


I, Rabbi Binyamin Walfish, testify to the following:

1. I spoke with Rabbi Yosef Dov Soloveitchik about 1983 and he told me that the irreversible stopping of breathing was the definition of death according to the *Gemara* - even if the heart is still beating.
2. Rabbi Yosef Dov Soloveitchik told me if Rabbi Tendler felt the Apnea test was medically reliable to determine the irreversible cessation of breathing then he, Rav Soloveitchik, accepts the apnea test as being reliable.
3. I sent a letter to Rabbi Silver in Harrisburg stating the Apnea test was reliable and that our understanding of halacha as dictated by Rabbi Soloveitchik is that brain death is death. The letter I sent Rabbi Silver should be in the files of the RCA.
4. By the time the RCA drafted our health care proxy, Rav Soloveitchik was ill and so we went to the Halachic Commission which was comprised of Rabbi Gedaliah Schwartz, Rabbi Moshe Tendler was on it, Rabbi Nachum Rabinowitz, Rabbi Mordechai Willig, and Rabbi Hershel Schachter. The last two members of the Halacha Commission did not accept the concept of brainstem death, and therefore did not support organ transplant. The other 3 agreed that brainstem death is the definition of death. So we went by majority and voted yes and we sent out the health care proxy.
5. The RCA brought the health care proxy to the Executive Committee meeting of the RCA. The Executive Committee listened to both sides. There were people on the Executive Committee who objected for the same reason that those 2 members of our Halacha Commission objected. But the majority of the Executive Committee voted that it was *halachically* permissible and we could send it out, and we sent it out. 1991, the Executive Committee passed a resolution accepting the health care proxy in which was included the clause for organ donation. And of course they accepted it, because they accepted the concept of brainstem death because they couldn't have accepted the health care proxy without accepting brainstem death.

Rabbi Binyamin Walfish

Signature: 

Date: 4/17/2013