

המודיה

HAMODIA

THE DAILY NEWSPAPER OF TORAH JEWRY

OCTOBER 23, 2012 | DAILY VOL. IX | NO. 2142

ב'ה, יום ג', פרשת לך לך | ז' חשוון, תשע"ג

TUESDAY EDITION 50¢

Russia Condemns United States for Human Rights Record

Russia accused the U.S. of double standards on human rights, criticizing its failure to close Guantanamo Bay prison and its use of the death penalty while the U.S. Congress considers a law which could punish Moscow for alleged abuses.

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Beirut Girl Hurt by Car Bomb Needed 300 Stitches

Jennifer Shedid had just arrived home from school when a massive explosion shook their block and turned the glass of their 4th floor apartment into flying knives that slashed the 10-year-old from head to toe.

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Number of U.S. Meningitis Cases From Tainted Injections Nears 300

The number of U.S. cases of meningitis reached 294, up 12 from a day earlier.

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Sen. Storobin Appoints New Chief of Staff

State Senator David Storobin (R-Brooklyn) announced this week the appointment of his current community affairs director as chief of staff of his Senate office.

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Brooklyn DA: No Charges For Man Beaten by Police

The Brooklyn District Attorney's Office says charges are being dismissed against a homeless man arrested after a beating from police officers that was caught on video.

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IDF Kills 2 Palestinian Terrorists in Gaza

Israeli forces killed two terrorists during an incursion in the northern Gaza Strip yesterday

More on page 6

Haifa U. Researchers Discover Clue to Alzheimer's

Researchers at the University of Haifa say they have discovered a clue to the cause of Alzheimer's disease in the activity level of a protein they have been studying.

More on page 6

Unified in Defense of *Bris Milah*



Heshy Rubinstein/Dee Voch

L-R: Rabbi Levi Heber, Rabbi Chaim Dovid Zwiebel, Rabbi David Niederman, Rabbi Gedalia Weinberger and attorney Yerachmiel Simmons at a news conference yesterday regarding the lawsuit aimed at stopping the city from regulating *bris milah*.

Netanyahu Promises Food Price Reform

BY DAN WILNER

YERUSHALAYIM – The Israeli Cabinet has endorsed the Kedmi Report which recommends a program to reduce food prices for consumers by promoting competition in the food industry.

“We will do in the food sector what we did in the cellular communications market,” Netanyahu declared. “After food prices jumped in 2006 to 2008, we are bringing in competition on a major scale and with daring measures.”

The panel report, whose principal author was Industry, Trade and Labor Ministry Director-General Sharon Kedmi, confirmed charges that Israelis are paying more than their counterparts in Europe for the same products. Completed in July, the report concluded that Israeli consumers paid 10% to 20% more for food in 2008-2010 than consumers in the rest of the OECD group of developed economies.

An array of measures was proposed for correcting the situation
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Plaintiffs in *Milah* Case Hold Conference for Jewish Media

BY AVRAHAM WEISSMAN

BROOKLYN – In a remarkable show of unity underscoring the importance of their cause, leaders of organizations affiliated with Agudah, Satmar and Lubavitch held a press conference for the Jewish media yesterday regarding the lawsuit they have filed seeking to block New York City from an unprecedented intervention into the practice of *bris milah*.

The organizational plaintiffs were joined by three expert witnesses, all leaders in their respective fields, and in a particularly powerful statement, by a mother whose infant son's *petirah* is being used by the city as a reason to regulate *metzitzah b'peh* (MBP).

The mother, whose name is being withheld by *Hamodia* to protect her privacy, described in detail how hospital officials
Continued on page 5

Fatah Candidates Rebuffed In Local Elections

RAMALLAH (AP) – Palestinian Authority election officials reported that voters choosing new local councils in Yehudah and Shomron rebuffed candidates from President Mahmoud Abbas's Fatah movement in five of the 11 main towns, an apparent blow to the Palestinian leader.

Fatah had hoped to revive its flagging political legitimacy with the weekend's municipal elections, the first voting in the Palestinian territories in more

than six years. With main rival Hamas boycotting the election, Fatah counted on a strong endorsement from voters.

