

1977 WL 37236 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 4, 1977

\*1 The Honorable T. Carroll Atkinson, Jr.  
Mayor  
City of Marion  
Post Office Box 1190  
Marion, South Carolina 29571

Dear Carroll:

Thank you for your letter of February 2, 1977, concerning the issuance of a solicitation permit to the Unification Church.

This, of course, is a matter in which the judgment of Mack McLendon would be controlling but I am submitting the following views for your consideration, as well as for his information. I am also forwarding a copy of this letter to him.

While I agree with you that the motives of this organization are questionable, it seems to me that its standing as a religious organization could not be successfully attacked. I have faced this type of question only once in the course of argument before the United States Supreme Court when the Chief Justice asked me if I questioned the bona fides of a person who is affiliated with a church which did not use Sunday as the Sabbath and its members would therefore not work on Saturdays. The only answer that I could give was that I made no question in that regard and accepted the bona fides of the persons affiliated with this church, which was an established and generally recognized denomination (Seventh Day Adventist). I mention this merely to illustrate that it would have been difficult indeed to have questioned that individual's affiliation with the church as a genuine religious act rather than an attempt to collect unemployment insurance and, as far as I know, it was entirely a bona fide act on her part. The same thing would probably be true if the validity of this church would have been questioned.

I have rendered opinions also with respect to the validity of marriages performed by a pseudo-religious organization which purported to be a church and which extended certificates of ordination of ministers of a church on application to anyone and on payment of a fee. In this type of opinion, I simply said that if a group professed to be a religion, it would have to be recognized as such, even though I am personally convinced that it was no more religious in origin and action than the Ford Motor Company. In short, it would be a never ending fight to establish that this type of activity is not religious.

I would accept the recital that they are engaged in 'evangelical mission work to support a youth church center' as prima facie, demonstrating that they are a religious body. The answer to Question 9 indicates a religious concept also.

With best wishes,  
Very truly yours,

Daniel R. McLeod  
Attorney General

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