

Attorneys for the Rights of the Child

Newsletter

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Protecting Children's Bodily Integrity

Attorneys for the Rights of the Child

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Comments regarding the ARC Newsletter and its contents are welcomed.

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Message from the Executive Director

February 25, 2021

This past year has been a year like no other. As I write this, just a few days less than a year ago, my wife and I threw a joint 60th birthday party for me and a birthday party for her. We flew in an undeservedly obscure folk singer, Ellis Paul, and a great time was had by all on Leap Day.

It feels to me that we are on the cusp of a new era. The game continues to be played at our end of the court, and we seem to be building significant momentum. Promising litigation has been launched, including a case in which we were able to write a friend of the court (amicus curiae) brief, suing Massachusetts Medicaid for misuse of Medicaid funds on medically unnecessary and harmful circumcisions. A second promising case is just now also under way, claiming the American Academy of Pediatrics' 1989 position statement was fraudulent, a case in which our board member David Llewellyn is co-representing the plaintiffs along with Andrew DeLaney and others. As always, but more to the point, right now, we and our fellow activists will not stop until we have ended all genital cutting. We will continue to fight to protect children.

Congress recently passed a strengthened bill outlawing female genital cutting (FGC), a praiseworthy development. This bill will avoid future cases being held to exceed permissible scope of federal legislation, because the bill spells out that any FGC involving interstate commerce or affecting our treaty obligations can be outlawed by Congress. The prior law, which came into effect back in 1997, failed to specify this.

Brian Earp and I are in the final stages writing a paper about which I am very excited. I will say more once it is published but we are looking at two important legal decisions that are



Steven Svoboda, International Conference on Men's Issues, online, November 16, 2020

connected in an illuminating way, one relating to female genital cutting, the other to male circumcision.

I do find it heartening that life continues even in current times and even though many things are changing their forms. Accordingly, I was happy to speak in a video that has been published online regarding "Genital Autonomy, Equal Protection, and the Law: A Story of Two Judicial Decisions Seventeen Years Apart" for the International Conference on Men's Issues, which was held online instead of the original plan to hold it in Australia.

Sadly, this past year, as was noted in a number of national news programs, we tragically lost my close friend Marc Angelucci, who was present at both my bachelor's party and at my wedding. Marc truly had a heart of gold and litigator instincts that were second to none in protecting the rights of those needing protection. Marc was an ARC board member for several years and attended a number of screenings of Cassie Jaye's film "The Red Pill" and later of Brendon Marotta's film "American Circumcision." In fact Marc and I, along with Fred Hayward and Warren Farrell, were the four activists shown in the "Red Pill" movie who appeared on stage at a San Rafael, California movie theater the night I met my wife on November 6, 2016. All four of us are genital autonomy

activists. This newsletter includes a memorial section including text and/or photographic remembrances of Marc.

Also included in this, our 37th newsletter issue are: 1) Our newest board member Matthew Young (a dual graduate of Harvard Law School and Harvard Medical School and he also has an MBA!; Matthew is also easily our youngest board member ever) writing about his fascinating and truly unique personal path to activism as a dual lawyer-doctor; 2) the memorial section commemorating former ARC board member Marc Angelucci; 3) a book review of a new book on a man's foreskin restoration story by Jay J. Jackson; 4) a movie review by Tim Hammond of Emily Rumsey's new film, "The Circumcision Movie," 5) ARC updates; 6) news updates; and more.

A project that started way back in 2001 with ARC's delegation to the United Nations continues to bear fruit. After finishing our report on circumcision as a human rights violation in Canada, we are currently close to concluding writing our "core report" to be used as a general template suitable for adaptation by national activists wishing to submit complaints to the UN regarding male genital cutting as a human rights violation in their countries. We are also continuing to work with national activists in the Philippines and Iceland to prepare their

own country-specific reports.

We just learned that colleague Brian Earp received a richly deserved award, the 2020 John Maddox Prize, for his peerless writings about genital autonomy. Hearty congratulations to Brian for his truly phenomenal scholarship and academic work to protect children and advance the genital autonomy of all.

Our website has been extensively redesigned. Come visit; we are continuing to hone the site, particularly in the upcoming weeks in fact. Please do speak up and let us know if you see anything that should be improved, but we are very pleased with the results.

We continue to offer on our website: 1) our "Know Your Rights" brochure providing information for potential litigants on how to seek legal compensation for the wrong of circumcision; 2) our "Know Your Rights"

video addressing: What is "informed consent"? Who may be responsible for damages? What are the time limits? What sort of damages may be awarded?; and 3) a list we have been painstakingly compiling since our founding in 1997 of all known significant legal awards and settlements in circumcision-related lawsuits.

Personally, it continues to be and I imagine always will be the children who inspire me to continue dedicating our intellect, and spirit to this work.

Thanks ever so much to everyone for your invaluable support over the years, whether it be financial, emotional, logistical, as colleagues, or a combination of these roles. Each of you makes it possible for us to continue to do this work. 100% of all tax-deductible donations go directly to defraying the costs of safeguarding children.

Fully tax-deductible donations that are entirely applied to protecting children can be sent to J. Steven Svoboda, ARC, 2961 Ashby Avenue, Berkeley, CA 94705, or made through paypal at our website (www.arclaw.org/donate) or using the paypal address sarah@arclaw.org for payments from a credit card and arc@arclaw.org for payments from a bank account. Also please note that whenever you buy anything from amazon, you can get us a percentage of all your purchases (regardless of what they are) by going to www.arclaw.org/donate and then clicking on the box labeled "Amazon Smile". (We are temporarily off the other program, called Amazon Associates, which had a higher rate of support for us, but hope to be back on shortly.) Thank you!

Steven Svoboda

Attorneys for the Rights of the Child



At beginning of bicycle ride in Lake Tahoe (l. to r) Gina Svoboda, Cody the Dog, Steven Svoboda, Eli (age 19), Auden (age 16).

Neonatal Circumcision and Medical Malpractice

Matthew Young

Dear Reader: By way of brief introduction, I am honored to have joined ARC as its newest board member. I began following ARC's work as a medical student at Harvard Medical School.

