

בס"ד

**BRIS
MILAH
UNDER
ATTACK**

ועד למשמרת ברית קודש

P.O. Box 642 Brooklyn, NY 11219

Sequence of events leading up to current Bris Milah crisis;

In November 2003 an article titled Neonatal Genital Herpes Infection After Jewish Circumcision: Modern Medicine and Religious Tradition was submitted to American Academy of Pediatrics for publication in their Journal. It was accepted for publication in February 2004, and published in their August 2004 edition. This article was co-authored by M.D. Tendler. Prominent Rabbis and physicians in Israel requested the authors not to submit this article to the Pediatrics Journal so as to avoid Chillul Hasahem.

In January of 2004, Rabbi Tendler gave a Shiur in Yeshivah University on Milah, (available on tape) and at that time mentioned that there is a Mohel in Monsey, who according to him had already infected two babies with Herpes through Metzitzah B'peh, and “we have to call him and tell him he either stops making Metzitzah B'peh” or “ we will stop him being a Mohel.” He also informs his students of the article he submitted to Pediatrics and that it should put a stop to Metzitzah B'peh.

In August of 2004 the article was printed in the Journal of Pediatrics, and M.D. Tendler boasts publically that “Metzitzah B'peh will finally be stopped.”

Mid. October 2004 the twin babies were born and one came home from hospital with a diaper rash. This baby developed Herpes in the diaper area, after the Bris, and possibly, passed it on to his twin brother. These cases were reported to the Dept of health.

In November 2004 , an Order of the Commissioner was issued to Rabbi Fischer stating that there is concern of infection by the Mohel to twins as reported to the Dept. of Health , and he should refrain from doing Metzitzah B'peh in NY city.

End of November and beginning of December Rabbi Fischer took a series of blood and DNA tests which were found to be negative , and he was given a clean bill of health.

December 8 2004, M.D.Tendler confronted Mohel Fischer at a Bris in Monsey, and threatened to report him to the authorities if he did Metzitzah

B'peh. That day he is heard (tape available) at a Shiur in Yeshivah University, stating that he had to stop Mohel Fischer from doing Metzizah B'peh, and "had to call the city state dept (of health)." He is also heard boasting that the "Commissioner of Health and his associates are in and out of his office to regulate MILAH, there will be new regulations and legislation on Milah in New York City".

December 23 2004, Rabbi Fischer was served with a Temporary Restraining Order issued by the State Supreme Court, restraining him from doing Metzizah B'peh. in New York State , and ordered to take duplicate tests thru the NYC Health department.

Rabbi Fischer cooperated with the NYC Dept of Health, and as the results of the tests were returned to the Dept of Health, at the end of January 05, an individual leaked the story to the media.

ועד למשמרת ברית קודש

Board of Rabbis for Ensuring Sacredness

Facts:

- ברית מילה has been practiced as an integral part of the מציצה בפה from the days of משה רבנו. Anyone attacking the practice of פורץ גדר מציצה is a מציצה.
- The issue today is not whether one should or should not practice מציצה. The issue is of someone attacking מציצה. Anyone intending to use the government to regulate any aspect of ברית מילה מציצה בפה such as מציצה בפה is in fact seeking to violate the religious rights of those who practice מציצה בפה.
- Using a government agency to regulate any aspects of our מצות is extremely dangerous because it opens up the possibilities for other מצות to be regulated as well (such as שחיטה, מקוה, שחייה).
- If Rabbi Fischer will be regulated by the Health Department, it sets a precedent for **all Mohalim** to be regulated in all areas of Milah i.e.: wearing gloves (which prevents proper פריעה), need for licensing, performance of Bris only by doctors, only in a surgical ward, etc.
- Expert health professionals and doctors attest that one who has antibodies does not transmit Herpes Simplex. Prominent Rabbonim and Poskim have therefore paskened that מציצה בפה should be continued as in all previous generations (see psak of HaRav Elyashiv shlita, HaRav Wosner shlita, Gaivid HaRav Tuvia Weiss shlita, HaRav Nissim Karelitz shlita and HaRav Chaim Kanievsky shlita).
- Rabbi Fischer has been tested and issued a clean bill of health and therefore he should be allowed to practice מציצה בפה and מילה as any other Mohel today.

ועד למשמרת ברית קודש

Board of Rabbis for Ensuring Sacredness

Obvious Questions:

- Why is only the Mohel being investigated when it has been determined that the baby had a rash before the Bris?
- Why was only the Mohel investigated and not all people who came in contact with the baby? i.e.: nurses, caregivers, etc.
Who is participating in the cover up?
- How is it possible that the Mohel was tested and was issued a clean bill of health and is still under Health Department restrictions?
- How is it possible that an innocent man can be framed for an anti-מציצה בפה agenda?

With this knowledge **YOU** are well aware that **YOUR** religious rights are under attack. As a U.S. citizen you have the right and duty to make **YOUR** voice heard. Please write to:

Thomas Frieden M.D.
Commissioner of N.Y.C. Department of Health
125 Worth Street
New York, N.Y. 10013

Most important of all, we should all daven and say תהילים and may our תפלות be heard by the רבינו של עולם so that this Milah crisis will be resolved. May we be זוכה to practice the מילה of מצוה in the U.S. and the rest of the world as in the past generations. This is a מצוה that כל ישראל has always been זכות for and in that we should be זוכה to זוכה!
ביהת גואל צדק במהרה בימינו אמן!

P.O. Box 642 Brooklyn, NY 11219

הַלְכָה סִקְפָּה

אחרי שהובրר הדבר על ידי רופאים מומחים
באה"ק ובחו"ל כי אין חשש רפואי שמציצה
בפה - כפי שנהגו משנות דור ודור - תגרום ח"ז
לפגיעה ברך הנימול, וב"ה רבבות אהב"י מקימים
מצווה זו בשמחה ואין פרץ וצוהה הרי ברור שככל
הדיםורים למנוע מציצה בפה הבל יפצה פיהם
וחילילה לשנות בכיו הוא זה עניין המציצה בפה.
אמנם כן כאשר יש לモהיל פצע בפיו יעשה את
המציצה בפה ע"י אחר.

