

Written Testimony of the Community Relations Council  
of the Jewish Federation of Silicon Valley

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For a Hearing on Birthright Citizenship: Is it the right Policy for America?

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The Community Relations Council of the Jewish Federation of Silicon Valley represents the organized Jewish community of Silicon Valley, specifically twelve institutions that represent the spectrum of religious and secular Jews, seniors and youth, and the ethnic diversity of the Jewish community. Our mission is to teach and apply Jewish values to work toward a more just society that includes a vibrant Jewish community. To achieve this goal we work closely with many ethnic, religious, government, school and nonprofit organizations.

Jewish people have a special appreciation for the meaning of citizenship, having experienced numerous persecutions throughout history which began with the denial of citizenship. In 2013, Spain offered citizenship to Sephardic Jews expelled more than five centuries ago during the Spanish Inquisition. A small number of Jews survived the Holocaust due to their American citizenship which afforded them the ability to return home to freedom. As a minority group we understand that citizenship both includes and excludes, and throughout history has excluded women, the poor and people whose heritage deviates from the majority.

We believe that birthright citizenship is a fundamental concept that implements our core American values of equality and fairness, and oppose efforts to amend or circumvent the Fourteenth Amendment to the Constitution. We are not an ethnic nation, created by jus sanguinis citizenship laws, rather we are bonded together by where we are and by the ideas we share. We understand the great public outrage that ensued following the Dred Scott decision that held that persons of African ancestry could not claim citizenship in the United States. We should not shy away from remembering how Chief Justice Taney argued that descendants of African slaves “had been regarded as beings of an inferior order... so far inferior that they had no rights which the white man was bound to respect.”

Subsequent waves of immigration have challenged our core values, but we have continued to confirm them. The Chinese Exclusion Act of 1882 explicitly excluded Chinese people from citizenship, and Senator George Frisbie Hoar described this act as “nothing less than the legalization of racial discrimination.” *United States v. Wong Kim Ark*, 1898, confirmed that the Fourteenth Amendment applied to children born in the United States of non-citizen parents—and that this constitutional right could not be limited in its effect by an act of Congress. The Supreme Court addressed the meaning of “subject to the jurisdiction thereof”, and concluded that it refers to being required to obey U.S. law.

It has been noted that European countries don't have birthright citizenship, as the U.S. and Canada do. We would argue that this distinction should be valued. We have learned from our struggles, through the Civil War and the Chinese Exclusion Act, and never wish to turn back to those darker times. When we see the anti-immigrant sentiments in many European countries today, we are even more determined to stay the American path, which has made us a richly diverse country, continually aspiring to increase our openness and welcome, and continually enriched by the results.