non-denominational interfaith ministry with millions of members worldwide.¹ The key teaching of the Church is that all people have the right to practice their beliefs within the bounds of the law. All members are encouraged to follow their own spiritual path and not to infringe on the paths chosen by others. The central tenet is to "do that which is right".

The ULC authorizes all of its members to become ministers. Ordination is available at no cost through a quick online process which does not inquire into the sincerity of the member's faith. The Church believes that oversight is unnecessary with regard to ordination. After a minister is ordained, he or she may obtain literature on basic ceremonial training, which focuses on marriage, baptisms, starting a congregation, exorcisms, and funerals. No formal education is required prior to or after becoming a ULC minister.

Jennifer and Jason O'Neill were attracted to the multi-denominational and spiritual tenets of the ULC and specifically chose their uncle, a minister of this faith, to sanctify their marriage. The minister, Mr. Norman, was ordained through the ULC website in January of 2002. His sworn affidavit and testimony before this Court indicate that he sincerely believes in the tenets of the ULC and lives his life in accordance with those principles. Prior to the wedding, Mr. Norman consulted the Pennsylvania Marriage Act and called the Bucks County Register of Wills (on two occasions) to ensure that he was legally permitted to preside over Jennifer and Jason's wedding. He was advised that he was so authorized and was not required to separately register as a minister in Bucks County. Under the belief that Mr. Norman's ordination by the ULC would not impede their marriage, the O'Neills proceeded with their wedding plans. In the months that followed, Mr. Norman and the couple worked together to create a wedding ceremony that embodied their religious and spiritual beliefs. Mr. Norman also counselled Jennifer and Jason prior to their wedding. On September 3, 2005, the couple was married in Bucks County. Their certificate of marriage was filed with the Clerk of the Orphans' Court of Bucks County on September 12, 2005.

On September 7, 2007, the York County Court of Common Pleas handed down a decision invalidating a marriage performed by a ULC minister. *Heyer v. Hollerbush*, No. 2007-SU-002132-Y08 (Sept. 7, 2007). The court did not address the validity of the online ordination process, but rather focused on the fact that the minister did not regularly preach in a church nor did he have an actual congregation. The court construed the language of the marriage statute authorizing the solemnization of a marriage by a "minister, priest or rabbi of any established church or congregation" to require that the clergy be of an established religion and also have an established place of worship and congregation.

This decision caused uncertainty among those Pennsylvanians married by *either* ULC ministers, or other religious officiants without current congregations. This prompted the Solicitor for the Association of the Registers of Wills in Pennsylvania to issue a warning to all Registers not to accept marriage certificates

from ministers with questionable qualifications. Reacting to this directive, the Register of Wills for Bucks County sent out letters to inform married couples of the Hever decision and to encourage them to check that their officiant was a legitimate member of a regularly established church or congregation. Once Jason and Jennifer O'Neill received this letter, they questioned the status of their marriage. Jason O'Neill testified that he and his wife were not just emotionally affected by the possibility that they may not be married to each other, but also had several financial concerns stemming from such a situation. They have received healthcare and life insurance benefits as a married couple and have consistently filed joint tax returns. The couple worries that a declaration that their marriage is void could subject them to problems as serious as insurance and tax fraud. We acknowledge the legitimacy of these concerns.

On the basis that their marriage has been called into doubt by the Hever decision and the subsequent actions of the Solicitor and the Register of Wills, the O'Neills filed the Motion that is now before this Court. They seek a declaration of the validity of their marriage, solemnized in a ceremony performed by ULC minister Robert Norman. For the reasons set forth in this Opinion, we find that the marriage between Jennifer and Jason O'Neill is valid.

Discussion

This Motion was filed pursuant to 23 Pa. C.S.A. § 3306, which provides that "[w]hen the validity of marriage is denied or doubted, *either* or both of the parties to the marriage may bring an action for a declaratory judgment seeking a declaration of the validity or invalidity of the marriage..." Although the ruling of our sister court in York County is not binding on us, we recognize that the Hever decision, coupled with the communication from the Register of Wills of Bucks County, calls into question the validity of the marriage between Jason and Jennifer O'Neill. Accordingly, this matter is properly before us.