Free Translation

It has been clarified through prominent physicians in Eretz Yisroel and in the Diaspora that *Metzitzah Bepeh* – which has been practiced in all generations – poses no medical risk to the newborn upon whom *Bris Milah* has been performed. *Boruch Hashem*, tens of thousands of our Jewish brethren fulfill this mitzvah with joy and there have been no incidents of infection. It is therefore clear that all that has been said about the need to refrain from *Metzitzah Bepeh* – הבל יפצה פיהם – are hollow and empty statements, and *chalila* to make the minutest changes in regards to *Metzitzah Bepeh*.

However if a *Mohel* has a blister in his mouth, then *Metzitzah Bepeh* should be done by another individual.

יוסף שלוי אלישיב ירושלמי

ט"ו ינואר תשי"ה 10

ועד למשמרת ברית קודש
P.O. Box 642 Brooklyn, N.Y. 219

W.P.Y. 1942

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մաս լեռն և ու ըլք խուս

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ՀԱՅԱՍՏԱՆԻ ՀԱՆՐԱՊԵՏՈՒԹՅԱՆ Վարչական օրենսդրություն

Digitized by srujanika@gmail.com

ISRAEL-ANAL' SEK-ELD
LC NC-L LUR
MALKING UGLI INIEL

ZICHRON-MIR, BNEI-BRAK
RAHAT OF SHMUEL HALLEVI WOSNER

SHMUEL KALEVI WOSNER
RABBI OF
ZICHRON-MAIR, BNRI-BRAK

שמואל הלויד ואוזבר
רב אב"ר ור' יוס
זברוז-פאיד, בנו-ברק

בביה יומ א' זיקנה חטעה לפ"ק

Free Translation (Excerpts):

1. Procedure of a *Bris Milah* is as follows: חיתוך, followed by פְּרִיעָה (not simultaneously), and then *Metzitzah*.
 2. Whoever does not perform *Metzitzah* should be banned from performing a *Bris Milah*.
 3. *Metzitzah* means *Metzitzah B'peh davka* as has been our *Mesorah* since the days of *Moshe Rabbeinu*.
 4. It is clear that any other means of *Metzitzah* does not fulfill the obligation of *Metzitzah* at all. Therefore, it is as if NO *Metzitzah* has been performed. This is definitely included in the *Halacha* אortho זמסלקין. If one did not perform *Metzitzah*, he shall be banned from performing *Bris Milah*.
 5. Since this is the procedure of a *Bris Milah* no harm shall befall the *Mohel* or the baby.

שומר מצוה לא ידע דבר רע

Anyone who transgresses on any of the above is a פורץ גדר, and whoever fulfills the above obligations will be blessed from Heaven and only good will be bestowed upon his progeny.

I beseech *Hakadosh Boruch Hu* that no one amongst *Bnei Yisroel* shall *Chas V'shalom* breach the framework of the *Mitzvos* as we have received them from our forefathers, and I call upon those who have broken from the chain of our holy *Mesorah* to repent from their evil ways.

HaRav Shmuel Halevi Wosner

SHMUEL HALEVI WOSNER
RAHAB OF
ZICHRON-MEIR, GNEI-BRAK

שְׁמוֹאֵל הַלּוֹדִי וְאוֹנָרֶךְ
רב אביד זדריט
זְבּוֹלוֹן-פָּאִיר, בָּנֵי-ברק

עד לשמרת ברית קודש

P.O. Box 642 Brooklyn, N.Y. 219

RABBI I. T. WEISS

CHIEF RABBI
OF JERUSALEM
JERUSALEM, E. ISRAEL

יצחק טובי וויס

רב ואב"ד
 לכל מקהילות האשכנזים
פעה"ק ירושלים חכמיה

קטעים מתשובה הגאון אב"ד עיה"ק ירושלים

עש"ק משפטים תשס"ה

שמעתי וגם רأיתי שעוד פעם כמו המתחדשים במתנה ישראל לשנות ח'יז מצוות
מילה דהינו לבטל או לשנות המציצה . . .

מי שאומר שהמציצה בפה היא סכנה . . . הוא אומר שקר מוחלט והمفורסם אינו
צורך ראיי . . . וכן שמענו מהמוחלים אשר לפנינו שמדובר לא היה שום פקפק
בזה ובנ"י הנימולים ונמצאים חיים ובריאים, וכבר העידו על זה גדולי החכמים
הפראפעסארין . . .

וזיל שוי"ת יהודה יעלה . . . אלא ודאי כך ניתיה הלהקה למשה מסיני

ע"כ יסכר פי דוברי שקר שרוצים לשנות ולעקור עיקרי תורתנו ה'ק, וישראל
קדושים ימשיכו לקיים דברי התורה כמקובל מחכמי המשנה והגמ' והפוסקים
ומנהגי רבותינו ואבותינו ה'ק.

יצחק טובי וויס רב
ואב"ד פעה"ק ירושלים

ועד לשמירת ברית קודש
P.O. Box 642 Brooklyn, N.Y. 11219

ה' אדר תשס"ה

הרב ש. ז. נסיט קראליין
רשות אגדון
גט. ג. אגדון, גני-גן

Free Translation:

Regarding that which was heard that there are those who wish to make changes in the stringent commandment of Milah, and to abolish the method which has been our heritage from generations past, with the seeming claim that Chas V'Shalom that some may be harmed.

It has already been clarified by prominent doctors that there is no validity to their words and no changes shall be made from that which was our practice until today.

The false allegation which has been made against a Mohel who is a ירא שמים, is an attack against the mitzvah of Milah itself.

Every individual who is capable is obligated to stand up and fight against this breech of our Mesorah.

