

Pa. Clerk Appeals Ban on Same-Sex Marriage Licenses

Pennsylvania's same-sex marriage battle headed to the state's Supreme Court on Tuesday when a county clerk appealed a lower court's September order to stop issuing marriage licenses to gay couples.

Montgomery County Register of Wills D. Bruce Hanes landed in the public spotlight in July when he began issuing **gay marriage** licenses, saying that a June ruling by the U.S. Supreme Court that knocked down a portion of the federal Defense of Marriage Act also made Pennsylvania's statutes against same-sex nuptials invalid.

In Hanes' appeal, county lawyers who are supporting his case argued that the Sept. 12 court order that stopped him from issuing marriage licenses to gay couples contained legal and factual errors.

The appeal questions whether the Commonwealth Court that ordered Hanes to stop issuing **same-sex marriage** licenses had appropriate jurisdiction in the case and whether the state health department, which brought the lawsuit that led to the order, had met the burden of proof needed to make its case.

Hanes issued 174 same-sex marriage licenses before a lower state court judge ordered him to stop the practice, saying that a county clerk did not have the authority to ignore state law. In an interview, Hanes contended the state's law conflicted with the U.S. Constitution.

"As we all know, when a law conflicts with the constitution, the constitution wins," said Hanes, 66, who is married and has two adult daughters.

Thirteen U.S. states and the District of Columbia currently

allow gay marriage. A New Jersey state court judge on Friday ordered state officials to allow same-sex weddings beginning on Oct. 21, a decision that state's governor, Chris Christie, said should be decided by the state supreme court.

Christie is a Republican who is seen as a likely 2016 presidential contender, and has treaded carefully on the issue, which is polarizing on the national political stage.

Pennsylvania's governor, Tom Corbett, opposes gay marriage.

Nils Hagen-Frederiksen, spokesman for the Pennsylvania general counsel, declined comment on Tuesday, saying that the office had not yet seen the appeal.

Editing by Scott Malone and Matthew Lewis

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