Fatah won local council majorities in six towns but lost in five others, a performance some said fell below expectations. In four of the towns where Fatah lost, including Ramallah, the seat of Abbas's government, voters preferred independent lists dominated by Fatah breakaways. In a fifth,
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Syrian Violence Spills Into Jordan, Lebanon

BEIRUT (AP) – A Jordanian soldier was killed in clashes with armed militants trying to cross the border into Syria yesterday, and sectarian clashes overnight in Lebanon left four dead as Syria's civil war spilled into neighboring countries.

Jordanian Information Minister Sameeh Maaytah said the soldier was the first member of the country's military to be killed in violence related to Syria's civil war. He died in clashes with militants trying to illegally enter Syria to join rebels fighting President Bashar Assad's regime. Maaytah did not say whether the militants were Jordanians or foreign fighters trying to jump into the fray in the neighboring country.

A statement by the Jordanian military said the soldier was killed in a shootout with a group of eight suspected gunmen armed with

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BY YOCHONON DONN

The Playbook: Ohio vs. All-of-the-Above

With pundits saying the race is the closest they have seen, the battle lines between Gov. Mitt Romney and President Barack Obama are becoming clear, Politico reported. “It's momentum vs. the map,” wrote Glenn Thrush and Jonathan Martin.

The Obama team's plan is to win Ohio at all costs, with Wisconsin and Michigan a close second, while devastating Romney with a bombardment of attack ads aimed at shoring up their lackluster base. Now that he is surging in the polls, Romney's goal is less nuanced — use the momentum gained since the Denver debate to adopt a presidential demeanor while focusing on all swing states.

In the vast majority of national polls since spring, none found
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Brooklyn DA: No Charges for Jew Beaten by Police

NEW YORK (AP/Hamodia) – The Brooklyn District Attorney's Office says charges are being dismissed against a homeless man arrested after a beating from police officers that was caught on video.

Said Hynes in a statement, "After review of all available evidence I have decided to dismiss the charges against Ehud Halevy."

Halevy, 21, was arrested Oct. 8 inside the Alternative Learning Institute Young Adults Center in Crown Heights, a Jewish community center, where he was staying with permission from the center's director. Following the incident, Halevy was charged with a felony count of assaulting a police officer and misdemeanors for trespassing, resisting arrest and obstruc-

tion.

A security video showed two officers confronting Halevy and trying to handcuff him. When he pushes one of the officers away, one of the officers starts to pummel him. The other appears to hit him with a baton.

Assemblyman Dov Hikind (D-Brooklyn) and Councilman David G. Greenfield (D-Brooklyn) both praised Hynes's decision. "District Attorney Hynes is bringing this unfortunate incident to its only proper conclusion," said Hikind. "Dismissing all charges against Halevy is the proper and correct course of action. Halevy had already been through a brutal and prolonged beating, as well as four days in prison. There is no reason to maintain accusations

that could have landed Mr. Halevy in jail for years."

"I am grateful that District Attorney Charles Hynes has done the right thing and dismissed the trumped-up charges filed against Ehud Halevy, both for the sake of this innocent victim and to restore the community's confidence in our criminal justice system," said Councilman Greenfield.

"As video surveillance becomes more and more widespread, it is my hope that the knowledge of 'everyone's watching' will lead to stricter adherence to the law by everyone without having to turn to the video," Hikind said.

The officers are under investigation by the New York Police Department's internal affairs unit and the district attorney's office.

Police: N.Y. Bank Thief Claimed He Was Shortchanged

SYRACUSE, N.Y. (AP) – Going back to a bank you just ripped off to claim you'd been shortchanged isn't likely to end well.

That's what police say led to an arrest yesterday in upstate New York.

Syracuse police say 28-year-old Arthur Bundrage, of East

Syracuse, went into a bank at about 9 a.m. and demanded \$20,000. Authorities say a teller initially refused, but relented and gave him some money, even though he never showed a weapon or made a threat.

Investigators say Bundrage left but returned when he found he

hadn't been given \$20,000. Officers say they found him at the bank's locked front door, trying to get back in.

Bundrage is in jail awaiting arraignment today on a charge of fourth-degree grand larceny. Police say he doesn't yet have a lawyer.

Woman Charged With DWI While Driving With Children

BLUE POINT, N.Y. (AP) – A Long Island woman has been charged with DWI while driving with three children in her van.

