

IN THE SUPREME COURT OF THE STATE OF OREGON

In the Matter of the Marriage of  
JAMES H. BOLDT,  
Respondent on Review,  
and  
LIA BOLDT,  
Petitioner on Review.

SC No. S054714  
CA No. A126175  
Agency No. 98-2318-D(3)

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**BRIEF ON THE MERITS OF *AMICI CURIAE* AMERICAN JEWISH  
CONGRESS, AMERICAN JEWISH COMMITTEE, ANTI-DEFAMATION  
LEAGUE, AND UNION OF ORTHODOX JEWISH CONGREGATIONS OF  
AMERICA IN SUPPORT OF RESPONDENT ON REVIEW**

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Review of a Court of Appeals Decision Affirming a Supplemental Judgment of the  
Circuit Court for Jackson County, Honorable Rebecca G. Orf, Judge

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Court of Appeals Opinion filed December 27, 2006  
Affirmed Without Opinion  
Before: Presiding Judge Edmonds and Judges Linder and Wollheim

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## INTERESTS OF AMICI CURIAE

The American Jewish Congress is an organization of American Jews founded in 1918. It is dedicated to the protection of the political, economic, religious, and civil rights of American Jews and all Americans. It believes that the well-being of American Jews and other religious minorities is dependent in large measure on the protection of religious liberty. It has filed briefs in most major freedom of religion cases filed in the federal and state courts over the last half-century.

The American Jewish Committee ("AJC"), a national organization of over 175,000 members and supporters, with 31 regional chapters, including one in Portland, Oregon, was founded in 1906 to protect the civil and religious rights of Jews and is dedicated to the defense of religious rights and freedoms of all Americans. As such, AJC has participated as *amicus* in numerous significant religious liberty cases since filing its first *amicus* brief in 1925 supporting the right of Catholic parents to send their children to parochial school. It joins here in defense of a custodial parent's right to enable his son to undergo a ritual circumcision, a fundamental and ancient precept of Judaism. It firmly believes that any diminution of this right would be a clear violation of the Free Exercise Clause, which has always allowed parents to take into account religious interests in making decisions about what is best for their children.

The Anti-Defamation League ("ADL") was founded in 1913 to advance good will and mutual understanding among Americans of all creeds and races, and to combat racial and religious prejudice in the United States. The ADL has always adhered to the principle that these goals and the general stability of our democracy are best served through the

vigorous protection of the separation of church and state and through the right to the free exercise of religion. In support of this principle, the ADL has previously filed briefs as a friend of the court in numerous cases dealing with the religious liberty clauses of the First Amendment. The ADL is able to bring to this appeal the perspective of a national organization dedicated to safeguarding all persons' religious freedoms.

The Union of Orthodox Jewish Congregations of America (the "U.O.J.C.A.") is a non-profit organization representing nearly 1,000 Jewish congregations throughout the United States. It is the largest Orthodox Jewish umbrella organization in this nation. Through its Institute for Public Affairs, the U.O.J.C.A. researches and advocates legal and public policy positions on behalf of the Orthodox Jewish community. The U.O.J.C.A. has filed, or joined in filing, briefs with state and federal courts in many of the important cases which affect the Jewish community and American society at large. Regarding the cases before this court, the ritual of circumcision is a foundation of our faith. Thus, this court's consideration of the arguments submitted herein is absolutely crucial to the American Orthodox Jewish community.

It is of particular importance to *amici* that American Jews be free to practice circumcision because circumcision is and has been one of the most fundamental and sacred parts of the Jewish religion. The act of circumcision is that which permits the circumcised male to enter into the covenant between God and the Jewish People. Circumcision is among the first commandments given to Abraham in the Bible (*Genesis* 17:10-14), and is commanded a second time to all Jews (*Leviticus* 12:3). For thousands of years, all Jewish males have been circumcised. Even in the face of religious

persecution, the Jewish people have historically been steadfast in maintaining their commitment to this fundamental precept.

Pursuant to traditional Jewish law, all males must be circumcised. Boys who are born to Jewish parents must be circumcised when the child is eight days old except in cases where the child has an illness that may cause circumcision to pose a danger to his life (in which case the circumcision must occur as soon as there is clearly no danger). For a male wishing to convert to Judaism, circumcision is a required part of a conversion process that includes the study and acceptance of the obligations of the Jewish people and ritual immersion. If the convert is already circumcised, then he must undergo a ceremony of taking a drop of blood from the remnant of the foreskin in order to finalize the conversion process. Children who are circumcised must re-affirm their commitment to being a Jew upon reaching the age of 13. The importance of circumcision is recognized by the largest streams of Judaism in the United States. Orthodox, Conservative, and Reform Judaism all require circumcision for male children born as Jews. Conservative Judaism (which is the stream of Judaism at issue in this case) requires circumcision for uncircumcised male converts. Jewish law does not allow forced conversions. The person who conducts the circumcision is always a trained specialist who has studied all the relevant laws and has also completed a prolonged, intensive apprenticeship. Often, these individuals are also doctors and are licensed at hospitals.

The Jewish experience with circumcision has shown that it is a safe and simple procedure with few complications. The most common complications, such as excessive