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LOCAL NEWS

'Flash rally' draws hundreds Gay-marriage activists at Center vow to fight Bush

By [Cyd Zeigler Jr.](#)
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If President Bush's announcement of his support for a constitutional amendment against gay marriage on Feb. 24 was meant to unite Americans, it certainly succeeded, judging from the turnout later that evening at the Center on West 13th Street. Over 500 people overflowed a meeting room to protest his statements.

Speakers included some high-profile politicians and community leaders. When Rabbi Sharon Kleinbaum urged the mayor, legislators and the City Council to issue marriage licenses, the audience erupted in thunderous applause that lasted well over a minute.

"We don't believe, President Bush, that your minister is the only religious voice," said Kleinbaum, the spiritual leader of Congregation Beth Simchat Torah, the world's largest gay synagogue.

The rally was an impromptu creation of the National Gay and Lesbian Task Force. Just moments after President Bush spoke on Tuesday, e-mails began flying across the Internet rallying gay marriage supporters to the event. Camera crews from several local TV stations also answered the call, alongside young children and their grandparents.

While most in the audience had expected Bush to vocally support the constitutional amendment, many were surprised by the unequivocal way in which he did it. "I didn't expect it to be so in your face and loud," said Michael Greenberg of Chelsea.

"So much for Bush being a compassionate conservative," added Eric Heller, also of Chelsea. Empire State Pride Agenda Executive Director Alan Van Capelle asked, "Whose constitution?" "Ours!" the crowd shouted back several times.

"We will not allow our legislators to be silent," Van Capelle said. "You are either with us or against us on this issue."



Hundreds packed the Center to protest a constitutional amendment banning gay marriage and to pressure the mayor and state leaders to allow gay marriages in New York.

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He said politicians for years have been asking for gay support. Now, he said, instead of simply asking them "what do you think about gay marriage," the community needs to ask them back, "What will you do to help us fight this amendment?" — and hold them accountable for their actions.

Bringing the fight home

Bush's comments have galvanized supporters of gay marriage. "He is helping to codify religious discrimination," Kleinbaum said.

City Council member Christine Quinn (D-Chelsea) said that the marriage battle in New York City should be a focus of New Yorkers.

"The clearer we make our voices in New York, the more we'll be heard in Washington," she said.

Quinn also announced the introduction of two bills to the City Council: one that condemning the federal constitutional amendment; and one advocating gay marriage.

The City Council has previously voted to recognize gay marriage from other jurisdictions. For several years, the city has had a domestic partner registry. Council Speaker Gifford Miller (D-Upper East Side) said gay marriage is long overdue. "I wholeheartedly support gay marriage. It is a civil right that can no longer be ignored," he said in a statement.

Ultimately, marriage licenses in New York City are issued by the city clerk. While the city clerk is appointed to a six-year term by the City Council, he takes his directives from the Mayor.

Mayor Michael Bloomberg has been unwavering in his refusal to issue marriage licenses, unlike Mayor Gavin Newsom in San Francisco. In a statement, he said he "does not believe in subverting the law to make political points. If the state legislature changes the law, the city will follow it."

There will be an organizational meeting at the Center (208 W. 13th St.) on Friday, Feb. 27, 6:30 p.m., to plan a demonstration at City Hall that will demand Bloomberg issue marriage licenses to same-sex couples in New York City.

At the state level, both the State Senate and the State Assembly have considered bills over the last few years.

State Senator Tom Duane (D-Chelsea), who has introduced a bill, is sponsoring a public forum on the issue in Albany on Wednesday, March 3. Despite his inability to move his bill forward in the State Senate, Duane said that he believes gay New Yorkers will eventually gain the right to marry.

"This is the most winnable civil rights battle of this millennium," he said. Duane also said that not even President Bush could stop gay marriage. "There is no stopping our getting married in Massachusetts," Duane said to ruckus cheers. "We are getting married."

State Senate Majority Leader Joseph Bruno (R-Rensselaer) has said he does not support gay marriage.

Assembly member Dick Gottfried (D-Chelsea) is the main sponsor of the bill in the Assembly. Assembly Speaker Sheldon Silver has been quiet on the issue.

Local fights in the courts

Many believe that it is in the courts of New York where this issue will be decided. With gay couples returning to New York married from trips to San Francisco, challenges will certainly come to the state laws that Bloomberg cites as his reasons for refusing to issue marriage licenses.

New York State Democratic Committee Reform Caucus Chairman Larry Moss believes gay marriage

is already legal in New York and politicians are simply choosing to misinterpret the state constitution.

In an op-ed piece for the New York Daily News, Feb. 16, 2004, Moss, an attorney, outlined the legal reasons he believes make gay marriage legal in the state and resounded a New York City Bar report that suggests the same notion.

“A 1997 report published jointly by three committees of the Association of the Bar of the City of New York and endorsed by the association’s committee on matrimonial law concluded that New York’s current domestic relations law is gender neutral,” Moss wrote. “The association concluded that marriage licenses can and should be issued now to same-sex couples under existing law. A supplemental joint committee report by the association in 2001 reaffirmed this conclusion.”

In San Francisco, Newsom has cited equal-protection clauses in the California constitution, which he believes supersede the state’s law defining marriage as between a man and a woman.

Presently, some gay rights groups are hesitant to see a gay marriage case make its way up the New York state courts. While those courts have issued inclusive decisions in the past, some say the present court is more conservative than it has been in the past.

With marriage licenses soon to be issued in neighboring Massachusetts, it is only a matter of time before the courts deal head-on with this issue.

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