HaRav Nissim Karelitz Shlita
HaRav Chaim Kanievsky Shlita

הרב ש. ג' נסום קראליין
רשות אהרון
לח' ר' פאנדר, בני-ברק

על דבר הנשמע שיש הרוצים להטיל שינויים במצבות מילה החמורה, ולבטל את הצורה מהסורה לנו מדור דור וככיוול מענה בפיהם כי ח'נו יש שניוקו מכר.

וכבר נتبכר ע"י רופאים מומחין שאין שום ממש בדבריהם ואין לשנות דבר מכפי הנוהג עד עתה.

ותביעה נגד מוהל יר"ש על קר הווא תביעה נגד מצוות מילה.
ומחייב כ"א אשר ביכלתו לעמוד נגד פירצה זו.

ועוד למשמרת ברית קודש
P.O. Box 642 Brooklyn, N.Y. 219

A JEWISH FAMILY MAGAZINE

BRIS, COVENANT -trial and destiny

feature

Editorial: The Bris Controversy

To our Readers:
In our inaugural issue we made it clear that our intention was to maintain a magazine filled with enjoyable and upbeat articles and features, and to stay away from articles that will ignite controversy.

It is thus that in this, our thirteenth issue that we feel that we must avert from our self-imposed restrictions, due to the following two reasons:

Through a mixture of innuendo, "maybes", "possibles" and "allegeds" the reputation of a true Adam Gadol is being besmirched in the minds of those who are quick to believe anything they hear, and are quick to judge.

In fact, a statement has been issued by prominent Rabbonim that they know the factual truth to be that the allegations are completely false, as the Mohel involved has readily agreed to medical testing and was found to be completely healthy.

The media, however, continued to report this story and to insinuate that the tragedy was a result of the Bris, even though the results of the medical tests

were already well known. This is a clear indication that their motivation is less than sincere.

Additionally, we feel the need to explore some of the many far reaching and tragic effects this investigation and those helping it along may bring upon Klal Yisroel.

There are many groups in both this country and abroad who have been trying for many years to limit and ultimately end the practice of Bris Milah. They have unfortunately seen some success in some of their efforts.

The three main avenues they have been using are; Litigation, Legislation, and Regulation.

1) **Litigation:** Groups such as Kahal.org (Israel), NoCirc, Noharmm, and ARC (Attorneys for the Rights of Children) have been campaigning for the rights of children to sue their parents for making them "incomplete" (Kahal.org) and for committing "high level of unnecessary and injurious non-therapeutic neonatal circumcision." (NoCirc)

This avenue sees some success
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in Israel, as those who are undecided as to whether or not they will do a Bris have one more reason to decide "no": "Why leave yourself open to a lawsuit?" Litigation however, does not seem to be large threat to the Frum Jews, as most of us do not even have to consider it as an issue.

to legally protect boys from MGM will be much harder without the support of Jewish leaders. Many politicians fear that supporting a ban on infant male circumcision will upset their Jewish constituencies and cost them votes in the next election. But those attitudes can be changed if more Jews speak out against the practice"

"There is ample authority to limit by laws of general application the parent's practice of his religious belief on a child"

2) Legislation: In February of 2004, a bill proposal was submitted to all 540 members of the U.S. Congress, called the MGM Bill. This same bill proposal was submitted to the California state legislature. This bill, cloaked as a "rights issue" would make circumcision of any child under 18 against the law, as they are not able to give consent. As backers of the bill, the DOC (Doctors Opposing Circumcision) state, "There is no valid diagnosis, no conservative treatment plan, no histology, no pathology, and no urgent need [to perform circumcision]" And that "The parent and the child are separate persons; each has his own set of rights. There is ample authority to limit by laws of general application the parent's practice of his religious belief in male circumcision on a child in the interest of protecting the child's legal rights to bodily integrity, to choose his own religion, to privacy, to protection against degrading treatment, to security of the person, and to other rights."

It does not seem likely that such legislation can pass in the United States. However, As Mathew Hess, the writer of the MGM bill states: "Efforts

The support is coming forth. In an article coming out of San Diego, titled "Jewish Groups call for an end to circumcision", Gillian Flato, Director of Jews Against Circumcision is quoted as stating: "What happened to this innocent Jewish baby in New York is especially tragic. I think this is a wake up call for the Jewish community. Are they willing to blindly follow tradition and jeopardize their sons' lives? Circumcision does not make one Jewish. Being born to a Jewish mother makes you Jewish".

Many other Anti Bris groups, including the Circumcision Information and Resource Pages are jumping on this story in order to further their cause.

Again, it does not seem that this kind of legislation could pass in America, and the legislation brought before the U.N. would probably not have any effect in the United States. However, those who are pushing this agenda, now have some help in bolstering their justification for ending what is in their view an "outdated and harmful practice."

3)Regulation: Perhaps the most frightening of all, is the aspect of new sweeping regulation, only because of

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its inevitability, in event of a success in regulating even one aspect of the traditional Bris.

Until now, there has been an almost miraculous separation of regulation and Bris. Whereas any other plastic surgery could land a non-doctor practitioner in jail, we have a procedure filled with situations that should, from the view of a secularist, be regulated. One of the reasons that there has been no move to regulate Bris, is that there has been an almost sacred respect for the fact that there is no precedent in regulating religious circumcision. Precedent was hard to find, as anybody filing a brief from outside the "religious" community was dismissed as anti-Semitic. Once this separation is shattered, there is nothing blocking further regulation. Parts of the Bris which may come under the microscope for regulation are:

Practitioners: Only time will tell if the regulators will require anybody performing a Bris to be a licensed medical doctor. If this becomes law, the

face of mohelim in this country will change forever.

Location: Regulators may require all Brissim to take place in medical environments, thereby ending the practice of Brissim in shuls. This will also place a crimp on Shabbos Brissim.