Suffolk County police say Zona Taylor of Bellport was driving on Montauk Highway in Patchogue

Saturday night when she became involved in a collision with a 2003 Ford.

Police say she fled the scene. Police found her in Blue Point after her vehicle had become disabled. They say she was trying to

flee with her 8-year-old child and two grandchildren, ages 4 and 6.

The children and an adult passenger in Taylor's van and an occupant in the Ford suffered minor injuries.

Taylor was charged with DWI, aggravated driving while intoxicated with a child 15 years old or younger and other charges.

It wasn't immediately clear if she had a lawyer.

U.S. to Expand Probe Into NYC Pensions for Veterans

NEW YORK (Reuters) – U.S. prosecutors are widening their probe into whether New York City unlawfully reduced pension benefits to retired employees who served in the military since the attacks of Sept. 11, 2001.

The U.S. Attorney's Office in Manhattan said in a statement yesterday that it was broadening an existing investigation into benefits for police officers to include retirees from any city agency who collect a pension from the city.

In August, Manhattan U.S. Attorney Preet Bharara filed a class-action lawsuit in federal court accusing the city of using only police officers' base pay to calculate benefits.

Under a 1994 anti-discrimination law dealing with veterans who return to work, an employer must take into account the compensation that the service member would likely have earned had he or she not been performing military service, the lawsuit said.

The New York City law department had no immediate comment on the announcement.

In yesterday's statement, Bharara said that since August, prosecutors had received "dozens of inquiries" from veterans from different city agencies. As a result, the office was "broadening the scope of its investigation," the statement said.

"We are now encouraging any covered city employee who thinks his or her benefits were unlawfully calculated to come forward ... to assess whether the unlawful practices identified with respect to the NYPD extend to other city agencies as well," the statement said.

The statement did not say how many additional potential retirees the expanded probe could encompass. A spokeswoman for the U.S. Attorney's Office declined comment.

The lawsuit began in 2010 as a case filed on behalf of three police officers. The U.S. Attorney's Office, through its civil rights unit, joined that lawsuit with its August legal action. The lawsuit was assigned to U.S. District Judge Richard Sullivan in Manhattan.

At a hearing before Sullivan in June, a federal prosecutor estimated that about 2,000 NYPD officers had served in the military between 2001 and 2012.

Net assets of the police fund, one of five New York City pension funds, totaled \$24.75 billion in fiscal 2011, a 24 percent increase from the previous year, according to financial statements.

The case is David Goodman et al v. City of New York et al, U.S. District Court for the Southern District of New York, No. 10-cv-5236.

Rockslide Closes Niagara Falls Attraction Early

NIAGARA FALLS, N.Y. (AP) – A natural attraction at Niagara Falls is closed for the season earlier than planned after a small rockslide.

New York State Parks officials closed the Cave of the Winds on Saturday after several large rocks tumbled onto the path overnight and damaged several gates and railings. Nobody was in

the area when the rocks fell.

The Cave of the Winds had been scheduled to close on Wednesday, along with the Maid of the Mist.

A parks spokesman says the rockslide was probably caused by heavy rains.

State parks officials periodically send scaling crews to search for loose rocks along the gorge.

Plaintiffs in *Milah* Case Hold Conference for Jewish Media

Continued from page 1

seemed more interested in the type of *bris* her son had than in treating the dangerously-ill child. She then related that although her older son – a toddler – had herpes when his brother was born, and this was the most likely source of the infant's illness – investigators willfully ignored this fact, and insisted that MBP was the cause.

Chairing the conference, which took place at Yeshivah and Mesivta Torah Vodaas, was a Yerachmiel Simmons, an attorney who has worked tirelessly and with enormous dedication for the cause of protecting the

right for MBP. In his remarks, Rabbi Gedaliah Weinberger, Chairman of the Board of Agudath Israel of America, revealed that not only has Mr. Simmons worked pro-bono on this cause for years, he actually spent very substantial amounts of his own money on this battle.

Also addressing the assembled was Rabbi David Niederman, representing the Central Rabbinical Congress of the USA and Canada, also known as Hisachdus Harabanim; Rabbi Chaim David Zwiebel, Executive Vice President of Agudath Israel of America; and Rabbi Levi Heber of the Chabad-affiliated

International Bris Association.