I remember doing my pediatric rotation at Boston Children's Hospital where I saw a neonate who was admitted from an outside hospital after suffering a complete transection of the glans penis during an attempted circumcision. I subsequently completed an internship in Obstetrics & Gynecology and trained at a hospital where a few OB attendings and midwives actually refused to perform circumcisions. One midwife I trained under called it male genital mutilation, and I couldn't have agreed more. I am proud to say that I have dissuaded many parents from circumcising their sons through education and evidence-based medicine.

I actually completed my JD degree at Harvard Law School before I completed my MD degree at the med school. Part of my motivation for doing that came from losing my own father to medical malpractice.

Today, I am engaged in the practice of law full-time and only represent plaintiffs in medical malpractice actions. I am also the Founder & Executive Director of the Patient Advocacy Organization and Resource, a non-profit helping to educate and empower patients and families who have been harmed by medical malpractice.

I believe that non-therapeutic neonatal circumcision fits the very definition of medical malpractice. The standard of care is defined as what a reasonable and prudent provider would do under same or similar circumstances. No reasonable or prudent provider should ever offer or perform such a heinous act.



Matthew Young

Many have conceptualized circumcision as battery, assault, unethical, illegal, or immoral.

While we should continue to push for the defunding and criminalization of this barbaric practice, we should also consider ways in which tort law and the civil justice system can be used to deter circumcision and to compensate the injured child. Many states extend the statute of limitations for bringing a medical malpractice claim if the victim is a minor -- with some states extending it past age 18. This would allow the child time to learn about the medical malpractice that has been committed against them, and they could eventually bring their own claim. Expert testimony would show that there was no medical indication for the surgery, that it violated the standard of care, and that it caused harm and damages. While a European jury might be more sensible in its verdict than an American jury, the American civil

justice system through medical malpractice actions has been one of the most important forces for the improvement of patient safety and healthcare quality and should be used as part of a global strategy to extinguish this horrific practice.

Disclaimer: Views are my own and do not represent the positions of organizations with which I am affiliated.

Biography

Matthew Young, remarkably enough, earned both M.D. and law degrees from Harvard. After Matthew tragically lost his own father to medical malpractice, he decided to become an attorney and patient safety advocate. Matthew has a number of peer-reviewed publications in prestigious medical journals and has also contributed several book chapters to published medical treatises. Matthew is also a classically trained concert pianist.

In Memoriam: Marc Angelucci

My eulogy for Marc

Brother K

Sadly, last July our beloved friend Marc Angelucci was gunned down -- assassinated, executed -- at his front door in southern California. Marc was a friend of mine. I protested with him in southern California several times. I stayed at his house. He gave me his own copy of "The Myth of Male Power" by Warren Farrell. He insisted I take it, and of course I read it and enjoyed it greatly. When we stayed at his house, he treated us like kings. There were four or five of us, we had been on a tour in southern California. He came out and protested with us.

Marc was among the seven men who first wore bloodstained suits in the United States at the October 2012 AAP convention protest. Seven of us put on bloodstained suits to protest what American pediatricians are doing to newborn American boys. Marc understood this issue -- infant circumcision -- he understood that it was wrong, that it was cruel and violent, and he put his body on the frontlines with Bloodstained Men.

I remember one particular protest at UCLA, I believe it was on Westwood Blvd, Marc was with us for a few hours, then he had to leave, he had a court hearing or something of that nature, but

he left and I wish I'd had my camera ready because about two or three minutes later he came by on his motorcycle wearing his bloodstained men suit on his way home, to get prepared for his legal day. I'll never forget the sight of Marc Angelucci on a motorcycle in a bloodstained men suit. It was just wonderful, and he was a wonderful man. It's so cruel that he was gunned down in the prime of his life. His work, I'm certain, was only just beginning for him, and for all of us. A great advocate for men's rights, and for the rights of children, was wiped out by a coward with a gun. I extend my deepest condolences to all the people, all his friends and relatives, all the people who knew him and loved him and knew of his work, just a terrible, terrible human tragedy to lose Marc Angelucci.



Marc Angelucci - Intersection of Wilshire Blvd & Westwood Blvd, University of California, Los Angeles, CA Friday, February 21, 2014



Protest outside the October 2012 American Academy of Pediatrics convention in New Orleans, Louisiana. (l. to r.) Rubén Ruiz, Marc Angelucci, Ron Low, Brother K, Dan Strandjord, Chris Shelton, Jonathon Conte.

Marc Angelucci, 1968-2020

Originally Published July 16, 2020

Marc Etienne Angelucci, Vice-President and Board Member of the National Coalition for Men (NCFM) as well as past Board Member of Attorneys for the Rights of the Child, was tragically murdered the afternoon of July 11, 2020, in front of his home in Crestline, California.

Marc Angelucci was truly beloved, with a personality that had a magnetism that many of his friends and colleagues found to be truly magical. Marc was an unbelievably generous man, living on a shoestring despite some personal health challenges so he could donate many millions of dollars of his time to mostly voluntary legal work on behalf of men's rights and the genuine gender equality that is so badly needed in this country and this world.

The motive behind Marc's murder is not yet determined though the San Bernardino County Sheriff deserves our gratefulness for diligently working to determine the facts, including driving to Marc's family's home in Los Angeles and to NCFM President Harry Crouch's home near San Diego to investigate Marc's death.

Marc and Steven Svoboda were co-counsel in a circumcision case in Los Angeles. They were offered a settlement of \$100,000 that was the best realistic settlement the client could achieve given California's cap on medical malpractice awards, but the family was understandably very angry that their son had been wrongfully circumcised and refused to accept the offer and ultimately the trial was lost. Steven wrote about this case (and another case in which he was a lawyer in New York) in an article presented at the Seattle Symposium in 2006.

Marc Angelucci was the most remarkable of men—kind, able to laugh heartily, a great dancer and singer, one of the best writers I have ever known, a world-class civil rights litigator able to connect even with his opponents at the heart level. He loved life and was the most selfless man I have ever known and, as I frequently told him while we were lucky enough to have him with us, my hero.