Attendance: Non-medical personnel are not allowed to be in attendance during surgery, especially children. If this becomes law during Bris, there will be problems having Minyan and family in attendance.

The ritual of Bris has been under attack for many years, by some vicious and anti-Torah groups, some that (unfortunately) tout the number of Jews on their boards.

They stand at the verge of having the power of the United States Department of Health to help them to some degree attain their goal in ending Bris as we know it.

B'Chol Dor Vador, Omdim Aleinu L'Chaloseinu, and may Hakadosh Baruch Hu be Matzilainu M'Yadam.

**This Milah Shiur was given months before
any tragedy occurred.**

Milah Shiur January 2004 Given by Rabbi Tendler in Yeshiva University

What do you do if the facts do not concur with what the Gemorah says.. the answer is **you discount what the Gemorah says.... No problem!** All evidence today is Metzizah is a major Sakono.....No necessary, no medical, rational reason for making Metzizah for the benefit of the child and idea of putting someone's saliva on an open wound of a child has now become a very serious problem... I will show you next time... a paper I am co-author of, it's just been accepted in Pediatrics. Six cases by one Mohel of herpes infection of a child herpes infection, I'm referring to is like a cold sore Herpes... which in an infant whose immune system isn't developed yet could be fatal... then the 2nd herpes genital herpes which is a viral infection which never goes away and the Mohel, if he is involved, it is a transmitted disease, and the Mohelim are not exempt from that Yetzer Hora... that is a serious disease, that has already been published that is herpes 2. I am referring to herpes 1... I now have a difficult situation, a Mohel in our town Monsey is now been identified as a source of infection with 2 children... we have to call him in and tell him he either stops making Mezizah B'peh or **we'll have to announce he will have to be stopped being used as a Mohel..!!!** The Mezizah B'peh we are talking about. Almost all Mohelim make Metzizah... Why no rational reason for it all Mohelim make Metziza with a tube, take a glass tube which they sell for Mohelim= but usually more adequate to take a sterile 5 c.c, syringe

**COMMUNITY SYNAGOGUE OF MONSEY
CLOVERDALE LANE- MONSEY NY 10952**

**Dr. Moshe D. Tendler
RAV**

Excerpts from HaGaon Rav Moshe David Tendler *shlita's machaah* against the *hotazaas shem ra* of the Yated Neeman:

Dear Editor,

Your editorial of the 18th of February attributes to me actions that are total fabrications:

- a) I never contacted any Health Department personnel either in New York State or in Rockland County
- b) I never "threatened" anyone, never in all my life, not Rav Fisher, nor any other Jew. From whom did you hear this lie?

Rav Fisher was selected by me to circumcise my great grandson sheyichye.

Please print this explanatory note in your next edition. I regret that I was not consulted before you published the false *rechilus* and *lashon hara*, fabricated by those of your informants.

*Lichvod Hatorah ViLomdeha,
HaRav Moshe David Tendler*

'Yated Neeman' newspaper :

Dear Editor,

Your editorial of 18 Feb attributes to me actions that are total fabrications:

- a) I never contacted any Health Dept. personnel either in New York city or Rockland County
- b) I never "threatened" anyone, never in all my life, not mohel Fisher, nor any other Jew. From whom did you hear this lie?

I coauthored (with 7 other physicians) a scientific report documenting 8 cases of systemic Herpes infection in newly circumcised infants whose mohelim tested positive for the Herpes virus. This report was submitted Nov 2003 and first published in the prestigious journal "Pediatrics" August 4 2004. The current cases at maimonides Hospital occurred in October 2004 all cases of neonate deaths are reported by the hospital to various governmental agencies including the Health department as required by law.

When interviewed by a newspaper reporter, I affirmed what is- without doubt- the valid halachic decision, that when there is danger to child or mohel, metzizah b'peh should be done with a sterile tube. This is and was the halachic ruling of all "gedolei yisroel" To list a few:

- 1) Chasam Sofer 2) Yad Eliezer 3) Ponovitzer Rav 4) Aruch Hashulchan 5) Divrei Malkiel 6) Rav Elyashuv shli'ta (copy of his teshuva attached) 7) many others!

Mohel Fisher was selected by me to circumcise my greatgrandson sheyichye.

I reiterate what is the indisputable halacha-

In view of the evidence that 90% of American adults are carriers of the Herpes virus it is forbidden to make metzizah b'peh without using a glass or plastic sterile tube.

Please print this explanatory note in your next edition- I regret that I was not consulted before you published the false *rechilus* and *lashon Hora* fabricated by those of your informants.

*Lichvod Hatorah V'Lomdeha,
Dr. Moshe Dovid Tendler
(sealed)*

Excerpts from a transcript of the shiur delivered in YU on December 8, 2004 follow:

MDT - I had to be up early for a bris this morning. I attended a bris at Yeshiva of Spring Valley. Ten and a half years after they were married, just had their first child. They must have had 300 people show up to a bris... ten and a half years after their *chasuna*, gave birth to a nice healthy baby, and the *Mohel* was Fischer and I have to call the city (and) state (health) departments! That no-goodnik [Fischer] bends down to make *metziza b'peh*. I put my hand in front, I stopped him. I said no, you use a tube! He gave me a dirty look, he used a tube. The man is under investigation now for infecting several children, two of whom died, with herpes.

I've heard a case in Maimonides a few weeks ago. A baby died and he was the *mohel*!

He goes ahead... **Hungarian - uch. He's a carrier of herpes.** You don't need a cold sore, if you're a carrier, you're a carrier. And if you checked that you're not a carrier today, you're a carrier tomorrow. It makes no difference. Once a carrier, always a carrier. No way get rid of it, they shed viruses. It's not a constant thing, but you check him out one day, they don't pick up any viruses, but the following morning, he'll shed a massive amount of viruses.