Three *mohalim* – Rabbi Samuel Blum, Rabbi Aharon Leiman and Rabbi Shloime Eichenstein – are also plaintiffs in the case but, preferring to stay out of the limelight, declined to participate in the press conference.

Mr. Simmons laid out the legal arguments in the case seeking to block the city from forcing *mohalim* to ask parents to sign a consent form that espouses the NYC Department of Health's view associating *metzitzah b'peh* with serious health risks.

"We say clearly, in fact, *metzitzah b'peh* is safe and when prac-

ticed properly it poses no additional risks of HSV-1 or any other type of infectious disease," Simmons stressed.

The plaintiffs are challenging the city regulation on the grounds that it infringes on the religious rights of the *mohalim*, as well as on freedom of speech which, courts have found, include the right not to speak.

"This lawsuit is an extraordinary step. It was undertaken only after other quiet, but quite dramatic, efforts failed, and then only after intensive discussions and guidance by *daas Torah*," Simmons said.

Rabbi Gedaliah Weinberger gave background information about the strenuous attempts by *askanim* to have meaningful dialogue with city officials and reach an agreement. Much to their chagrin they found, he said, that city

officials were unwilling to hold substantive discussions with the community leadership, and when they did agree to meet, came with a "closed mind."

Three expert witnesses – Dr. Daniel S. Berman, chief of infectious diseases at the New York Westchester Square Hospital Medical Center since 1989 and an outspoken advocate of the safety of MBP for several years; Dr. Awi Federgruen, a noted expert in the field of statistics; and Dr. Brenda Breuer, director of epidemiologic research at the Department of Pain Medicine and Palliative Care at Beth Israel Medical Center in New York – explained in detail why the data cited by the city report was flawed, and their conclusions erroneous.

A fuller report will, be" H, appear in the weekly edition of Hamodia.

EDITORIAL

HAMODIA

THE DAILY NEWSPAPER FOR TORAH JEWRY

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Founded in 1950.
Founding editor Rabbi Y. L. Levin, zt"l

Published Monday-Friday (except for the week of Pesach and the week of Sukkos).

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EDITORIAL

Only the Facts, Please

Only a decade ago, the very notion that Jewish groups would have to file a lawsuit in federal court to block New York City from regulating *bris milah* would have been considered preposterous. The Big Apple is host to the largest Jewish community in the Diaspora, and no governmental body in the United States — a country famed for its protection of religious liberties — had ever attempted to intervene in this most sacred ritual, one that is a cornerstone of Judaism.

Last week, that is precisely what happened.

In three of these five cases the city was unable even to confirm that MBP took place, let alone that it was the cause of herpes.

The Central Rabbinical Congress of the U.S.A. and Canada, Agudath Israel of America, the Chabad-affiliated International Bris Association, and three *mohalim* went to court to block implementation of an unprecedented and highly controversial regulation passed by the NYC Health Department.

The regulation seeks to require *mohalim* to ask parents to sign a consent form which espouses the NYC Department of Health's view associating *metztzah b'peh* (MBP) with serious health risks.

As the meticulously-researched legal brief and persuasive expert affidavits submitted to the court stress, the DOH position is based on shoddy methodology, inaccurate assumptions, and deficient data. By choosing to ignore readily available and reliable statistics, failing to rule out plausible alternatives, and accepting unproven speculation as facts, the Centers for Disease Control report upon which the DOH based its decision claimed a health risk that simply doesn't exist.

Among the more glaring holes in the DOH's position:

The regulation was passed based on five cases of children contracting a herpes infection over a six-year period. When reached for comment, the DOH and the mayor's office repeatedly assert that these infants fell ill due to MBP. What it fails to state is that in three of these five cases, the city was unable even to confirm that MBP took place, let alone that it was the cause of herpes.

Four out of the five children were treated — and presumably born — in the same hospital, yet the hospital staff was never properly tested to see whether there was a herpes carrier among them.

As explained in an affidavit by Dr. Daniel Berman, an infectious disease specialist in New York who has studied MBP,

it would be fairly straightforward to use a scientific testing method known as DNA fingerprinting to ascertain whether an infant with neonatal herpes was actually infected by a *mohel* who performed MBP. Indeed, such a process has been used by other studies of the herpes simplex virus. Yet, not a single case of herpes has ever been thus proven to have been caused by transmission through MBP.

