

## COMMITTEE FOR PARENTAL CHOICE & RELIGIOUS FREEDOM

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### **Court Removes Circumcision Ban from the Ballot**

#### ***Plaintiffs, activists laud court decision***

San Francisco – The California Superior Court ruled today that the initiative to ban circumcision will be removed from San Francisco’s November ballot.

“The evidence presented is overwhelmingly persuasive that circumcision is a widely practiced medical procedure,” wrote Superior Court Judge Loretta Giorgi. “The statute [California Code §460(b)] speaks directly to the issue of local regulation of medical procedures and leaves no room for localities to regulate in this area.”

Judge Giorgi continued, “Because the proposed ballot initiative attempts to regulate a medical procedure, the proposed ordinance is expressly preempted. Moreover, it serves no legitimate purpose to allow a measure whose invalidity can be determined as a matter of law to remain on the ballot after such a ruling has been made.”

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, Sheila Bari, Leticia Preza, and Kashif Abdullah.

They were supported in their efforts with Amicus briefs by the American Civil Liberties Union and San Francisco’s Medical Society. In addition, the San Francisco City Attorney’s office took the rare step of expressing their concerns about the constitutional legality of the issue in a separate brief.

Plaintiff Brian McBeth, an Assistant Professor of Emergency Medicine at UCSF, was concerned the measure would subject him and his colleagues to a fine and jail time for performing a routine medical procedure with proven health benefits. “I am pleased with the Court’s ruling to protect the integrity of the doctor-patient relationship and keep law enforcement out of these private decisions.”

Plaintiff's Attorney Michael Jacobs of Morrison & Foerster, LLP said, "We appreciate the Court's careful review of the proposed initiative and its willingness to step in and put a stop to this extreme and hurtful measure."

Co-Plaintiff's Council Nicole Aeschleman added, "This ruling is a well-reasoned and properly decided defense of the rights of doctors and parents."

Abby Michelson Porth, JCRC Associate Director, added that "while we are confident that the overwhelming majority of San Franciscans would have voted to defeat this extreme measure and are grateful for the outpouring of support from every sector of the community, we believe the right decision was made in the right venue."

The Committee for Parental Choice and Religious Freedom, which is leading the opposition to the proposed ban, has the support of hundreds of San Francisco community leaders 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](http://www.StopCircBan.com).

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