

COMMITTEE FOR
PARENTAL CHOICE &
RELIGIOUS FREEDOM

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Opponents of Circumcision Ban File Lawsuit to Remove Proposition from November Ballot

Lawsuit argues proposition violates California State Law

San Francisco – Opponents of a ballot measure that would ban and criminalize circumcision in San Francisco filed a lawsuit in California Superior Court today asking the Department of Elections to remove the proposition from the November ballot. The lawsuit is based on a clear prohibition in state law against local governments enacting, by initiative or otherwise, restrictions on medical procedures.

The lawsuit cites California State Law which denies California cities the power to “prohibit a healing arts professional licensed with the state . . . from engaging in any act or performing any procedure that falls within the professionally recognized scope of practice of that license.” *Cal. Bus & Prof. Code § 460(b)* In asking for the removal of the ban from the ballot, the petition also refers to a 1991 court decision that stated, “[I]f an ordinance is invalid, no purpose is served by submitting it to the voters. The costs of an election – and of preparing the ballot materials necessary for each measure – are far from insignificant.” *Citizens for Responsible Behavior v. The Superior Court of Riverside County, (1991) 1 Cal. App. 4th 1013, 1023*

“The law is clear,” said Michael Jacobs, partner at Morrison and Foester, LLP, which is leading the case. “It is misleading to San Francisco's electorate to put an initiative on the ballot where they lack the power to enact it. By prevailing in this lawsuit, we will protect doctors against being charged with misdemeanor for carrying out a routine and beneficial medical procedure. We will also protect parents' choice to make medical decisions for their children. And we will protect faith communities against efforts to restrict religious freedom.”

The lawsuit was filed by plaintiffs representing community organizations, doctors and Jewish and Muslim families in San Francisco. The litigants are: The Jewish Community Relations Council, The Anti-Defamation League, Leo Fuchs, Rabbi Jonathan Jaffe and Yael Frenkel-Jaffe, Jeremy and Jennifer Benjamin, Dr. Eric Tabas, Dr. Brian McBeth, Leticia Preza, Kashif Abdullah, and Sheila Bari.

Leticia Preza stated, “Circumcision is required for Muslim males and we chose to circumcise because of our faith. This ban specifically targets a religious practice of

Islam. San Francisco is a City that prides itself on diversity and pluralism. This ban, which would criminalize and ban circumcision, threatens San Francisco values and should be stopped.”

“This measure would put me and hundreds of other doctors in jail for performing a procedure with known health benefit and global health implications,” said Dr. Brian McBeth, who works in the Department of Emergency Medicine at San Francisco General Hospital. “Circumcision is a medically safe practice, endorsed by the World Health Organization and other major medical and public health institutions because of the scientifically proven health benefits, including the reduction of transmission of HIV, penile cancer, and urinary tract infections, as well as cervical cancer in women whose partners are circumcised.”

Litigants Jennifer and Jeremy Benjamin said, “Circumcision is an important element of our Jewish faith. We have chosen to raise our family in San Francisco, in large part because of this City’s tradition of embracing cultural and religious diversity. The odor of anti-Semitism by the initiative’s authors and the proposed measure’s singling out of our religious practice of circumcision threatens to make this City less hospitable to our family, and make us feel unwanted in this community. We have the right to make this decision privately, guided by our conversations with our physician and rabbi, free of government intrusion.”

The Committee for Parental Choice and Religious Freedom, which is leading the opposition to the proposed ban, already has the support of hundreds of San Francisco residents including all the members of the Board of Supervisors, State Senators Mark Leno and Leland Yee, and State Assembly Members Tom Ammiano and Fiona Ma. For more information about the coalition and the proposed ballot measure, please visit www.StopCircBan.com.

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