We believe that our inquiry is best addressed by first briefly discussing the marriage laws of this Commonwealth. Marriage is defined as "a civil contract by which one man and one woman take each other for husband and wife." 23 Pa. C.S.A. § 1102. In order to become married in this Commonwealth, the couple must first obtain a marriage license. 23 Pa. C.S.A. § 1301, *et. seq* The licensure requirement creates a record for the court and ensures that no legal impediments exist precluding the couple from marrying. 23 Pa. C.S.A. § 1304. Licensure thereby guarantees that the legal and social policies of this Commonwealth with respect to marriage are upheld. In addition to a license, a couple must have their marriage solemnized. The state does not concern itself with the personal or religious rituals surrounding the act of marriage. To be legally valid, a marriage need not include a formal ceremony, nor must it be consecrated by a religious figure. What is required is compliance with Pennsylvania's marriage licensure provisions, a contract memorialized in writing, and a marriage certificate signed by the person or

persons authorized to solemnize the marriage.

The Pennsylvania Marriage Act provides three ways for a marriage to be solemnized: (1) by an authorized third-party clergy or officiant; (2) by the couple themselves in a religious ceremony before two witnesses; or (3) by a religious society or organization of which one of the married couple is a member. 23 Pa. C.S.A. §§ 1502-1503. The matter before us concerns only the authority of a third party to memorialize a marriage. We will therefore not address the other provisions of the marriage law, except to emphasize two points. First, this Commonwealth has expressly provided for several means of solemnization in order to ensure that members of various religious faiths, and those couples wanting a wholly secular wedding, may marry without any encumbrances.

Second, there is no requirement that a marriage be performed by a person of any specific qualifications; for in some instances a marriage may be solemnized by the couple themselves and the certificate may be signed by any two witnesses to the nuptials. Only a select few are authorized to officiate over a marriage and they need not be religious figures. The statute provides that all judges, magistrates, district justices, and some retired and senior judges of this Commonwealth may formalize a marriage. Mayors of a city or borough are also so authorized. 23 Pa. C.S.A. § 1503(a). Lastly, a marriage can be solemnized by any "minister, priest or rabbi of any regularly established church or congregation." 23 Pa. C.S.A. § 1503(a)(6). This is the provision now at issue before this Court.

When interpreting a statute, this Court must give effect to its plain meaning and avoid constructions that are "absurd, impossible of execution or unreasonable." 1 Pa. C.S.A. § 1921(a), § 1922(1). We find that a plain and common sense reading of section 1503(a)(6) clearly permits a minister of *either* any regularly established church or a minister of any regularly established congregation², to perform a marriage. We will focus on the issue of whether the officiant in the case before us is a minister of a "regularly established church."

Our society generally associates the word "church" with the physical place of worship for members of the Christian faith. Although this is an acceptable meaning, we believe that for purposes of the Marriage Act, the definition of "church" is not so constrictive. To interpret "church" as a merely physical place of worship would limit persons who are authorized to perform a marriage in the Commonwealth to only those religious officials who preside over a group of worshipers in a specific building. We believe that to so construe the statute would create unjust results.

In some faiths, scholars who dedicate themselves primarily to religious study are viewed with great esteem and deference. These individuals are unlikely to have a specific group of followers whom they lead to a physical place of worship. Similarly, others have found their religious calling in academia, and have elected to teach in lieu of having their own church or congregation. We decline to interpret the

Marriage Act in a way that would preclude, for example, a teacher who has completed the ministerial requirements of his faith from solemnizing a marriage because he does not lead services at any particular church building. Furthermore, if the legislature intended for "church or congregation" to be read so narrowly it would have so specified. We therefore find that the most logical and reasonable interpretation of the phrase "church" refers to religion and faith in the broader sense. To find otherwise would arbitrarily prohibit many leaders of religious organizations and otherwise qualified individuals from performing marriages. Accordingly, the Marriage Act authorizes a minister, priest or rabbi of any regularly established religious body or faith to solemnize a marriage in Pennsylvania. Unlike some jurisdictions, the Pennsylvania legislature declined to define the phrase "regularly established church" in the Marriage Act. We therefore look to common meaning and factors familiar to many religions in order to determine whether the ULC falls within the parameters of the statute. For example, religions commonly operate within a system of beliefs, address fundamental and ultimate questions of faith, and can be distinguished by the presence of certain external signs, such as appointment of clergy, ceremony, or efforts at propagation. *Africa v- Commonwealth*, 662 F.2d 1025 (3d Cir. 1981) (finding that the organization MOVE constituted a social movement rather than a religious group). Guided by these principles, we find that the ULC, although a non-traditional church, is a regularly established religious faith that falls within the meaning of the Marriage Act.

