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Press Release

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Child Advocates Urge NYC to Regulate Circumcision

As the debate over metzizah b'peh rages on in New York City, a growing number of voices are calling for children to be legally protected from all forms of medically unnecessary circumcision.

SAN DIEGO, California – A decision made earlier this month by the city of New York to allow a Jewish religious court to rule on the public safety of a circumcision practice called *metzizah b'peh* (oral suction) has sparked a wave of criticism among children's rights advocates. The move is the latest twist in a controversy that began last November when a mohel was accused of transmitting herpes to three baby boys while sucking the blood from their wounded penises using his mouth. One of the baby boys died.

Matthew Hess of San Diego based MGMBill.org said that Mayor Michael Bloomberg is compromising public safety to curry favor with the Orthodox Jewish community. "Mayor Bloomberg said in a radio interview last month that 'it is not the government's business to tell people how to practice their religion', but that is not true in every instance," said Hess. "Government has both the authority and an obligation to regulate any religious practice that causes harm to another person, and I question whether it is even legal for a religious court to rule on matters of public health. I urge the Mayor to put control of this issue back with the Department of Health where it belongs."

Hess also called on New York City to regulate circumcision in general, saying that it violates children's rights. "The problem with infant circumcision is that the child is unable to give his consent," said Hess. "Circumcision is the amputation of part a child's sexual organs, and it results in a significant and permanent loss of sexual feeling. Children and infants of both genders should be legally protected from this medically unnecessary genital altering surgery until they are old enough to make the decision for themselves." Hess has twice submitted proposed legislation to Congress and the California State Legislature that would ban routine circumcision of children under the age of 18, and he has authored a similar bill proposal for New York State.

One legal expert in Berkeley, California, argues that male children are already protected from circumcision under the U.S. Constitution. "Removing healthy, functional tissue from a nonconsenting minor in the name of religion or preventive medicine is assault," said J. Steven Svoboda, Executive Director of Attorneys for the Rights of the Child. "Although girls are specifically protected by federal and New York State law from genital cutting, boys are also covered under the equal protection clause of the Fourteenth Amendment to the U.S. Constitution. Mayor Bloomberg and Health Commissioner Thomas Frieden would be on solid legal ground should they decide to prohibit medically unnecessary circumcision of male minors in the city of New York."

Leonard Glick, Ph.D., and author of the newly published book *Marked In Your Flesh: Circumcision From Ancient Judea To Modern America*, agrees that circumcision laws should apply to both genders. "Since no court in this country could or would accept a parental right to require even minimal genital surgery for a daughter, no matter what the cultural or religious justification, it must be asked why we sanction genital surgery for sons. Logic dictates that the fundamental right of female *and* male children to physical integrity must trump parental beliefs or desires."

Glick, who also holds a medical degree, is Professor Emeritus of Anthropology at Hampshire College in Amherst, Massachusetts. He added that "removal of healthy tissue – even when it is claimed that this may be beneficial at some hypothetical future time - is not in any child's best interests."

Criticism of male circumcision is growing across the Atlantic as well. An article by M. Fox and M. Thomson appearing in the August 2005 issue of the British *Journal of Medical Ethics* concludes that male circumcision is "a procedure in need of a justification", and that "it is ethically inappropriate to subject children – male or female – to the acknowledged risks of circumcision." The authors also contend that "there is no compelling legal authority for the common view that male circumcision is lawful."