- Steven Svoboda

Marc compiled a truly legendary set of legal achievements, including recently winning an equal protection case against the Selective Service Administration overturning male-only draft registration. In 2008 Marc won a landmark appellate case against the State of California (*Woods v. Horton*) which held it is unconstitutional to exclude male victims



Marc, optimistic for the future, photo by NCFM Member McCall Jones

of domestic violence from state funding for victim services. Marc also helped draft and enact legislation to stop paternity fraud, served on the California DCSS Paternity Committee, served on the Training Committee of the L.A. County Domestic Violence Council, and testified before the California Senate and Assembly Judiciary Committees. In a remarkable tribute to Marc's skill at building bridges and remedying discrimination, the Southern Poverty Law Center, which some might think would be opposed to much of his work, invited him to be an Honoree on their Wall of Tolerance. Marc was a committed activist on behalf of genital integrity with many letters and articles published in the popular press. He attended several showings of Brendan Marotta's "American Circumcision" film and drove from Los Angeles to the Bay Area for the events held there.

Marc graduated Phi Beta Kappa from the University of California at Berkeley in 1996 with a Bachelor's Degree in Philosophy and received a law degree



(l. to r.) Four Longtime Activists: Officiant Fred Hayward, Marc Angelucci, Steven Svoboda, Author Warren Farrell, photo taken at the San Francisco Theological Seminary in San Anselmo, California on Steven's wedding day, July 28, 2018



(l. to r.) Hung Mele (Steven's brother-in-law), Ron De Stefano, Steven, Lindley Frahm (Steven's best man), Marc Angelucci, Frank Mele (Steven's father-in-law)

from UCLA School of Law in 2000, where he received several public interest awards and founded two student bar associations. While at UCLA, Marc also started a student chapter of NCFM.

Marc joined NCFM as a law student in 1997 after a friend of his was denied domestic violence services because he is male. In 2001 he formed the L.A. chapter of NCFM and served as its president until 2008, during which time NCFM-LA became an active chapter that organized rallies, filed lawsuits and received significant media attention.

Marc was extremely well-spoken and a skilled publicist for men's issues, appearing on the Phil Donahue show, on Dr. Phil, and in countless other television, radio, and newspaper outlets. Marc published op-ed opinion pieces in the Los Angeles Times and numerous other press outlets, tirelessly speaking out for a fairer, kinder world. Marc gave a fantastic interview for the "Red Pill" movie by Cassie Jaye. At the face to face meeting Marc generously organized in Crestline in 2019, we also learned or were reminded that he is a fabulous karaoke singer and salsa dancer. Marc earned ecstatic rave

reviews for his teaching of law at Pasadena City College. A memorial zoom meeting that drew about 25 friends and colleagues of Marc was held on July 14, 2020.

Marc was a man full of joy and love, a true pleasure to know for all of us fortunate enough to be able to call him our colleague and/or friend. If Marc Etienne Angelucci didn't exist, we would need to invent him, though honestly the man so far exceeded any dreams any of us could possibly have for an unbelievable combination of shining personal qualities and amazing professional achievements. While wildly successful on the legal front, he was a fabulously down-to-earth, loving man when not demolishing opponents in courtrooms to promote justice. Rest In peace, our dear fallen soldier. No finer man ever walked the planet.

A two-minute Channel 4 Los Angeles television report can be found here: <https://www.nbclausangeles.com/on-air/civil-rights-lawyer-gunned-down-at-home-in-crestline/2397044/>.

RIP Mr. Angelucci. You are loved and leave a huge hole in our hearts.

Reviews

Circumcision Scar

By Jay J. Jackson

Review by Tim Hammond

Circumcision Scar: My Foreskin Restoration, Neonatal Circumcision Memories, and How Christian Doctors Duped a Nation. By Jay J. Jackson. Hookona Books, 2020.

“It’s clear my circumcision didn’t just hack my prepuce, it gashed my psyche.”

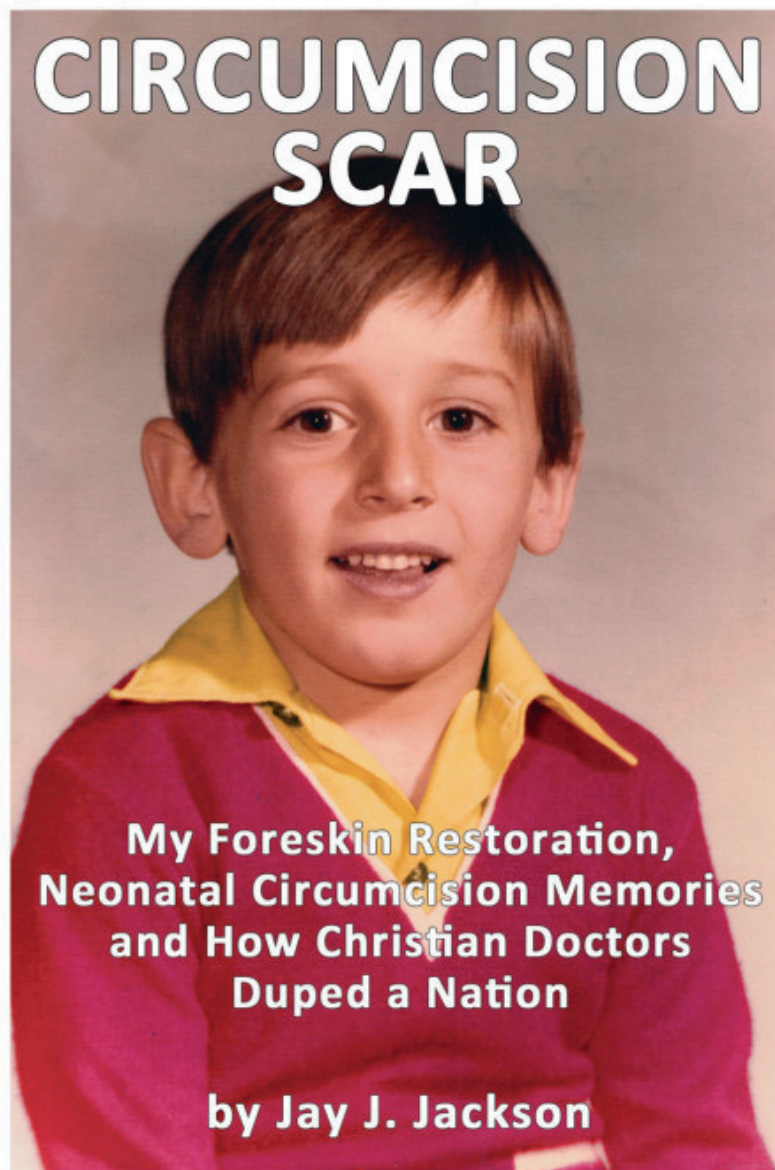
In 2014, well before Jay J. Jackson authored *Circumcision Scar*, Lindsay R. Watson published *Unspeakable Mutilations: Circumcised Men Speak Out*, a collection of 50 men’s stories detailing the lifelong harm they suffer from childhood genital cutting to which they did not consent.