The ULC was founded on the belief that all individuals have a right to worship in a way that best fits each person, following the one enumerated principle, to "do that which is right". The belief system of the ULC is broad, but that does not make it illusory. The Church also ordains ministers, which is a common characteristic of a religious organization. Although ministers are not required to preside over a specific congregation or work within a physical church, the ULC encourages that practice. The ULC therefore encompasses many of the same ideas and values that we find in traditional religions. Additionally, the LLC was formed in 1959. Since its inception, the Church has consistently advocated for its beliefs and in doing so has obtained a following of approximately twenty million members. In light of its continued and consistent practice as a religious organization for nearly fifty years, it would be unreasonable to find that the ULC's establishment was or is irregular. We also note that the Universal Life Church has been deemed a religious organization within the meaning of section 501(3)(c) of the Internal Revenue Code, thus entitling it to tax exempt status. *Universal Life Church v. United States*, 372 F. Supp. 770, 776 (E.D. Cal. 1974) (the ULC ordination of ministers and the chartering of churches are accepted activities of religious organizations). Accordingly, we find that the Universal Life Church is a regularly established church within the meaning of the Marriage Act.

We also find that Mr. Norman is a "minister" within the meaning of the Marriage Act. The ULC encourages all members to become ordained and to disseminate the beliefs of the Church. Therefore, while being a minister does not necessarily denote being a selective leader in the Church, it comes with

the responsibility to represent the ULC and to pass on its beliefs. We acknowledge that the process by which ULC ministers are ordained is untraditional, as ministers may be ordained online, with no training, and at no cost. We will not now propound on the validity or wisdom of that process, however, as it is not for us to determine in this context how any faith chooses to ordain its leaders and propagate its beliefs.

Additionally, had the legislature wanted to restrict the type of minister authorized to solemnize marriages in this Commonwealth, it could have done so. A look at the priest-penitent evidentiary privilege indicates that the legislature was aware of the potential for a broad interpretation of "minister". The statute expressly exempts from the privilege, "clergymen or ministers, who are self-ordained or who are members of religious organizations in which members other than the leader thereof are deemed clergymen or ministers." 42 Pa. C.S.A. § 5943. ULC ministers fall within this exception and communications made to them are not protected by the evidentiary privilege. This exception is clearly based on sound public policy and our legislature acted accordingly. No such compelling policy has prompted the legislature to limit the meaning of "minister" with respect to the solemnization of marriages. Section 1503 of the Marriage Act was recently amended, once in 2000. and twice in 2004. The legislature did not at *either* time limit the definition of "minister" to conform to that of the evidentiary privilege. Without other guidance from the legislature, we find that the term "minister," for purposes of section 1503(a)(6) of the Marriage Act, is intended to be construed broadly.

Mr. Norman testified before this Court that he takes his position as a minister of the ULC very seriously. In his duty as a minister and wedding officiant, Mr. Norman facilitates the beliefs held by the marrying couple and works with the couple to incorporate them into the ceremony. Mr. Norman also showed his devotion to his ministry by counselling Jennifer and Jason O'Neill to ensure that they were ready for marriage. We accept Mr. Norman's representations that he is dedicated to the tenets of the Universal Life Church and to his religious duties as a minister. Accordingly, we find that he comports with both the spirit and language of the Marriage Act in so far as it authorizes a minister to solemnize marriages in this Commonwealth.

We are unaware of any Pennsylvania appellate decisions that have addressed the issue before us. We are mindful, however, that courts of certain other jurisdictions have held that marriages performed by ULC ministers are invalid. We find, however, that they construe marriage laws that are more restrictive than Pennsylvania's. We will not address every decision in this area, but find it relevant to distinguish our decision from those of a few sister states.

