

Office of the Attorney General
State of South Carolina

January 11, 1971

Mr. Gordon Gardner
Editor
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Dear Mr. Gardner:

Thank you for your letter of recent date concerning the Universal Free Life Church and inquiring if a certificate of that organization making you a Doctor of Divinity is sufficient to entitle you to perform wedding ceremonies in this State.

Unless and until the Universal Free Life Church is determined not to be a bona fide religious organization, and therefore not subject to ordaining its ministers, it would appear that actions by its 'ordained ministers' are entitled to be recognized for the performance of marriage ceremonies. While I have my own personal opinion as to whether this is a bona fide religious organization, the matter of religious beliefs and organization is one which is most zealously protected by the Constitutions of this State and of the United States. The same difficulty is, to some extent, encountered in the federal courts in determining whether a person is a minister within the draft classification laws. I have the utmost reluctance to inquire into the bona fides of anyone's professed form of belief, and I doubt if any form of religious organization could be considered spurious in the absence of outright fraud. I have encountered this question in only one instance, in which I argued a case before the United States Supreme Court concerning an individual's belief which precluded her from accepting employment which required working on Saturdays. In answer to a direct question by a Member of the Supreme Court as to whether the State of South Carolina questioned the bona fides of her belief, I stated that no such contention was made.

I, therefore, am of the opinion that any form of religious profession must be accepted at face value, and I believe that it is dangerous to inquire as to the legal validity of such a profession. Some bogus organizations may take advantage of this position, but I believe that the freedom of religion clause of the Constitution practically precludes any inquiry as to the genuineness of such an organization. In my view, it is better that a charlatan be permitted to operate than that the practice of religious inquiry be followed. This does not, however, preclude investigation of outright fraud, even though overlaid with religious connotations.

Cordially,

Daniel R. McLeod