In that landmark book, Watson wrote:

“[T]he process of grieving for a lost foreskin closely parallels the experiences of those who have suffered amputation, rape, body dysmorphic disorder, the death of a loved-one, or delayed post-traumatic stress. Circumcision advocates assert that the pain of circumcision is trivial and momentary; these accounts show that the pain of foreskin loss may last a lifetime.”

Now comes another landmark book recounting the singular life experiences of circumcision sufferer Jay J. Jackson. Jackson, a virtual ‘canary in the coal mine’ of circumcision, offers intensely personal and oftentimes gut-wrenching insight into the lasting harm of imposing onto boys’ bodies the American custom of genital cutting. *Circumcision Scar* not only reveals Jackson’s history of recurrent nightmares and an emotionally painful journey of foreskin restoration to regain his genital integrity and take back his body from the circumciser, but also exposes multiple infuriating encounters

“...a powerful and moving narrative of suffering and recuperation. This unflinching memoir could be a valuable resource for readers researching the negative effects of circumcision.” - BookLife Reviews



with medical ignorance, arrogance and callousness, as well as the unrestrained power that both medicine and religion can exert over the most intimate aspects of our lives.

Through all of this, Jackson still manages to pepper his memoir with humor (I particularly enjoyed the surprising tale of his loving husband’s ‘unorthodox’ bris).

Circumcision Scar asks hard questions and is recommended reading for any man circumcised as a child who has ever pondered, however fleetingly, whether this unnecessary surgical alteration was done ‘for’ him or ‘to’ him. In a sense, Jackson’s journey is every man’s journey who was genitally cut as a child.

When considering foreskin

restoration surgery, Jackson shares his belief that it “..was about the freedom to be who I was born to be without others forcing their will upon me – we gay people tend to be a little sensitive about that one.”

Based on my two surveys of more than 1,500 men documenting adverse long-term consequences of childhood circumcision, I believe *Circumcision Scar* will strongly resonate among all affected men, but especially so among circumcised gay men who have very intimately witnessed the functional differences between themselves and their intact partners and who have become acutely aware of this unjust loss of bodily integrity and genital autonomy.

Politically aware LGBTQ readers will surely recognize the intersectionality of homophobia and prepucephobia (fear of foreskin) and the parallels between gay rights and children’s rights when it comes to balancing the forces of medicine and religion against our need for control over our bodies, our sexuality and our lives. Jackson skillfully argues why true gender equality can never be achieved until

society respects the genital autonomy of *all* children—regardless of sex or gender.

To those capable of connecting the dots, *Circumcision Scar* offers undeniable insight into why children’s genital autonomy belongs on the agenda of the LGBTQ movement, whose aim it is to secure greater individual choice in all matters pertaining to our bodies, our personal privacy, our sexuality and our basic human rights. Indeed, Jackson questions, “How do women reconcile



Tim Hammond

asking people to support their right to dictate what happens to their own bodies, then turn around and deny their own sons the same liberty?” He continues “Once equality stops being a two-way street it stops being equality.”

Jackson’s *Circumcision Scar* is a testament to the author’s heroic and courageous persistence to heal and to be heard, as well as to resistance and the refusal to be silenced.

“Most people are straight, but some of us are gay. Most people say they’re OK with circumcision, but some of us aren’t. How many more would admit the truth if they felt safe to speak up?”

Circumcision Scar is available on Amazon at:

<https://www.amazon.com/Circumcision-Scar-Foreskin-Restoration-Christian/dp/1734555807>

...or directly from the publisher at:
<https://www.circumcisionscar.com/>

The Circumcision Movie

Finally, a parenting education film that makes sense

Review by Tim Hammond

The *Circumcision Movie* (TCM), a brief (36 minutes long) documentary released in 2019, picks up where this reviewer’s 1995 film *Whose Body, Whose Rights?*¹ (*Whose Body*) left off. The filmmakers, two nurse-midwives, undertook the challenge to explore the circumcision topic and present their findings in a contemporary, consumer-friendly format. The film, which has a strong pro-intact bias that is

highly likely to sway the hearts and minds of expectant parents, recently became available on TubiTV for free online streaming.

Thanks to commentary by biophysicist Ryan McAllister and several doctors, the film reviews the Victorian Era masturbation hysteria of the late 1800s, which provided fertile ground for male (and female) circumcision to be planted in the United States as both a proclaimed cure and supposed preventative intervention.

Sex therapist Ben Snyder then acknowledges that, prior to its medicalization in the U.S., circumcision was primarily known as a sacrificial religious ritual, which itself should raise

disturbing human rights questions in the 21st century.

The program segues to interviews with two physicians, both women, one Muslim and one Jewish, who affirm the religious importance of circumcision *to them*. Interestingly, the Jewish physician acknowledges that she would not have had her son circumcised if she were not Jewish. Perhaps inclusion of this segment early on in the program was a nod to “religious freedom,” but I believe the film would be stronger had it included dissenting voices within the two communities from those who value their sons’ bodily integrity and human rights over religious tradition. Jewish viewers might have welcomed the opportunity to

1 <http://www.circumcisionvideos.com/wbwr.htm>



The Circumcision Movie. 36 mins., Emily2 Productions/The Midwife Media, 2019

hear alternative Jewish voices discussing the non-cutting *Brit Shalom* ceremony or to see scenes from such ceremonies, like those I included in *Whose Body, Whose Rights?*

TCM presents and then challenges some of the better-known health arguments for circumcision, for example, the claimed HIV risk reduction in circumcised males. *TCM* discusses that the studies conducted in Africa involved voluntary *adult* circumcision (not circumcision imposed on *infants*) and the inapplicability to the U.S. and other Western nations of African studies facing a different strain of HIV. This discussion might help alleviate parental worries about HIV that may otherwise lead some parents to needlessly circumcise their newborn boys.

