

# City attorney questions proposed circumcision ban

by [Lauren Markoe](#)

July 5, 2011

(RNS) In a potential blow to the proposed San Francisco circumcision ban, the city's top lawyer has concluded it is unconstitutional to ban the practice as a religious ritual, but allow it as a medical procedure.

The measure, now headed toward the Nov. 8 ballot, would ban nearly all infant circumcisions.

A lawsuit arguing that no California city can regulate a medical procedure that is allowed by the state will be heard on July 15. The plaintiffs are a group of Jews and Muslims, groups that practice ritual circumcision.

Should they win, a narrower ban exempting medical circumcision could apply only to circumcision as a religious practice. And that would defy the First Amendment, according to a brief recently filed by the city attorney.

"San Franciscans cannot be asked to vote on whether to prohibit religious minorities from engaging in a particular religious practice, when the same practice may be performed under nonreligious auspices," wrote Chief Deputy City Attorney Therese Stewart.

The proposed ban, sponsored by groups who are opposed to what they consider the genital mutilation of boys, has angered Jews, Muslims and others who consider circumcision to be a parent's choice.

"The city's response was completely political," said Georganne Chapin, executive director of Intact America, an anti-circumcision group that did not sponsor the proposed ban, but supports its intent.

"It is not aimed at Jewish circumcision," Chapin said. "It's aimed at the involuntary circumcision of all minors, irrespective of religion."