

# Legality of some Pa. marriages is questioned

## A wedding is ruled invalid due to an online ordination.

By Dianna Marder

Inquirer Staff Writer

After less than a year of marriage, 21-year-old Dorie Heyer of York County, Pa., wanted out.

But instead of filing for divorce, Heyer's lawyer asked the court to invalidate the marriage on grounds that the wedding officiant was unqualified.

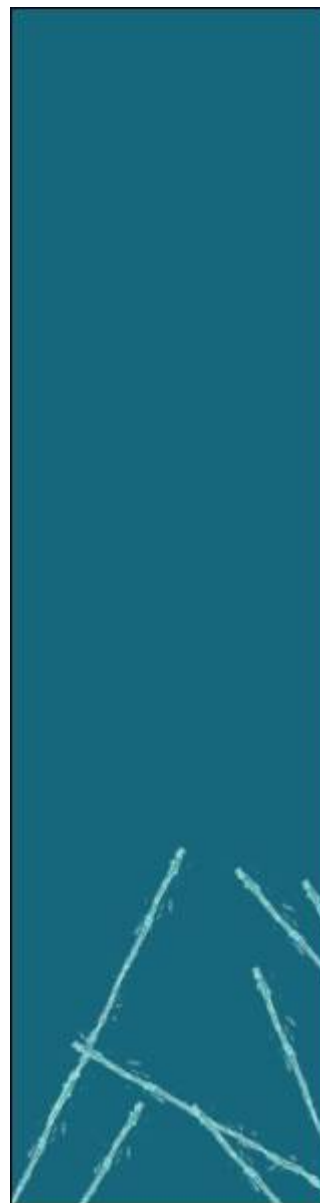
Adam Johnston, a friend of Heyer's, had been ordained online just so he could perform the Aug. 24, 2006, ceremony. And the judge ruled that as an online officiant, Johnston did not have "a regularly established church or congregation" as the law requires. Therefore, he was unauthorized and the marriage invalid.

It was the first time that legal argument had been made in Pennsylvania, according to David Cleaver, solicitor for the statewide Association of Registers of Wills and Clerks of Orphans Court. And though the judge's ruling is not binding on other counties unless it is upheld upon appeal, it does have serious implications, he said.

If a state appellate court were to uphold the ruling, couples across Pennsylvania could find their marriages invalidated, he said. Government benefits such as Social Security and disability could be challenged. Insurance companies could demand repayment of benefits paid for the hospitalization of the insured's spouse, and heirs could find themselves with no legal standing in probate court.

And, Cleaver said, the clerks in Pennsylvania's 67 counties should no longer accept any marriage certificate signed by an officiant with potentially questionable qualifications.

The York County case involved the Universal Life Church in Seattle, which has granted



thousands of ordinations since 1959, first through the mail and now online. According to a statement from G. Martin Freeman of the church, the organization would likely bring legal action.

Still, Cleaver called the ruling "appeal-proof."

The ruling by York County Judge Maria Musti Cook falls at the intersection of two trends:

First, more couples than ever want friends or family members to officiate at their weddings, said Millie Martini Bratton, editor-in-chief of Bride's magazine, especially older couples, interfaith couples, and those planning destination weddings.

At the same time, there is growing discontent among those who think online ordinations make a mockery of marriage. "The problem with Internet ordinations," Cleaver says, "is that you don't know who you are ordaining. You open the door for convicted pedophiles, rapists, even your garbage collector, to officiate at weddings."

In Bucks County, Register of Wills Barbara G. Reilly held a Sept. 21 news conference urging couples who might be affected to remarry as soon as possible.

At least 45 couples applied for new marriage licenses. Among them were three pregnant women. One of the women was scheduled to undergo induced labor the next day, Reilly said, so a judge waived the required three-day waiting period and married the couple on the spot.

Frederick Merk and Vickie Yuksel of Levittown returned from their Florida honeymoon just in time for Reilly's news conference.