Q. This is Herpes simplex 2?

MDT- Yes. It's the plain cold sore herpes, but in a baby it goes cerebral, and ... three months ago a baby died, he was the *mohel*. And a few weeks ago he *maheled* the twins in Maimonides. Both came down with systemic herpes, and one of them died.

Q. How come the Jewish Community hasn't banned him yet?

MDT - Who's going to ban him? The Satmar Rebbe? You're talking about the Wild West! There are no rules in *Mohalim*.

Q. People don't know that he's infected children? It's not public knowledge that he's infected children?

MDT - It is not in public yet, but it will be. This case is making it to the courts now... there will be new regulations. In New York City there will be legislation on *milah*, but only in New York City. The case is in NYC, the city department is taking over. *I've had, over the last two weeks, a bunch of women marching in and out of my office downstairs, the Health commissioner of New York City, with her assistants Shulsinger and Bong - various b'kovodike people there, but walking gingerly, scared stiff to start up with the Chassidic community. They know about their voting blocs... They've made it. They have political power in NYC.*

Q. This couple that had the baby, they're Chassidish?

MDT - Naturally. No non-chassid would let a *Mohel* make *metzitzah b'peh*. In fact, a *mohel* won't make *metzitzah b'peh* on a non-chassid. He's afraid that he'll get infected from the baby, for the parents surely had AIDS.

MDT - (continues) They paskened in *Eretz Yisroel* when AIDS came out, that you could make *metzitzah* with a tube. Why? Because the *mohelim* complained their life was in danger. Because they have Americans in *Eretz Yisroel* who have babies and who knows, Americans they can have AIDS. And therefore, they're afraid to get infected, so they were *matir* the *mohel*, for the *pikuach nefesh* of the *mohel*, to use a tube in *Eretz Yisroel*. So everybody in *Eretz Yisroel* uses a tube there except by the *Chassidishe*. Rav Vosner and Rav Elyashiv were *matir* to use a tube. They were *matir* 200 years ago to use a tube. We need a disciplined Halachic Society. We don't have it.

By Rabbi Pinchos ipschutz

In stark contrast to the despotic governments over the centuries under which the Jewish people lived, the United States affords our people and members of all religions, freedom to practice the precepts of their faith as they choose.

Throughout the Diaspora, when tyrants would legislate how the *Halacha* was to be followed, Jews who fought the falsification of the Torah did so at the risk of their lives.

By the grace of G-d, we live in a country where freedom of religion is one of the nation's most cherished virtues. President Bush never tires of mentioning it, most recently in his state of the union address. There, he once again proclaimed the rights of all men to be free from unwarranted governmental intrusion into the private lives of its citizens.

Not everyone agrees. It seems as if a certain rabbi felt it was appropriate to bring the New York City Health Department into the delicate arena of religious practice.

The aforementioned rabbi has a problem with the practice of *metzitzah b'peh* as practiced by certain *mohelim* at the *bris milah*. Whether the act is an integral part of the *bris* is a centuries-old *machlokes*. Many authorities believe it is, while some are of the opinion that the extraction of the circumcision blood can be done in a different way.

Customs have evolved throughout the ages. In

Freedom to Practice

certain communities the *mohel* uses a tube and in others he uses his mouth to extract the blood.

That's the way it has been for centuries. No authority of any stature has ever cast aspersions on either method. Even if there are differing halachic opinions, *minhagim* are sacred, and the custom of following a particular *minhag* has always been revered.

Either way a person wishes to perform the *metzitzah*, as long as he is following the minhag of either his rabbi or the custom in his family or community, it is fine.

But the rabbi in question isn't happy with this time-honored approach.

He wants everyone to follow his own interpretation of what is proper. He is deeply annoyed that others differ with his conclusion. "I am very disturbed that... the *Mohelim* don't do what they're told," he complained to the JTA.

He has launched a campaign of vilification against *mohelim* employing *metzitzah b'peh*. He wrote an article together with scientists and doctors in the August issue of *Pediatrics*, claiming the reason seven infant boys in Eretz Yisroel and one in Toronto contracted the herpes virus was due to their being infected by *mohelim* who practiced *metzitzah b'peh*.

There are killer *mohelim* on the loose and they are killing Jewish babies and must be stopped.

'JUNK SCIENCE'

The article was characterized by people knowledgeable in medicine and Jewish law as "junk science" and "unimpressive."

An indication of the shabby scholarship in the article is its un-

proven assertion that "the great majority of ritual circumcisions" are not performed with *metzizah b'peh*. The author goes on to wrongly assert that the only reason certain *poskim* condone this practice is because they "have felt threatened by criticism of the old religious customs and strongly resist any change in the traditional custom of oral *metzitzah*."

The authors expose their bias by stating that the reason more cases of circumcised children are not known is because "We suspect, therefore, this entity is underreported for cultural reasons and that the studies described here are

(Continued on Page 52)



כלה לשבות

שבת פרשת

תצורה

מפטירין - "זאתה בן אדם"
(חויקאל מ"ג)

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(Continued from Page 3)

only the 'tip of the iceberg' of true incidence of the disease."

They insinuate with absolutely no scientific proof that the incidence of children falling ill with the disease is much more prevalent but due to the backward insular behavior of religious Jews, they fail to report the illness or seek out for medical assistance. Of course no studies or proofs are cited to support this suspicion, which is patently false.

They further state that "The cultural process of replacing ancient customs by modern wound care has to be encouraged by a heightened awareness of this potentially life-threatening medical complication."

The article concludes that, "Ritual Jewish circumcision that includes *metzitzah b'peh* carries a serious risk for transmission of HSV from *mohels* to neonates, which can be complicated by protracted or severe infection. Oral *metzitzah* after ritual circumcision may be hazardous to the neonate."

The article's conclusions collapse upon analysis. The fact that they came up with eight babies who contracted the herpes disease following circumcision over a six year period is strange. If the *mohelim* are so dangerous why are there so few cases?