The filmmakers also address potential parental concerns about penile and cervical cancers caused by the sexually transmitted Human Papilloma Virus (HPV), for which several highly effective childhood vaccines are now available for both girls and boys.

Admittedly, this discussion may not please vaccine skeptics in the audience, but one physician wisely reminds parents that teaching your child to follow safer sex and good hygiene practices will virtually eliminate risks of sexually transmitted infections.

Regarding hygiene, *TCM* handily dismisses it as a justification for circumcision, with one mother of an intact son sharing her experience that cleaning the intact penis is easy, with no need to retract and clean under the foreskin, any more than one would try invasively to clean a baby girl.

The program also confronts head on the myth of needing to look like daddy or to match older brothers who may have been circumcised. Circumcised dads in *TCM* share their initial doubts and concerns about keeping their sons intact but also their ultimate confidence in such a decision. Hopefully they will serve as role models for any “on the fence” fathers who might view this movie.

One scene in particular, however, struck me as creating a jarring dissonance

with the film’s overall message. The filmmakers included visually graphic images of an infant being circumcised but chose to replace the audio — of what would have undoubtedly been very disturbing screams as the baby is clearly writhing in pain — with soothing instrumental music. Wait! What?

To their credit, the filmmakers explore the lack of consent that some parents experience in hospitals across the U.S. An Asian-born (?) doctor explains how, shortly after his son was born, hospital staff whisked the child away to be circumcised without the assent of him or his wife, both of whom opposed circumcision. Fortunately, he was able to save his son from a medically unnecessary cutting, but his experience highlights how frequently the consent process is ignored, and even when followed, how truly un-informed the “consent” really is.

For these reasons, I strongly believe the film should have included interviews with parents who have had the all-too-common experience of being pressured

by hospital staff to have their sons circumcised. [Executive Director's Note: I was asked five or six times if I wanted to circumcise my son.] Intact America's 2020 survey² found that 94% of mothers had been solicited for circumcision and 78% who were solicited ended up consenting to the needless surgery. The average number of solicitations was 8, and solicitation increased the rate of circumcisions by 173%!

"Parents really need to understand that this is a sexual decision they are making for their child," Snyder says, asserting the reality that people are sexual beings from before birth and that fetuses have been observed *in utero* rhythmically rubbing their genitals. He adds, "By removing the foreskin, you are – pun intended – cutting them off from a variety of delightful sexual experiences that your sons might really want to be able to experience in their future."

Kudos go to the filmmakers for including in their film a mother, a nurse by profession, who explained the

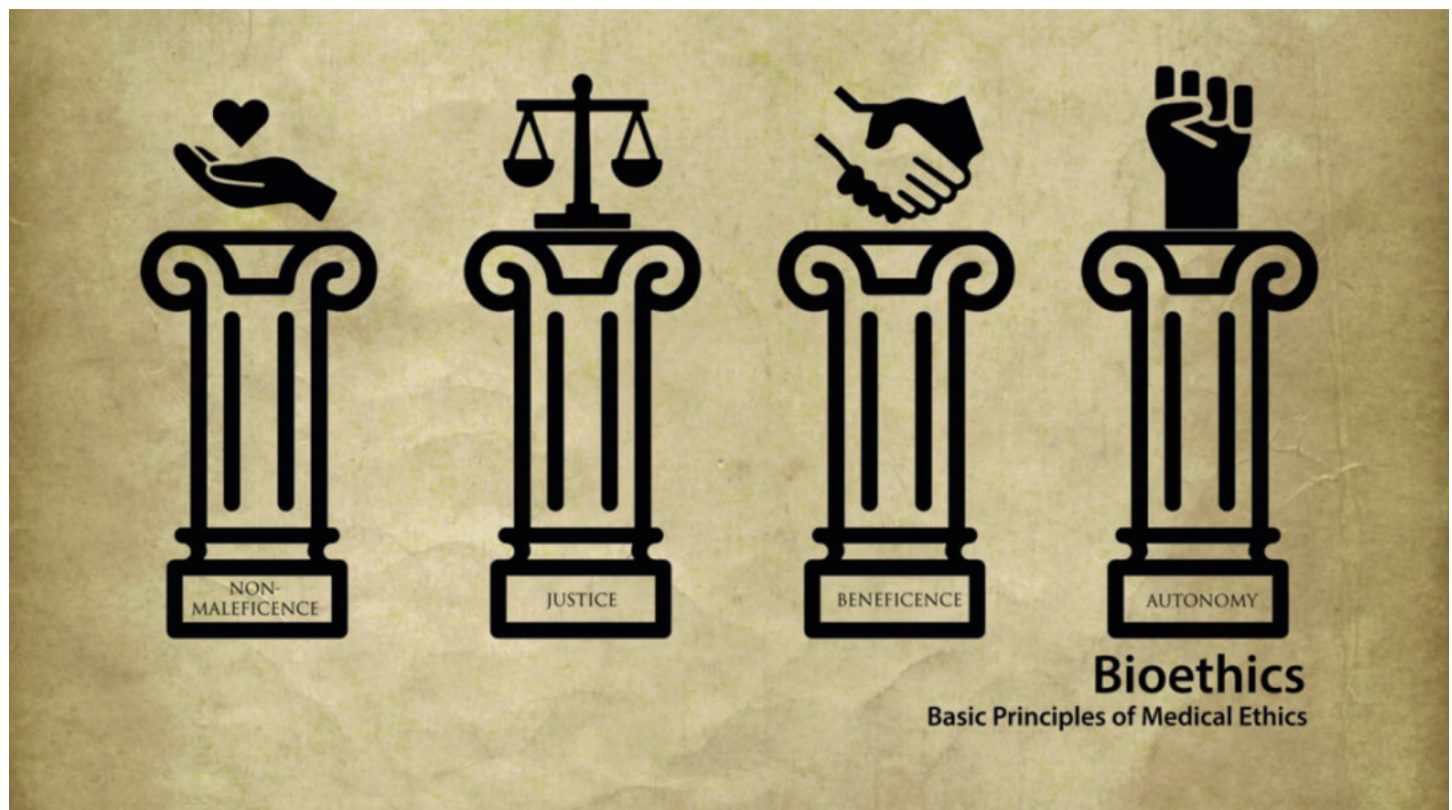
importance of respecting the "agency" of every patient, the concept that when it comes to medically unnecessary procedures, only the patient who must live with consequences of that procedure should be able to give informed consent at a time when they are able.

