



News for Immediate Release

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General Counsel Schultz Responds to Distortions Surrounding Same-Sex Marriage Case

Harrisburg – Pennsylvania General Counsel James D. Schultz issued the following statement today concerning distortions surrounding the same-sex marriage case:

"We are deeply disturbed and disappointed by recent coverage of the same-sex marriage case which misrepresents the commonwealth's position in this matter.

"This case is a clear matter of law: Does a public official have the authority to disregard state law based on his own personal legal opinion about the constitutionality of a statute?

"Contrary to recent headlines, the administration does NOT equate same-sex marriage to the marriage of minors. Instead, the Commonwealth's legal brief, which totals 25 pages of detailed legal arguments, responds to an elected official in Montgomery County ignoring the law of the commonwealth. In one passing reference, the legal brief notes other individuals whose marriages are excluded by Pennsylvania law, would have no standing to intervene in this type of case – and in any other circumstance the court would never entertain that type of effort to expand the scope of a case.

"The facts are clear:

- Pennsylvania law defines marriage as a 'civil contract by which one man and one woman take each other for husband and wife.'
- The actions of Montgomery County Register of Wills D. Bruce Haines are contrary to state law.
- Mr. Haines, and every other public official, has a duty to comply with the law.
- The Pennsylvania Department of Health is responsible for uniform enforcement of the registration of marriages across the commonwealth.
- The actions of Mr. Haines have not changed that law, nor has the fact that he has issued licenses to same sex-couples, contrary to state law.
- Counterclaims and constitutional debates play no role in the mandamus actions – the only question the court should consider is whether Mr. Haines is in violation of his duties.
- Other parties, including same-sex couples who have been issued licenses in Montgomery County, have other more appropriate legal avenues to pursue their claims.

“To distort the legal position of the commonwealth, either because of personal bias or as a gratuitous effort to draw a larger audience of readers or viewers is intellectually dishonest and disingenuous.”

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