The article states that the mothers of these eight babies all tested HSV negative, and therefore postulates that the *mohelim* were at fault. If the vast majority of adults carry antibodies to

the disease, it seems as if the authors went cherry picking to find cases where the mothers tested negative so that they could arrive at their conclusion. Were a random selection made, it would seem apparent that at least some of the mothers of neonates with the herpes disease would test positive.

The numbers clearly discredit allegations that *mohelim* performing *metzitzah* were to blame.

Let's look further at the rabbi's assumptions. He theorizes that since a majority of adults possess antibodies to the virus, in certain cases it is possible for adults to contaminate children. Though the virus affects adults in no way, it is fatal to infants whose immune systems are not yet fully developed. *Mohelim* who practice *metzitzah b'peh* when performing a *bris* can thus infect infants, the rabbi-on-a-crusade maintains. Blame it on the *mohelim*.

There are several problems with this position, the most serious of which is that it is pure speculation. Not all the family members of the children were tested for herpes and neither were half of the *mohelim*. It is scientifically outrageous to suggest that the *mohelim* were the carriers of the disease until everyone else who came in contact with the babies is ruled out as a carrier. It could just have well have been transmitted by the mother, father, nurse or little brother. Additionally the authors admit in the study that "only four *mohels* were tested... the mouth cultures obtained from [the] *mohels* all were negative for HSV."

To indict the *mohelim* is libelous and unfounded.

The article's attempt at scientific analysis was so flawed as to be unworthy of being presented as serious research. In a truly scientific survey, the researcher would have used a control group and would have made comparative studies with other groups. He would have studied not only infants who had *metzitzah*, but would have examined an equal number of infants who did not, in order to isolate *metzitzah* as a disease-causing factor. Only then could his conclusions about the role of *metzitzah* in causing disease carry any weight.

No studies of this sort were cited by the rabbi or any of the other experts who signed their name to the article.

Interestingly, in Kiryas Joel, NY, a self-contained community where every male child undergoes *metzitzah b'peh*, there should be a rash of cases if to the rabbi's theory is correct.

Yet, people there recall no cases of any infants carrying the disease after circumcision.

The facts themselves expose the fallaciousness of the charges of *mohelim* infecting infants. This is what is called "junk science;" it is generated by someone who will stoop to vilification and vindictive behavior in order to impose his viewpoint and to curtail the rights of others to do things differently.

MAKING GOOD ON HIS THREAT

Since writing the article in *Pediatric*, the rabbi publicly threatened a re-

spected Monsey *Mohel*, Rav Yitzchok Fischer, that he would report him to the authorities if he did not halt his practice of *metzitzah b'peh*.

Rav Fischer, who is accredited by the Milah Initiation Society of England, has been practicing *milah* for 35 years. He is well known as a responsible, conscientious individual, who makes a point of staying abreast of the latest medical studies concerning *Milah*. He is acclaimed as an expert in his field and is regularly called upon when abnormalities are present in a circumcision case.

Rav Fischer has performed thousands of *brisos* on infants, boys and men of all ages, in this country, as well as in Russia and Israel. It goes without saying that he has also been tested and found to be free of herpes or any other infectious disease.

The man is a renowned *baal chesed*, with a steady hand and smile, about whom there has never before been even a breath of impropriety. But the *yeitzer horah* works insidiously. He tries to get us to be *mevazez mitzvos* and *anashim chashuvim*. Too often he is successful and we fall into his trap.

The crusading rabbi erred by picking on him. And the community erred by not rising to Rabbi Fischer's defense.

I hear people whispering and saying they heard Rabbi Fischer didn't check out and really is a carrier of the disease. Is there anything more revolting? Is there anything more disheartening than to see the *koach* of *sheker* overcome people's better judgment? A prominent, highly esteemed *mohel* who has dedicated his life to ushering Jewish children into their covenant with G-d is now accused by someone on a wicked mission and people begin to vacillate.

Suddenly, they aren't sure. Could it be the rabbi is right and the Mohel is really at fault after all?

When the *yeitzer hora* saw he could not force a principled mohel to buckle, he sought out other pressure tactics. Articles were inserted into the general media, holding up the most esteemed members of Klal Yisroel and our most hallowed rituals to public mockery. When the laughter dies down, the public is left with the impression of Torah Jews as a backward people engaging in Neanderthal practices. They always knew those Orthodox Jews were a bit weird, but who thought they took it to such extremes?

The *yeitzer hora* is not satisfied with creating a *Chilul Hashem* only among the masses; he must also poison our own ranks. He must infect us with the *asher korcha* of Amalek—the weakening of conviction. Only then is he satisfied.

LET'S CALL A BLOOD LIBEL BY ITS NAME

Why was there only one newspaper defending Rabbi Fischer? Why was there no organization standing up and calling a blood libel by its name?

The rabbi apparently followed through on his threat to Rabbi Fischer and *massered* on Rabbi Fischer to the NYC Health Dept, charging him with spreading disease. He cast the *mohel* as a menace to society who must be stopped before he kills more children.

Read the following reaction to the rabble-rousing news reports generated by the rabbi's *massering* on the *mohel*, *yes it is extreme, but it points to what the reports caused:*

"San Diego, CA (PRWEB) February 9, 2005 — The recent death of a baby boy in New York City has prompted

some Jewish groups to call for an end to the practice of male circumcision. City investigators believe the boy died after contracting herpes from an infected mohel who sucked the blood from the baby's circumcision wound. Two other boys circumcised by the mohel have also contracted herpes, including the dead boy's twin brother.

"What happened to this innocent Jewish baby in New York is especially tragic," said Gillian Flato, Director of Jews Against Circumcision, an international organization of Jews who have re-examined the practice and have found it to be immoral. "I think this is a wake up call for the Jewish community. Are they willing to blindly follow tradition and jeopardize their sons' lives?"

