



Written by [Dave Bohon](#) on September 20, 2013

County Appeals Ruling Against Unlawful Same-Sex Marriage Licenses

A rogue Pennsylvania county said it will ask a higher court to reverse a state judge's ruling blocking a county official from unlawfully issuing marriage licenses to same-sex couples. On September 12, Pennsylvania Commonwealth Court Judge Dan Pellegrini ordered Montgomery County Register of Wills D. Bruce Hanes to stop issuing marriage license to homosexual couples, citing the state's 1996 law that defines marriage as only between a man and a woman.



"Unless and until either the General Assembly repeals or suspends the Marriage Law provisions or a court of competent jurisdiction orders that the law is not to be obeyed or enforced, the Marriage Law in its entirety is to be obeyed and enforced by all commonwealth public officials," Pellegrini said in his ruling.

On [September 17](#) the county's solicitor, Ray McGarry, said that on behalf of Hanes he would appeal the judge's ruling, which came after the state's health department took Hanes to court over his independent decision to issue the licenses. The case could quickly make its way to the state's highest court, where a ruling against the county could impact the 174 licenses Hanes issued to homosexual couples.

The state's general counselor said he was confident Pellegrini's ruling would be upheld by a higher court. "The law is clear, as was the court's ruling in this case," said Pennsylvania General Counsel James Schultz. "Local officials do not have the power or authority to disregard state laws based on their own personal legal opinions."

The [Christian Post](#) noted that "Hanes began distributing the marriage licenses to same-sex couples in July, shortly after the Supreme Court's ruling that struck down a key provision of the federal Defense of Marriage Act. He said in previous interviews that he personally felt the state's 1996 law explicitly banning same-sex marriage was unconstitutional, and therefore he had the right as an elected official to distribute marriage licenses to whom he chose."

Following the High Court's decision against DOMA, Pennsylvania's ACLU franchise filed suit to overturn the state's version of the law, and Pennsylvania Attorney General Kathleen Kane subsequently said that she would do nothing to defend the state marriage protection statute. In response to Kane's decision, Hanes announced that he had "decided to come down on the right side of history and the law" and begin to hand out licenses to same-sex couples in direct challenge to the still-enforced state marriage law.

Responding to Pellegrini's ruling, Hanes said that "after having issued 174 marriage licenses ... and having talked with many of those couples, I am more convinced today that I am on the right side of history. Regardless of how my particular case is resolved, I believe the case for marriage equality



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continues to move forward, and I can only hope that my decision helped that effort.

Pennsylvania Governor Tom Corbett, who has been a vocal opponent of same-sex marriage, was behind the legal action that blocked Hanes from issuing more licenses. Schultz told the Associated Press that the key issue in the case is whether or not local officials can decide which state laws they want to uphold. "We respect the interests and dignity of all the parties involved in this case," said Schultz, "but we are a government of laws and it is important that all office holders across the state enforce those laws uniformly."

[Reuters News](#) noted that a legal situation similar to Pennsylvania's "is playing out in New Mexico, where several counties have begun issuing marriage licenses to gay and lesbian couples. That state's constitution does not bar gay marriage, but after a legal challenge to the practice, the state Supreme Court agreed to hear arguments next month on whether to allow it."

Thus far 13 states have legalized homosexual marriage, and Pennsylvania is one of at least six states with laws protecting traditional marriage that homosexual activists are targeting for "marriage equality."

Image: Pennsylvania state flag



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