Instead of using solid statistics on record at the New York State Education Department, the CDC researchers used a convoluted and unreliable method of calculating the number of infants who underwent MBP. Not surprisingly, their guesswork grossly underestimated this segment of the Jewish population, making the percentage of infants who contracted herpes much higher than it really is.

In his affidavit, Dr. Awi Federgruen, a leading expert in statistical studies, states that this miscalculation in and of itself invalidates the conclusion that the incidence rate of herpes among the MBP population is significantly higher than in the general New York City population.

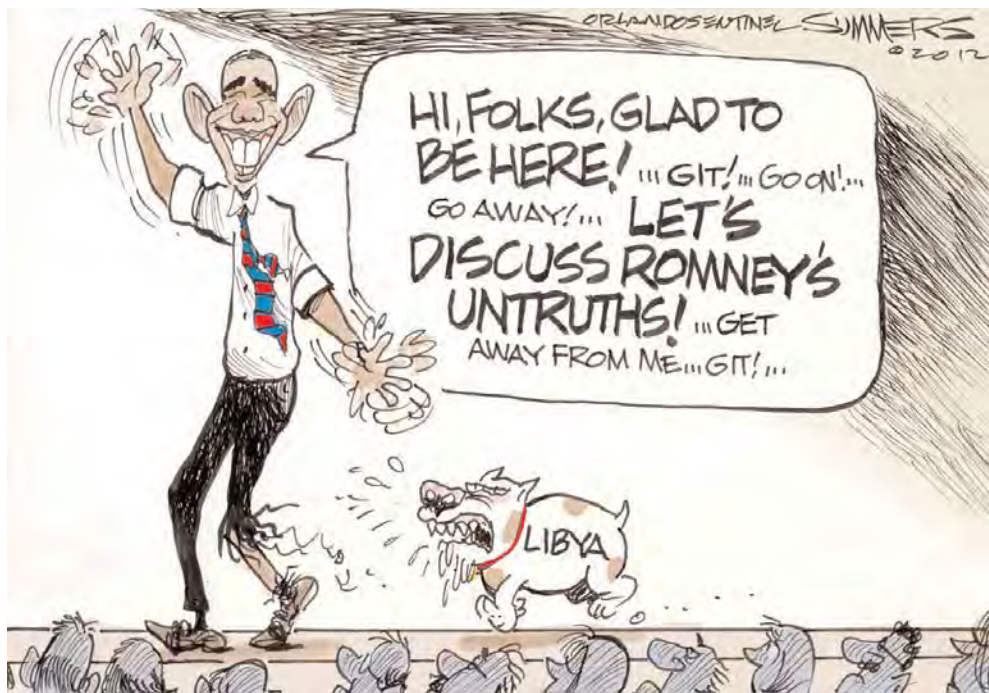
The CDC also ignored a far larger and more reliable bloc of data from Israel, which proves that herpes is no more prevalent among infants with MBP than among those without it.

In reality, the halachah is actually far more stringent than the standards of the medical community when it comes to safeguarding the health of a newborn infant.

In reality, the *halachah* is actually far more stringent than the standards of the medical community when it comes to safeguarding the health of a newborn infant. Frequently, doctors give approval for a baby to undergo a *bris*, but it is the *mohel* who delays it, citing concerns over bilirubin levels.

Our rich heritage, spanning thousands of years, and a plethora of reliable contemporary data prove that MBP is perfectly safe. What is dangerous is the DOH's historic violation of our community's religious liberties. In addition to violating the constitutionally-protected rights of the *mohalim* of our community, this regulation would create a frightening precedent, paving the way for further governmental intervention in religious practices.

On November 14, a federal judge will hear oral arguments on the case. We urge the court to grant a restraining order, and ultimately a permanent injunction, against this most regrettable New York City regulation.



EDITORIAL

Win-Win for Israel And the Palestinians

Kayed Ashkar, 45, an unemployed Palestinian father of five, has a dream: to obtain a work permit that allows him to get a job in Israel. "I used to work there," he told The Associated Press. "I used to earn enough money for my family."