The article goes on to report that "Attempts to protect boys from circumcision have now crossed into the legal realm as well. A federal bill proposal written by a San Diego group called MGMBill.org would protect boys from circumcision. Matthew Hess, the group's president, said that Jewish support for the proposed bill will be critical to its success."

REVISITING THE BITTER DEEDS OF THE MASKILIM

In the 1800's our great-grandparents suffered greatly at the hands of Maskilim, who viewed themselves as the enlightened ones entrusted with the mission of ushering religious Jewry out of the caveman period and bringing them into the 19th century.

In their misguided zeal, they caused untold suffering and misery for religious Jews and caused many thousands to abandon their heritage for the lures of the secular world. Their primary tools in advancing their agenda were the press and the government.

They agitated relentlessly in the media and in government circles against rabbis, yeshivos, religious Jews and their practices. They had laws enacted that persecuted *rabbonim* and *mechanchim* who were not deemed sufficiently educated and acclimated into 19th century Russian society.

Those laws allowed the rabidly anti-semitic governments to intrude even further into the Jewish ghettos, all under the banner of "helping" the poor backward religious Jews leave the caves and join "civilized" society.

The havoc they wreaked drained the energies of the *rabbonim*, *roshei yeshivos* and *askonim* of the time who sought valiantly to stay one step ahead of the maskilim and their Czarist allies. It took world wars to finally put the *maskilm* out of business.

FIRST SHECHITA,

THEN MILAH UNDER FIRE

We ought to have absorbed the bitter lesson about the dangers to which unwarranted government intervention leads. We ought to have learned where mockery of religious practices in the public media will get us. Just weeks after a media frenzy over *shechita*, it is now *milah* that has been placed in the crosshairs.

Misunderstood *mefarcheses* became the battle cry for anti-shechita activists and animal rights crusaders. They manipulated the masses by stoking fear and outrage, and peddled their lies via the internet and the national print media.

There is nothing more precious than a *Yiddishe neshama*. There is nothing more shattering than the death of an infant. But the exploitation of tragedy in order to frighten G-d fearing people into re-thinking values that have been sacred to them for ages is more alarm-

ing than the danger of herpes infection.

Because the virus of slander is more deadly than the virus of disease.

Following the slandering of the time-honored ritual of *metzitzah* in the media, the Orange County Health department asked for a meeting with Kiryas Joel officials to discuss with them prevailing *bris* practices.

According to Gedalye Szegedin, administrator of the village of Kiryas Joel, "Kiryas Joel leaders made it clear to the Orange County Health Department that changing *bris* practice is non-negotiable and *brisin* will continue to be performed according to the *mesorah* handed down to us by our grandparents and great sages."

Will we become like our Russian brethren in the past century who were forced under the communists to conduct the sacred *bris* in underground bunkers with sentries standing guard? In those dark days, Jews had to hide this holy ritual from government apparatchiks seeking to protect them from the "primitive" practices of Jewish clergy.

Are we about to revisit those day in our own country? Such a scenario may not be that far-fetched if we don't raise our collective voices and set the record straight.

It will be a *bechiya ledoros* if local health departments become the arbiters of *halachic* practice. It will be a *bechiya ledoros* if the NY Daily News and Don Imus are permitted to become the forums of *halachic* debate. It will be a *bechiya ledoros* if *mesirah* is tolerated as the method of arbiting Halacha.

It will be a *bechiya ledoros* if a person like Rabbi Fischer can be harassed and scapegoated and we don't all rise as one to his defense.

A Kinus Hisorerus Concerning Bris Milah

by Moshe Cohen

This past Sunday evening, hundreds of people gathered at a Kinus Hisorerus concerning Bris Milah, organized by the Vaad L'Mishmeres Bris Kodesh. It took place in the Khal Bnei Ashkenaz Shul in the heart of Monsey, and was graced by Monsey's leading Rabbonim.

The evening opened with a recitation of Tehillim led by Rabbi Mordechai Berg, Menahel of Yeshiva Shaarei Aratzim. The Morah D'Asra, Rav Shraga Feivel Zimmerman, introduced the featured speaker as a leading Rosh Yeshiva and Posek in the United States, and as a Mohel Mumcha, and called upon Rav Yisroel Belsky to deliver a shiur.

Rav Belsky opened with an erudite discussion of whether Metzizah B'Peh is an integral part of Milah or was instituted by Chazal to prevent Sakanah. He also discussed its ramifications *al pi sod*. He invoked the *tshuvah* of Rav Dovid of Karlin, that regardless, the Gemara states that it is prohibited to change the Mesorah of Klal Yisroel for no reason.

Rav Belsky highlighted this opinion with two vignettes. He related that Rav Yaakov Kamenetsky informed his talmidim that the two Mohelim in Vilna who didn't do Metzizah B'Peh, died from a dreaded disease of the mouth. He recounted that when the aids virus was discovered, many Mohelim were scared to do Metziza B'Peh. They asked Rav Moshe Feinstein what to do. Rav Moshe an-

swered, "Chas V'Sholom to be mevateit it," and proclaimed "Shomer Mitzvah Lo Yeidah Dovor Ra", that one doing a mitzvah will be protected. Rav Reuven Feinstein, who was present, asked his father, "Isn't it your opinion that Metzizah isn't part of the Mitzvas Mila? How then can it be a source of protection?" Rav Moshe answered, "A holy Minhag is also part of a Mitzvah that merits protection, even though it isn't a chiyuv." This was, and is, the approach of Poskim, regardless of the source of Metzizah.

Rav Belsky noted that a Rabbinic organization representing one thousand Rabbonim, recently proclaimed that Metzizah B'Peh is not necessary. They said that Mohelim should be persuaded to stop this antiquated and primitive practice. Their strident language was subsequently toned down in a public press release. They based their opinion on a study conducted in Israel associating Metzizah B'Peh with the deaths of infants. Their conclusion is that antibodies for herpes, found in ninety percent of the population, is the cause. This study was also cited by the Health Commissioner of NY, with the addition that of the ninety percent of people with antibodies, nine percent shed viruses in their saliva.