The film also gives a nod to the growing public debate over children's rights by including images from several public actions by the Bloodstained Men organization. To their further credit, the filmmakers include several scenes of a circumcision sufferer who explains the lifelong adverse effects he's had to endure. While acknowledging the unique sensory pleasures and lubricative functions of the foreskin during sexual intimacy, Ryan McAllister and others reveal that to date, no long-term study has been undertaken of the effects of foreskin loss on the sexuality of the men these children become.

Diversity is a hallmark of this film. Among those interviewed in *TCM* are various African American parents and

medical professionals. Latinx and Asian voices are represented as well. As a gay man, I appreciated that the filmmakers confronted the myth that "women prefer a circumcised penis" by acknowledging that parents cannot know at the time of their son's birth if "they will partner with other men or those who do not identify with a binary gender. And their future partner might like foreskin!" The filmmakers could have gone one step further by alerting parents that their son could at some point decide that he is really a transgender woman, and that keeping him intact would allow his foreskin to be used in the creation of a neovagina during gender affirming surgery.

In 1995, one of my motivations for producing the video documentary *Whose Body* was my frustration at the time with the inferior content of circumcision education videos for parents. A quarter century ago, most such videos lasted 10 or 15 minutes and covered just the basic medical pros and cons of this permanent



The filmmakers review the four pillars of medical ethics.

2 <https://intactamerica.org/press-release-having-a-baby-boy-get-ready-for-the-circumcision-sellers/>

genital modification surgery. They usually ended with a trite but cheery “Now, mom and dad, it’s time for you to make a decision.” In a possible pitch for neutrality, some of those films interviewed both parents who circumcised their sons and those who kept their sons intact. Presumably the early films wanted to leave viewers with the impression that “with or without a foreskin” either decision is good. Such a stand attempted to create what was then, and still is today, a false equivalency.

My intention with *Whose Body* was not to make a parental education video *per se*, but to create a social issue documentary to awaken the public to the issues of anatomy, function, the anti-sexual U.S. history of circumcision, to explore relevant medical ethics and human rights questions, to give a voice to circumcision suffers and foreskin restorers, to explore common ground with

female genital cutting, and to showcase the growing genital autonomy movement among lawyers, nurses, doctors and the general public.

Perhaps this is why *Whose Body, Whose Rights?* remains to this day a landmark viewpoint documentary, winning several film festival awards, airing on numerous PBS stations around the U.S., and being accepted into the Library of Congress and the American Archives of Public Broadcasting. [Editor’s Note: We couldn’t agree more with Tim’s appraisal of his own landmark and award-winning film]

While *TCM* may not please every genital autonomy-minded viewer, as a parental education video it covers a lot of important ground in a clear and succinct manner. I highly recommend this film as it provides expectant parents with so much more information than was available to past generations. As the

saying goes: When we know better, we do better.

Ultimately, I believe *The Circumcision Movie* will leave this indelible question in the minds of most who view it: Should children have their genitals surgically assigned according to their parents’ beliefs and values? Or, put more bluntly: Should parents get to decide how much of their child’s genitals they get to keep?

The Circumcision Movie is available for free online streaming at:

<https://tubitv.com/movies/567268/the-circumcision-movie?start=true>

Viewers outside the U.S. might be unable to access this link. Those with installed Virtual Private Network (VPN) software may be able to access the video by selecting a U.S. server.

Biography

Tim Hammond’s genital autonomy advocacy spans more than three decades. He co-founded the National Organization of Restoring Men (1989), founded the National Organization to Halt the Abuse and Routine Mutilation of Males (1992), produced the video documentary *Whose Body, Whose Rights?* (1995), published two harm documentation surveys (1999 and 2017 at www.CircumcisionHarm.org), co-founded the Children’s Health & Human Rights Partnership of Canada (2012), inspired and co-founded the International NGO Coalition on Genital Autonomy (2016), and is an Honorary Member of the Brussels Collaboration on Bodily Integrity (2021). Tim can be reached at circharmsurvey@gmail.com



California Medical Association protest (1993): Tim Hammond plays tape recorded infant circumcision screams and holds men’s harm documentation forms.

Tim Hammond, present day

ARC Updates

Videos From ICMI 2019 Now Published

April 24, 2020

Steven's presentation at the International Conference on Men's Issues in Chicago, Illinois on August 16, 2019, is now available on YouTube. The talk, "Genital Autonomy, the United Nations, and the Law", overviewed the movement to protect genital autonomy in all its multifarious forms.

Also available is a video of the panel discussion, also held on August 16, 2019, featuring Steven and six other activists appearing in Cassie Jaye's "Red Pill" documentary film.

Both videos (accessible from arclaw.org/conferences/icmi-2019-chicago) begin with a brief excerpt taken from the middle of each presentation, which begin in earnest at around the one-minute mark. Both videos also contain a brief interruption during which the video producers advertise the ICMI conference itself.

The full report about our participation in this conference, including the abstract for Steven's presentation, was published in the previous issue of the ARC Newsletter, Volume 12, Issue 3.

ARC Files Friend of the Court Brief in Massachusetts Medicaid Circumcision Lawsuit

December 18, 2020

Attorneys for the Rights of the Child prepared and submitted for filing on December 15, 2020 an amicus curiae brief (a "friend of the court" brief) in the lawsuit filed in July 2020 in Massachusetts Superior Court for Suffolk County on behalf of

taxpayers who want Massachusetts Medicaid ("MassHealth") to stop paying for infant circumcisions.

The ARC brief (online at arclaw.org/news/arc-files-friend-of-the-court-brief-in-massachusetts-medicaid-circumcision-lawsuit) outlines the sound basis in the law for the litigation, including:

- 1) ethical and legal reasons why neonatal circumcision violates physicians' ethical obligations;
- 2) neonatal circumcision is not medically necessary and does not conform with professional standards of health care;
- 3) an overview of the many harms caused by the procedure; and
- 4) ending Medicaid coverage of neonatal circumcision is in the public interest.