Ashkar's dream is shared by thousands of Palestinians who've watched another dream — that of Palestinian statehood — blow up in their faces.

Earlier this month, protesters filled the streets of Ramallah, the Palestinian Authority's "capital city," shouting "Feed my children!" Similar protests have been held in Chevron and Beit Lechem.

They're furious at the Palestinian Authority's repeated inability to pay salaries on time; at the rising unemployment, which, according to the International Monetary Fund, has hit 19 percent; at a paltry minimum wage of \$345 a month — way below the poverty line; and at the rising costs of basics such as fuel.

They're disillusioned with all their good friends in the Arab world who pushed them to rebel against the Israeli "occupation," promising to come through with billions of dollars of aid to help build a Palestinian state. The donor nations, and others in Europe and elsewhere who once thought that the solution to all the Middle East's ills was the establishment of a Palestinian state, have lost interest.

With upcoming elections in the United States and Israel, the Iranian nuclear threat, and the turmoil in Syria, Egypt and Gaza, the Palestinian problem has dropped off the world's radar. And while that is good for Israel in that it eases pressure on it to make reckless territorial concessions, it creates a very real humanitarian crisis that threatens to topple the PA government and explode into a third intifada.

The irony is that the PA economic crisis is not unsolvable. The solution is a stone's throw away, across the Green Line and in the so-called settlements, whose products PA Prime Minister Salam Fayyad has called on Palestinians to boycott.

Not that long ago, before the summer of 2000 when then-president Bill Clinton brought then-prime minister Ehud Barak and then-PA chief Yasser Arafat, *ym"ts*, to Camp David for talks that erupted in a sec-

ond intifada, there were 200,000 Palestinians working in Israel, providing decent livings for their families.

Faced with an unprecedented wave of terrorism that saw buses being blown up in Yerushalayim and elsewhere, Israel had no choice but to find an alternative to Palestinian labor. It built a security fence that kept out the Palestinians — not just the terrorists, but also those who only wanted to earn a living.

To fill the demand for manual labor in construction, health care, restaurants and other fields, which every growing economy needs, Israel found what it thought was the ideal solution: foreign labor. But foreign labor, as everyone now understands, is no panacea.

The workers are easy enough to bring in, but very difficult to send back to their countries of origin. They come, establish families and communities, and take over entire neighborhoods in Tel Aviv, Eilat and elsewhere in ways that seriously threaten the Jewish character of Israel.

The lesson of the last 20 years or so is that the Palestinians are better off living and working in Israel, instead of trying to destroy the "Zionist entity"; and Israel is better off hiring Palestinians — who go back home at night to Ramallah and Beit Lechem — than foreign workers who make Israel their home.

But arriving at such a solution requires undoing more than 20 years of brainwashing by the Israeli left, Europe, and the U.S. State Department who argued that Palestinian rights and dignity could be had only if the Palestinians had a country of their own and leaders they could vote for.

It's time to rethink these axioms. It's time to stop imposing liberal views that have no connection to Middle East reality and that have caused nothing but pain and suffering to Jews and Arabs alike. Kayed Ashkar and the hundreds of other Palestinians who wait in line at the Israel Civil Administration to get permits to work in Israel couldn't care less about voting in Palestinian or Israeli elections. They want to work and earn more than a minimum wage of \$345 a month. They want to feed their families. They want access to Israeli hospitals.

Continued on page D33

Court Date Set in NYC *Milah* Case

BY AVRAHAM WEISSMAN

NEW YORK – A federal court in Manhattan has scheduled oral arguments for November 14 after Jewish organizations and a group of *mohalim* filed a lawsuit, seeking to block New York City from implementing unprecedented regulation of *bris milah*.

The Central Rabbinical Congress of the USA and Canada, also known as Hisachdus Harabanim, Agudath Israel of America, the Chabad-affiliated International Bris Association, and three *mohalim* – Rabbi Samuel Blum, Rabbi Aharon Leiman, and Rabbi Shloime Eichenstein – are named as plaintiffs in the case against the New York City Department of Health and Mental Hygiene, the New York City Board of Health, and Dr. Thomas Farley, in his official capacity as commissioner of the NYC Department of Health and Mental Hygiene.

