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METROPOLITAN DESK

City Hall Steps: Pulpit, and Now an Altar

By THOMAS CRAMPTON (NYT) 775 words

A rabbi and an Episcopal minister defied state law yesterday to perform three same-sex marriage ceremonies on the City Hall steps, but the Manhattan district attorney declined to file any charges.

"The criminal courts are not the appropriate forum for the resolution of these issues," the district attorney, Robert M. Morgenthau, said in a statement. "Ultimately they will be resolved in civil lawsuits, at least two of which are now pending."

His decision contrasted with that of the Ulster County district attorney, who has filed charges against the mayor of New Paltz and two Unitarian ministers who recently solemnized dozens of unlicensed marriages between gay couples.

Those prosecutions inspired the ceremonies yesterday, as well as an appearance by more than 30 members of the clergy from two faiths and at least eight denominations who read from a statement asserting a right to perform same-sex weddings.

"I don't necessarily want to get arrested," said Rabbi Ellen Lippmann of the Kolot Chayeinu congregation in Brooklyn, who married a lesbian couple yesterday. "But I do want the authorities to know we are doing it."

In the other ceremonies, the Rev. Pat Bumgardner, an Episcopal minister with the Metropolitan Community Church of New York, married two women and two men. Both Rabbi Lippman and Ms. Bumgardner said they had performed similar ceremonies in the past.

Mayor Michael R. Bloomberg, who has declined to give his personal position on the issue, said of the ceremonies outside his office: "I think this is more theater than anything else. If you want to change the law, I would suggest that a demonstration in Albany would be more effective than a demonstration at City Hall."

State law gives members of the clergy and some government officials the right to perform marriages, but it specifies that the couples must have licenses. After a government clerk refused to issue licenses last month, the mayor of New Paltz, Jason West, performed weddings for 25 same-sex couples. He now faces prosecution and is barred by a court injunction from performing any more ceremonies. Two ministers who stepped in were charged on Monday.

Yesterday, more than 100 activists, well-wishers and journalists braved the cold for the ceremonies at City Hall.

"I was overwhelmed by the cameras and crowd as we walked up to the steps," said Ruth K. Finkelstein, who married her companion of 12 years, B.C. Craig. "But once we stood under the huppah it was only the five members of our family: the rabbi, the cantor, my love and our son."

Sam H. Craig, 4, Ms. Craig's son, shyly wrestled with a rose that detached from his blazer's lapel.

"We want to make our relationship public and just as real as a straight couple," Ms. Craig said. "Ruth cannot bring Sam for pre-K registration at P.S. 321 in Brooklyn next week because she is not recognized as a parent."

A major motivation for the clergy at the event was the sense that President Bush had breached the separation of church and state by calling for a constitutional amendment to prohibit same-sex marriage.

"The president tried to steal the pulpit by taking a stance on what religious leaders can and cannot do," said Rabbi Ayelet S. Cohen of Congregation Beth Simchat Torah in Manhattan. "Last I checked he is not a religious leader, and I will conduct marriages and other religious rites according to my faith, not what he tells me to do."

Rabbi Cohen said she has collected the names of nearly 100 clergy members from more than half a dozen states who are willing to perform same-sex marriages around the country. The names are being collected through her synagogue's Web site, at www.cbst.org, she said, and a new site will be created soon.

Some clergy at the event yesterday kept a low profile, however, including one Presbyterian minister from New York who sprayed each couple with sparkling apple cider after completion of their vows but insisted on anonymity.

Rabbi Lippmann said she had one request for public officials who might oppose the ceremonies.

"I ask them for a wedding gift for the couples," she said. "That gift is just a piece of paper called a marriage license."

Correction: March 20, 2004, Saturday An article yesterday about members of the clergy who defied state law by performing same-sex marriages on the City Hall steps misstated the affiliation of the Rev. Pat Bumgardner, who married two gay couples. She is the pastor of Metropolitan Community Church in Manhattan, not an Episcopal minister.

CAPTIONS: Photo: Rabbi Ellen Lippman performed a wedding ceremony for a lesbian couple outside City Hall yesterday. (Photo by James Estrin/The New York Times)

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