Steven's Conference Presentation on Contrasts in Two Genital Cutting Cases and Three Other Intactivist Presentations Available

December 24, 2020

The 2020 International Conference on Men's Issues had no fewer than four speakers on various aspects of genital autonomy. The conference was held online instead of the original plan to hold it in Australia.

The conference organizers posted more than 100 presentations between November 14 and November 19. All four talks on genital autonomy (now available online at arclaw.org/conferences/icmi-2020-four-conference-presentations-on-genital-autonomy) were released on November 16, 2020. For information on the conference, please visit <http://icmi2020.icmi.info/>.

1) J. Steven Svoboda, "Genital Autonomy, Equal Protection, and the Law: Two Judicial Decisions 17 Years Apart"

Steven overviews our progress toward genuine gender equity in our treatment of genital cutting practices, as well as signs of optimism and potential barriers to our making further progress.

He also discusses in detail two very different court decisions relating to the laws against female genital cutting in the US and in the UK. He discovered that the same judge was involved in 1) a federal class action circumcision case in which Steven was a lawyer in New York and then, seventeen years later, in 2) the case ruling that the federal law against female genital cutting (FGC) had to be invalidated because it was a matter reserved to the states by the federal Constitution. Steven also mentions two recent Swiss cases which as far as he knows are unknown to the general public and which his organization recently had translated to English.

2) James Loewen, "Male Genital Mutilation (MGM): Reflections of an Intactivist (1993-)"

3) Brother K, "Infant Circumcision: The Cruelty In the Cradle"

4) Gary Costanza, "Mommy, What's Circumcision?"



Gary Costanza, *International Conference on Men's Issues*, online, November 16, 2020

News

Three New Cases of Neonatal Herpes Infection Following Ritual Jewish Circumcision

February 28, 2020

Renowned ethicist (and a close colleague of ours and the author of innumerable superlative articles on genital integrity) Brian Earp passes along the following sad news that three babies have recently been infected with herpes in New York City as a direct result of ritual circumcisions incorporating direct oral contact by the circumciser with the genitals of the newborns. A news report on these lamentable events can be accessed at <http://outbreaknewstoday.com/new-york-city-three-new-cases-of-neonatal-herpes-following-ritual-jewish-circumcision-reported-33262/>.

Here is Brian's post:

Dear colleagues,

I write with very sad news concerning three newborns who have been infected with genital herpes as a result of being circumcised.

The unjust double standards based on both sex and religion are shocking in this case. Below is the official announcement just out from the New York City health department, advising non-medical ultra-Orthodox Jewish ritual circumcisers to **"use mouthwash"** before performing direct oral-genital suction of blood from infants' penises, after removing roughly 1/3 of the functioning, erotogenic skin system of the organ, so as to reduce herpes risk (harm reduction approach). Meanwhile, devout Muslim physicians who perform a sterile prick of the clitoral hood, removing no tissue, for religious reasons are arrested as "mutilators" and charged with violating federal law (zero

tolerance approach).

This is a legally (not to mention morally) unsustainable situation, even without the orogenital contact issue, which helps to explain why prominent defenders of ritual male circumcision -- who have connected the dots that so many others refuse to connect -- have been arguing with increasing force in recent years that "minor" ritual female genital cutting should now be **allowed** in Western countries even **without** the consent of the affected girl, as I explain here: https://www.youtube.com/watch?v=GBH0g_C17Rk. In the video, I provide arguments for why NO child's genitals should be cut unless it is urgently medically necessary.

On Facebook, someone asked whether Jewish ritual circumcisers are required to be licensed in order to perform genital surgery on a non-consenting child. The answer is no. There is no legal requirement that mohels be licensed or demonstrate even minimal competence with handling common circumcision complications. As Dena Davis has written, you need a license to cut people's hair, but not male children's genitals.

Even efforts to impose a non-legal requirement that parents sign a consent form stating that they understand that their newborn's penile wound will be directly sucked on by the mohel who may or may not have herpes was rejected by the ultra-Orthodox community (parents often do NOT know this in advance). In fact, repealing the soft consent form requirement was a "priority" for the De Blasio administration: <https://www.nytimes.com/2015/09/10/nyregion/new-york-city-health-board-repeals-rule-on-consent-forms-for-circumcision-ritual.html>.

Who will stand up and speak for the

newborns who must live their whole lives with the consequences of this surgery on their most private body part, and, in the case of this particular variant of the ritual, the knowledge that an old man took their 8-day-old penis into his mouth based on religious beliefs the child may not grow up to share, when the child could not possibly escape or resist.

I cannot understand how we live in a country where Muslim parents and doctors are demonized and thrown in jail for sterilized, non-tissue-removing pricking of the clitoral foreskin for religious reasons, while the wholesale removal of the penile foreskin -- unhygienically, with mouth-to-penis contact, and not even the informed "proxy" consent of the parents -- is allowed to happen on 3,000 babies PER YEAR in New York City alone. This is not a "fringe" thing that happens every once in a while by a few crazed or rogue individuals. Rather, leading politicians at the city, state, and national levels turn a blind eye to this widespread, ongoing abuse of children, in some cases openly acknowledging that their hope is not to offend a group they expect to vote for them and their policies as a "bloc."

This extreme injustice has gone on long enough. It must be stopped.

Sincerely,
Brian [Earp]

Brian D. Earp, Departments of Philosophy and Psychology, Yale University

Associate Director, Yale-Hastings Program in Ethics & Health Policy

Research Fellow, Uehiro Centre for Practical Ethics, University of Oxford

ARC and Steven Featured in Jerusalem Post Article

June 4, 2020

Attorneys for the Rights of the Child and Steven Svoboda were featured in a recent *Jerusalem Post* article. The article has a number of factual errors. For example:

1) Steven was one of the 91 authors of a paper published by the Brussels Collaboration on Bodily Integrity last September in the *American Journal of Bioethics* (AJOB). But Steven and ARC had no role in convening the group; we were merely one of the participants and co-authors. We believe this recent AJOB publication, especially considering the

intellectual weight of the large and eminent group of co-authors, will meaningfully move us ahead toward a unification of ethical views of all forms of genital cutting, without being unduly swayed in a particular case by whether the cutting is performed on a person who is male, female, or intersex.

