

VATICAN EXPERT DISCLOSES RISK

Says Mrs. Kennedy Could
Be Barred From Church

By ROBERT C. DOTY
Special to The New York Times

ROME, Oct. 18—According to a Vatican expert on marriage law, the marriage of Jacqueline Kennedy to Aristotle Onassis under present conditions would put the former First Lady out of the Roman Catholic Church.

"Onassis's first marriage was a valid one and, so far as I can see, unbreakable in the eyes of the Roman Catholic Church," said the official, a priest advocate before Roman marriage tribunals who did not wish to be identified by name.

'Mixed' Marriage No Problem

The expert emphasized that the problem had nothing to do with the ordinary one of marriage between a Roman Catholic and a non-Roman Christian. Recent church legislation has somewhat eased the course for such "mixed" marriages.

But in the case of the projected marriage of Mrs. Kennedy and Mr. Onassis, it would be, in the eyes of the Roman Church, a union between a widow and a man still validly married to another woman. This would be so even though the other woman, Mr. Onassis's first wife, is currently the Marchioness of Blandford, wife of the son and heir of the British Duke of Marlborough.

This could be regularized only by a long legal process that the expert here defined as theoretically possible but almost out of the question from a practical standpoint.

The Roman church regards as valid and indissoluble any marriage between non-Roman Catholics — civil or religious — that is performed according to the laws of the political or religious entity concerned and, presumably, in harmony with the beliefs of the contracting parties.

Erroneous Idea Corrected

"There is the erroneous impression abroad that the Roman Church regards as valid only those marriages conducted in the Roman canonical form," the expert said. "This is the opposite of the truth. Two persons, even if, in fact, non-believers, who run off and get married at midnight by a justice of the peace are validly and indissolubly married in the eyes of the church. Therefore, if, later, after a civil divorce, one of the partners wanted to marry a Roman Catholic, the

church could not sanction such a marriage."

In the case of a Roman Catholic who followed such a course, however, the church would have held that, in the light of his own religious convictions, no marriage had existed and he would be free to marry again within the canonical form, before a priest.

The process of untangling the canonical knot involved in the marriage and obtaining its validation by the Roman Church would be incredibly complex and difficult, according to the same expert.

The Roman Rota, the church's supreme marriage tribunal would be involved. It would have to study the rea-

sons that a Greek Orthodox Church court, in 1961 in New York, recognized the 1960 Alabama divorce obtained by Mrs. Onassis' wife. The Rota would have to find that these reasons were sufficient to justify a declaration of nullity under Roman canon law.

These reasons are limited — nonbaptism of one party, undue influence brought on one party in contraction of the marriage, an intent by one partner not to have children and a very few others.

There would also be procedural difficulties, the expert said. Mrs. Kennedy would have to begin in her diocesan marriage court to ask that a Roman Catholic tribunal rule on the validity or nonvalidity of the first Onassis marriage.

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