

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CENTRAL RABBINICAL CONGRESS OF:
THE USA & CANADA, *et al.*,

Plaintiffs,

vs.

NEW YORK CITY DEPARTMENT OF
HEALTH & MENTAL HYGIENE, *et al.*,

Defendants.

Case No.: 12-Civ.-7590

Judge Naomi Reice Buchwald

AFFIDAVIT OF RABBI LEVI Y. HEBER

1. I am an ordained Rabbi and a *mohel* certified by the American Board of Ritual Circumcision. I have been performing the *bris milah*—ritual circumcision—for over eighteen years, prior to which I went through an extensive training period.

2. I direct and oversee the operations of the International Bris Association, a non-profit organization committed to promoting the sacred observance of the *bris milah* ritual, and providing education and information about this practice. The International Bris Association also helps to locate and coordinate *mohelim* for those who are in need of a *mohel*'s services.

3. The opinions below are based on my extensive experience as a *mohel*, and the many discussions and communications with other *mohelim* that I have had in my capacity as the director of the International Bris Association, including at numerous conferences, training sessions, and seminars.

4. Every *mohel* is trained with both medical knowledge and knowledge of Jewish law, or *halakha*, so that he can safely and properly perform the *bris milah*. A *mohel* is trained to carefully observe the child's health prior to performing the *bris*; to ensure proper care and a sterile environment during the *bris*; and to provide proper and appropriate care for the infant after the *bris* is performed. In my experience, the requirements of Jewish law in this area are even *more demanding* than standard medical procedures. By way of example, a *mohel* will—as a matter of caution—delay the *bris* past the required time (eight days after birth) if a child is exhibiting signs of jaundice. By contrast, standard medical procedure does not call for screening for jaundice as a prerequisite for performing circumcision, and physicians will in many cases declare an infant ready for circumcision even where a trained *mohel* would delay the procedure.

5. One of the critical components of the *bris milah* is the *metzitzah* stage. This involves orally drawing blood from the wound and surrounding areas. *Metzitzah* is an essential stage of the *bris*, required by Jewish law, and a *mohel* who does not follow the proper procedures in this regard is—as a matter of Jewish law—disqualified from service as a *mohel*.

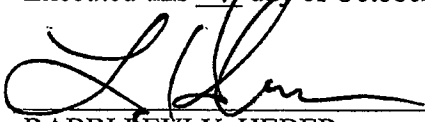
6. With respect to *metzitzah*, the *mohel* is extensively trained to ensure that he performs the procedure both in accordance with Jewish law and without exposing either the child or the *mohel* to any physical harm.

7. For example, in my experience, a *mohel* will absolutely not perform a *bris* if he is experiencing any cold sores. Further, in my experience, *mohelim* rinse their mouths with an antiseptic, such as alcohol or mouthwash, immediately before performing *metzitzah*, in order to ensure sterility for the procedure. They also minimize the duration of the oral contact with the wound, so that it takes only approximately a second. In my experience, these precautions are more than sufficient to assure the safety of *metzitzah*, which is performed tens of thousands of times every year without incident.

8. When a *mohel* performs the *bris milah* ceremony, his motivation is to faithfully comply with the requirements of Jewish law, and to respect and execute the sacred covenant between G-d and the Jewish People. Accordingly, most *mohelim* perform the *bris* without demanding any payment in exchange.

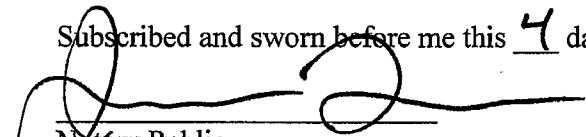
I declare under penalty of perjury under the laws of the State of New York that the foregoing is true and correct to the best of my knowledge.

Executed this 4 day of October, 2012, at N.Y., New York.


RABBI LEVI Y. HEBER

STATE OF NEW YORK
COUNTY OF New York

Subscribed and sworn before me this 4 day of October 2012.


Notary Public

My commission expires on: 01/03/2015.

JEREMANE G BLACKWOOD
Notary Public - State of New York
No. 01BL6233959
Qualified in New York County
My Commission Expires January 03, 2015