2) “A Rose By Any Other Name” was not a book but rather an article Rob Darby (Rest In Peace, dear colleague!) and Steven published first in the *Medical Anthropology Quarterly* and later, in an updated version, in Chantal Zabus’ book *Fearful Symmetries: Essays and Testimonies Around Excision and Circumcision*. (Both versions are available along with the Brussels

Collaboration paper and a number of others at www.arclaw.org/papers).

3) The paper attributed to Steven and titled, “Female Genital Mutilation and Male Circumcision: Should there be a Separate Ethical Discourse?,” is in fact a 2014 Practical Ethics blog by his superlatively talented and brilliant colleague Brian Earp of Yale.

We do thank the *Jerusalem Post* for calling the issue to the world’s attention. And we do wholeheartedly agree that, as stated, we have been “politicizing the issue,” as that is one of our goals along with other collaborating organizations. In fact arguably that is precisely what an activist lawyers’ group should be doing.

Taxpayers Sue Massachusetts Medicaid About Circumcisions

July 22, 2020

A lawsuit has been filed in Massachusetts Superior Court for Suffolk County on behalf of taxpayers who want Massachusetts Medicaid (“MassHealth”) to stop paying for infant circumcisions. Peter Adler and Ronald Goldman, Ph.D. filed the suit.

The lawsuit claims that pertinent federal and state regulations require that all services paid for by Medicaid be medically necessary and that infant circumcision is not medically necessary.

The Massachusetts Medicaid office currently pays for elective, non-therapeutic male infant circumcisions. According to Massachusetts General Laws, state officials can be sued to have the court order them to comply with the

law. Dr. Goldman said, “Finally, we are going to hold officials accountable for their abuse of taxpayers’ funds and reduce the rate of this harmful practice.” Approximately 10,000 Medicaid circumcisions occur each year in Massachusetts, at a cost to taxpayers of 17.5 million dollars per year.

For more information, see Ronald Goldman’s announcement at circumcision.org.

US Passes Strengthened Federal Law Against Female Genital Cutting

February 8, 2021

On January 5, then President Trump signed a federal law strengthening the existing law against female genital cutting (FGC). The

validity of the earlier law had been thrown into question by a 2018 decision by a Michigan federal district court finding it invalid. The new law clarifies that in order to violate federal law, the FGC must in some way involve interstate or foreign commerce.

The text of the new law can be found at

<https://www.govinfo.gov/content/pkg/BILLS-116hr6100enr/pdf/BILLS-116hr6100enr.pdf> and an article regarding the bill can be read at <https://www.reuters.com/article/us-usa-law-fgm/u-s-toughens-ban-on-abhorrent-female-genital-mutilation-idUSKBN29C2OF>.

Lawsuit Filed Against American Academy of Pediatrics Claiming Fraud in Performing Circumcision

February 16, 2021

A lawsuit was filed on February 5, 2021 against the American Academy of Pediatrics (AAP)

and another defendant (the Princeton Medical Group) alleging that fraud led to a circumcision being performed in Princeton, New Jersey in 1997 that was ultimately botched. The litigation contends that the AAP has a number of undisclosed biases, including a financial bias, and made false claims in their 1989 policy report, the last one to appear prior

to this circumcision. Attorneys involved in the case include ARC Board Member David Llewellyn and Andrew DeLaney.

More information can be obtained about the lawsuit including the filed complaint at <https://www.circumcisionisafraud.com/doctype-mer-1-000272-21>.

Finland - Non-Violent Childhoods: Action Plan for the Prevention of Violence against Children (2020–2025)

February 10, 2021

Tim Hammond

The Finnish action plan "A childhood without violence - action plan for preventing violence against children 2020 – 2025" was published by the Ministry of Social and Health (2019.) in collaboration with the Institute of Health and Welfare (2019.) and was published in Finnish in November 2019. Both the ministry and the institute and the other 31 organizations that are part of the plan's steering group have committed themselves to the goals and measures that are included in the plan, for the period 2020-2025. The action plan contains concrete goals, measures and indicators for promoting genital autonomy for all children; girls, boys and intersex children.

Girls (chapter 14.3, pp.510-520):

Comprehensive goals: The measures mentioned in the Action Programme against gender mutilation of girls and women are implemented to prevent mutilation of girls' genitals and to help those exposed to genital mutilation.

Measures: Decision in the various administrative sectors takes into account the goals and measures set out in the action programme against gender mutilation of girls and women (Koukkula & Klemetti 2019).

Similarly, the action programme is considered regionally and locally and in different sectors (t. ex. health care and social welfare, toddler pedagogy and the learning facilities, reception and integration work, police, media, different organizations).

Boys (chapter 14.4, pp. 521-528):

Goal: Non-medical circumcision of boys can only be performed when the person himself gives his informed consent.

Action: A discussion about the age limit begins, i.e. about postponing the circumcision until the boy himself can join and make the decision (t. ex. so-called round table discussions).

Intersex Child (chapter 13.5, pp.481-490):

Overall goals: Children and young people belonging to sexual minorities and gender minorities are protected against special risks, violence and discrimination.

The chapter emphasizes the right of intersex children to genital autonomy, and different knowledge-raising measures on

a comprehensive level are stated.

It's worth noting that some of our Jewish colleagues and their websites are referenced on p.528.

<https://www.jfed.org/sprout/mazel-tots/brit-shalom/> [note: this link yields a 'page not found' error]

<https://www.haaretz.com/even-in-israel-more-and-more-parents-choose-not-to-circumcise-1.5178506>

<http://www.beyondthebris.com/p/about.html?m=1>

<http://www.celebratingbritshalom.com/>

<https://www.lisabravermoss.com/alternatives-to-jewish-bris.html>

<http://jewishcircumcision.org/>

The English language report is available for download here:

<https://julkaisut.valtioneuvosto.fi/handle/10024/162554>

In unity for the children,
Tim Hammond



Attorneys for the Rights of the Child © 2021

This issue, as well as previous issues, can be found on our website at www.arclaw.org