Rav Belsky stated that the Israeli medical profession is known for its inaccuracy and its anti-religious bias. Furthermore, the study doesn't present any proofs, only associations. One of the Mohelim even tested

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negative for antibodies. In a presentation to the city health commissioners, a famed pediatric urologist asserted that after examining two hundred thousand cases of Metzizah B'Peh, not even one infection was found. Rav Belsky calculated that if the statistics presented were correct, there should be five thousand cases a year, and there is not even one. When Rav Belsky presented this to the health commissioner, he replied, "Based on the statistics, transmission is inevitable." In other words, my mind is made up; don't confuse me with the facts.

Rav Belsky countered, "We are the modern ones, basing our positions on scientific proofs and supplying statistical evidence. It is clear by the light of logic that there is no connection between Milah and infection. It is others that aren't showing cause and effect, engaging in speculation, using kindergarten-level reasoning. Their position is based on primitive emotions and antiquated superstitions." He observed that it is always Mohelim that are more cautious than doctors, delaying Brisos even when the latter say it's okay.

Rav Belsky declared that it is unprecedented for Jews to ask the government to interfere in religious practice. Even those who don't practice Metzizah B'Peh are shocked and nauseated by this. Furthermore, this approach to the government was concluded long before the unfortunate incident of the death of a child, and wasn't based on concern for this incident, but rather to further an agenda.

Rav Belsky further noted that the government is focusing on a certain Mohel. In his professional opinion, "this Mohel is the best of the best, the superstar Mohel", both in talent and in cleanliness. He has already tested negative in all blood tests. If he can be banned, then everyone else is next. Rav Belsky relayed that these forms of unfounded suspicions are a much larger disease, which will claim many more victims, and is far more contagious than any virus.

Rav Belsky concluded that all gezeiros are products of our weakening in Shmiras Hamitzvos. "If we will strengthen our adherence to Metziza B'Peh, the decrees will disappear on their own."

The final speaker was Rav Zimmerman. He quoted the Gemara that states that Mitzvos such as Milah, which were done by our forefathers with Mesiras Nefesh, will always continue. That is the secret of its practice in trying circumstances, such as Communist Russia and during World

War II. Even those distant from Shemiras Hamitzvos are attached to Milah, because through Mesiras Nefesh, it has become an integral part of the Jewish Soul. When someone causes the Mitzvah and traditions of Milah to be an object of scorn and mockery in the media, it is an attack on the Jewish soul. The outrage expressed by the masses and the strong and sharp speeches of their Rabbonim, are the primal scream of the Jewish soul in pain.

Rav Zimmerman asked "If there was a question, why weren't the Gedolei Yisroel, such as Rav Elyashiv, Rav Wosner and other manhigim consulted? What allows people to meet with the government and the media, with the express intent to regulate Mitzvah observance? What permits destroying the parnassah and reputation of a renowned Mohel, one that has performed seven thousand Brisos in Russia, at great personal danger and no charge? How can one take a Shliach Tzibbur and turn him into a Korban Tzibbur? How can one heap scorn on Shomrei Mitzvos and their Manhigim? How can one mock Mitzvos and Torah Sheba'al Peh?"

He answered that it comes from the hashkafa pesulah of 'enlightened' individuals who consider everyone else primitive barbarians, cavemen dwelling in the dark.

Rav Zimmerman declared, "It is this hashkafa pesula and its ramifications that we are protesting tonight and proclaim 'Lo Yaaseh Kein Bimkomeinu'. It is simply not acceptable."

Rav Zimmerman quoted the commentary of Rav Shamshon Refael Hirsch on Parshas Pinchas that peace -shalom- isn't quiet or appeasement, but rather the restoration of rights, human and divine, and the creation of harmony between Hashem and His creation. He announced, "We are here tonight to create Shalom. Shalom means; restoring the right of Kehillos to follow their Mesorah and Manhigim restoring Kvod Hatorah and Kvod Shomayim- thus creating harmony between Yisroel, Oraysah and Kudsha Brich Hu".

Rav Zimmerman related a story about the Brisker Rav and Rav Chaikin, the Rosh Yeshiva of Aix Les Ban, France. They were walking together in Switzerland, when an impressive looking figure passed by and greeted them. The Brisker Rav warmly returned the greeting. When he was later informed that this individual had caused great harm to Torah institutions, the Brisker Rav said, "Had I known, I never would have greeted him", and proceeded to communicate this individual's faults at length.

Rav Chaikin, who was a noted talmid of the Chofetz Chaim asked "Isn't this lashon hora?" The Brisker Rav asked him, "If you see someone in the midst of pick pocketing, may you scream 'thief'?" Rav Chaikin answered, "Of course, if it is a *toles*, to warn the victim." The Brisker Rav concluded, "And if you see someone pick pocketing all of Klal Yisroel, isn't it also a *toles* to warn them?" So too, if people are trying to pickpocket the Mitzva of Milah and its minhagim from Klal Yisroel, it is our responsibility to warn them."

Rav Zimmerman concluded that it is our duty to increase our Emunah. He noted that external appearance and practice can be deceiving. Two Jews can wear the same Tefillin, eat the same Matzos,

and learn the same daf of Gemara, and nevertheless be different internally. "There are those who believe in the divinity of Torah Sh'Baal Peh and those who don't. There are those that believe in Mesorah and those who don't. There are those who believe in Emanas Chachomim and those who don't." Our obligation is to increase our Emunah which will hasten the Geulah.

An appeal was made by the Vaad L'Mishmeres Bris Kodesh to contribute to the expensive legal fees involved in this case, by donating to "Friends of Bris Milah", PO Box 642, Brooklyn, NY 11219. Booklets documenting the facts of the case and letters from Gedolei Yisroel were distributed.



Rav Yisroel Belsky



Rav Feivel Zimmerman