Merk, 49, and Yuksel, 51, had been married July 29 in an outdoor ceremony at his sister's house. The theme was Hawaiian. Guests wore flowered shirts and flip-flops. And the officiant was Merk's stepfather, Carroll Robertson, who got ordained online for the occasion.

"He raised me from the time I was 8 years old and treated me like his own child," Merk said.

On Reilly's advice, the couple was remarried quickly - this time by a judge.

"It was kind of funny to me," Merk said. "Kind of a joke. Why does somebody care who married me?"

Reilly said she had known the day was coming. She put a disclaimer on her office Web site several years ago, warning couples that online ordinations could be questioned by the court.

Now Reilly is asking clergy members who are not priests or rabbis to sign an affidavit attesting that they are qualified under Pennsylvania law.

Marguerite Sexton, who founded the nondenominational Journeys of the Heart in 1996, is among those asked to sign.

Journeys, which has about a half-dozen officiants, conducts hundreds of ceremonies a year. It is legally incorporated as a religious organization, trains its officiants, and does not offer online

ordination, Sexton said.

"We want to comply with Bucks County," Sexton said. "But I wonder why the state is in the business of defining what makes a congregation?"

Eddie Moser also agreed to sign an affidavit.

A master's-level social worker, Moser studied at a New York seminary and was ordained in 1999. Her organization, By Devine Design, is also legally incorporated.

But now, Moser says, she's getting calls from concerned couples. "I tell them the truth: that I am legally permitted to marry people."

Many who minister to the needs of others in hospices, for example, do not have traditional congregations, Moser said.

Evan Goldman, a Philadelphia University professor whose June 10, 2000, wedding ceremony in Delaware County was also conducted by a friend ordained online for the occasion, is not worried about the legal status of his marriage.

He's worried about the state's intervention.

"Jim Jones had a 'regularly established church' and he fed his congregants a poison cocktail," Goldman said. "And what about people who minister to the homeless?"

Goldman and his wife, Amoi Dort, have a son, Weaver, who is 26 months old.

"Will the state seek to label him illegitimate?" Goldman asked.

Questions about the legality of online ordinations, Cleaver says, "have been festering for some time."

Though some see Cook's ruling as a violation of the First Amendment, Cleaver says Cook's reasoning is squarely within the 10th Amendment, addressing states' rights.

Marriage laws vary in each state. Some even allow notary publics to officiate at weddings, while others have tried to outlaw online ministers.

Should the Cook decision not hold, State Rep. Stan Saylor (R., York) has a bill that would bar anyone ordained online or through the mail from officiating at weddings - even if they have established congregations.

Saylor's objective, legislative aide Mark Zerbe said, is to "protect the sanctity of marriage."

A religious ceremony is not the only option for Pennsylvania couples. State and federal judges as well as magistrates and mayors can sign marriage certificates.

In addition, couples may have "self-uniting" ceremonies, at which two witnesses take the place of a member of the clergy.

But some interpret the "self-uniting" provision narrowly, saying it was established for faiths that do not use ministers, such as Quakers, Baha'i, and the Amish, so at least one member of the couple must belong to one of those faiths.

So in Bucks County, someone who asks for a self-uniting license is asked about his or her religion. And that, says Witold Walczak, legal director of the ACLU of Pennsylvania, is a violation of the U.S. Constitution.

In fact, the ACLU recently intervened in the case of a Pittsburgh couple who were refused a self-uniting license in Allegheny County - and won.

Reilly said she was aware of the federal ruling but would continue to put limits on self-uniting licenses because she suspects it will be overturned.

"Besides," she said, "my office received complaints from the Quaker membership who felt that people were getting married claiming to be Quakers when in fact they were not," she said.

In Philadelphia, where Ronald R. Donatucci is the register of wills, nothing is changing as a result of Cook's ruling.

The ruling could well be challenged and overturned, said Caren Martin, Donatucci's deputy.

And in Philadelphia, Martin says, self-uniting licenses are issued to those who seek them.

"We don't ask them their religion," she said.

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