New York law permits a "minister of any religion" to solemnize a marriage. N.Y. Domestic Relations Law §11. The legislature defines this phrase as "a duly authorized pastor, rector, priest, rabbi, and a person having authority from, or in accordance with, the rules and regulations of the governing

ecclesiastical body of the denomination or order, if any, to which the church belongs, or otherwise from the church or synagogue to preside over and direct the spiritual affairs of the church or synagogue." N.Y. Religious Corp. Law § 2. Accordingly, New York courts have held that because the ULC is non-denominational and non-ecclesiastical, it does not constitute a "religion" as defined by New York law. Therefore, absent authority from a specific church or congregation, a ULC minister does not comply with the statutory' requirements and may not solemnize a marriage in New York. *Ravenal v. Ravenal*. 338 N.Y.S.2d 324 (NY Sup. Ct. 1972); *Ranieri v. Ranieri*. 539 N.Y.S.2d 382 (N.Y. Sup. Ct. App. Div. 1989). Our Marriage Act does not so thoroughly define any term used in Section 1503(a)(6), and so we are not persuaded by the New York decisions.

The Supreme Court of Virginia also held that a ULC minister was not authorized to solemnize marriages. *Cramer v. Commonwealth*. 202 S.E.2d 911. 914-917 (Va. 1974). The court relied on the meaning of "minister" in reaching its decision. It held that a church consisting of all ministers in fact has no minister within the contemplation of the Virginia Code. The Virginia Court further observed that General Assembly intended for the minister referred to in the marriage law to be the head representative of a religious society and not someone so casually selected as a ULC minister. *Id.*

We recognize the logic of the Cramer decision and note that the officials authorized to perform marriages in Pennsylvania, such as judges, mayors, and traditional religious officials, are all chosen by the communities and groups in which they work. Nevertheless, for the reasons already explained herein, we believe that the Pennsylvania General Assembly intended a more expansive interpretation of "minister" in the Marriage Act.

Unlike New York and Virginia, the Mississippi Supreme Court has upheld the solemnization of marriages by ULC ministers. *Blackwell v. Ma pee*. 531 So.2d 1193 (Miss. 1988). The Mississippi marriage law empowers "any ... spiritual leader of any . . . religious body to perform a marriage. Miss. Code Ann. § 93-1-17 (1972). The court distinguished the New York and Virginia decisions on the basis that the Mississippi statute was less restrictive. Accordingly, the court held that the ULC minister fit the definition of a spiritual leader of a religious body.

Based upon a review of relevant statutory and case law, and the considerations discussed herein, we choose not to invalidate the marriage at issue. This Commonwealth encourages marriage and we recognize that Jennifer and Jason O'Neill have a strong and stable union that contributes to the fabric of society. We find no reason to invalidate their marriage as it was consecrated in good faith and in compliance with the law. To nullify such a marriage, willingly and responsibly entered into, would defy the good sense of this Court.

Conclusion

For the reasons stated herein, we determine the Universal Life Church to be a regularly established church within the meaning of the Marriage Act. Mr. Norman, although not a clergyman in the traditional sense, is a minister of the ULC and is therefore qualified to solemnize a marriage in this Commonwealth. Accordingly, we find that the marriage between Jennifer and Jason O’Neill was lawfully solemnized. We hereby declare that a valid marriage exists between the parties and enter the attached Decree.

BY THE COURT:

12/31/08

Date C. THEODORE FRITSCH, JR., J.

IN THE COURT OF COMMON PLEAS OF BUCKS COUNTY, PENNSYLVANIA

CIVIL ACTION – LAW

JASON B. O’NEILL No. 08-01620-29-1

And

JENNIFER R. O’NEILL

DECREE

AND NOW, this **31st** day of **December***, ******* 2008*******, upon consideration of Jason B. and Jennifer R. O’Neill’s Motion for Judgment to Confirm the Validity of Marriage Pursuant to 23 Pa. C.S. § 3306 and Memorandum of Law in support thereof, and after oral argument before this Court on November 24, 2008, it is hereby ORDERED and DECREED that the Motion is GRANTED. This Court does hereby declare that a valid marriage exists between Jason B. O’Neill and Jennifer R. O’Neill.

BY THE COURT:

12/31/08

Date C. THEODORE FRITSCH, JR., J.

N.B. It is your responsibility

to notify all interested parties

of the above action.