The city agreed yesterday to a limited, temporary stay of enforcement of this highly controversial regulation, which was originally scheduled to go into effect October 21, 2012, while the plaintiffs asked the court to grant a preliminary, and ultimately permanent, injunction against its implementation.

Rabbi David Zwibel, the executive Vice President of Agudath Israel, stressed the

broad ramifications of this legal action.

“It is important to understand that this is a historic challenge. With its aggressive campaign against a religious practice, New York City has crossed a line heretofore considered sacrosanct in American society,” the Agudah leader told *Hamodia* yesterday. “To remain silent now would be to acquiesce in a breach that has no precedent – and would in turn establish the precedent upon which future breaches could be based. A line must be drawn – now.”

The lawsuit argues that the regulation violates the constitutional rights of *Mohelim*.

“Defendants have intentionally targeted for unique burdens a practice that is viewed in many Jewish circles as a critical aspect of the *bris milah* known as *metzitzah b'peh* [MBP], attempting to conscript the individuals who perform this religious procedure, known as *mohelim*, into advocates for defendants’ ill-founded opposition to the practice,” it states.

“In the absence of any definitive proof that MBP poses health risks of any kind, and in the face of a millenia-long track record for safety, the regulation would require the *mohelim* to transmit the department’s subjective opinion that MBP ‘should not be performed.’ That opinion is

based on limited study, inaccurate assumptions and deficient data, all of which remain actively debated within medical and scientific communities,” the plaintiffs charged.

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In support of this position, the lawsuit includes affidavits by two respected medical experts, as well as an acclaimed expert on statistics, all of whom sharply criticized the city’s assertions about the safety of MBP. The lawsuit states that the unprecedented regulation violates both the First Amendment to the United States Constitution and the Free Exercise Clause of the New York Constitution.

“In particular, by forcing *mohelim* to transmit to parents an inherently subjective and value-laden judgment about whether to adhere to the religious dictate of MBP, the regulation violates the basic constitutional principle that the government cannot compel speech. Under the Free Speech Clause of the First Amendment, the department simply cannot force dissenting individuals to undermine the tenets of their faith and discourage compliance with religious law by transmitting defendants’ opinion,” the plaintiffs said.

When contacted by *Hamodia*, the New York City Health Department replied with a terse statement from Commissioner Farley, reiterating the claim that the Health Department has found that since 2000, 11 babies have contracted herpes after MBP, and two have died.

“The City’s highest obligation is to protect its children; therefore, it is important that parents know the risks associated with the practice. The Health Department’s written consent requirement is lawful, appropriate and necessary,” Farley insisted.

But in a detailed analysis, Dr. Awi Federgruen, the Charles E. Exley professor of management and former chair of the Decision, Risk and Operations Division of the Graduate School of Business at Columbia University, declared the report on which the New York City Board of Health based its decision requiring parental consent for MBP to be “deeply flawed.”

Federgruen, an expert in various areas of quantitative methodology – in particular, the areas of applied probability and stochastic models – argued that the Board of Health used faulty numbers in its statistics, significantly underestimating the number of Orthodox Jewish children whose *bris* included MBP. Along with his affidavit is a detailed list-

ing of the number of 2010 kindergarten students in each Orthodox Jewish school in the greater New York area.

Though this data is publicly available from the New York State Department of Education, the Board of Health chose instead to make assumptions based on far less reliable data, resulting in inaccurate conclusions.

In their affidavits, Dr. Daniel S. Berman, who has served as chief of infectious diseases at the New York Westchester Square Hospital Medical Center since 1989, and Dr. Brenda Breuer, director of epidemiologic research at the Department of Pain Medicine and Palliative Care at Beth Israel Medical Center in New York, also expressed their expert opinions that the data cited by the New York City Board of Health was flawed.

“I see no evidence for the transmission of HSV-1 [herpes] through ritual circumcision. The evidence in the CDC report simply is not sufficient to prove any cause-and-effect relationship between MBP and HSV-1 infection,” Dr. Berman wrote in his detailed statement. In her own detailed affidavit, Dr. Breuer concurred.

“In light of these methodological flaws in the clinical study that formed the basis for the report, it is my expert opinion that the report does not prove any statistically significant association between MBP and HSV,” she said.



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