

April 29, 2015

The Honorable Chairman Trey Gowdy
U.S. House Judiciary Committee
Subcommittee on Immigration and Border Security
Washington, DC 20515

The Honorable Ranking Member Zoe Lofgren
U.S. House Judiciary Committee
Subcommittee on Immigration and Border Security
Washington, DC 20515

Dear Chairman Gowdy and Ranking Member Lofgren:

In light of the April 29th hearing on birthright citizenship by the U.S. House Judiciary Subcommittee on Immigration and Border Security, we, the undersigned Jewish organizations, strongly oppose efforts to amend or circumvent the birthright citizenship provisions of the United States Constitution.

The Fourteenth Amendment to the U.S. Constitution affirmed the concept of birthright citizenship, i.e., determining a person's citizenship by place of birth. Section 1 of the Fourteenth Amendment provides "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside."¹ This constitutional provision insures "that all native-born children, whether members of an unpopular minority or descendants of privileged ancestors ... have the inalienable right to citizenship and all its privileges and immunities."²

Section 1 of the Fourteenth Amendment reflects the American Dream—that only hard work and ability, not ancestry or class, should determine one's achievement in our nation. This concept, reflected in inspired words by the Jewish American poet Emma Lazarus, was cast into the base of the Statue of Liberty, welcoming nearly twelve million aspiring Americans (including almost three million Jews) who came through Ellis Island, and the statue bearing these words remains a beacon of opportunity for immigrants to this day.

¹ The principal purpose of Section 1 was to explicitly overrule *Dred Scott v. Sandford*, 60 U. S. 393 (1856) which held that U.S.-born Negroes whose ancestors were slaves could never become citizens of the United States regardless of the state in which they were born or resided. It majestically and explicitly rejected the racist reasoning of that case. The Fourteenth Amendment also provides for its enforcement by Congress, not the states, and explicitly provides that no State may deprive any citizen of any of the privileges and immunities of a citizen, of life, liberty or property without due process, or of the equal protection of the laws.

² Wydra, Elizabeth, "The Fourteenth Amendment's Guarantee of Birthright Citizenship" (The Constitutional Accountability Center 2009).

We believe that defending birthright citizenship is of vital concern to the interests and moral imperatives of the Jewish community. Efforts to amend the Constitution or to interpose legislation to force a judicial challenge to settled law concerning the meaning of the Fourteenth Amendment pose a profound danger to the rights of citizens, to the ability of all of our citizens to prove their citizenship without undue administrative burdens, and to our country's core values. These efforts threaten to undermine our historic role as a welcoming nation, attracting the finest minds in the world to become productive, innovative citizens here without distinction in class or rights from those who are native born or whose ancestors immigrated earlier.

Thank you for allowing us to present our perspective on the dangers of amending the birthright citizenship provisions of the Fourteenth Amendment or legislative attempts to circumvent the current understanding of the clause. Birthright citizenship is a unique expression of the American Dream and a critical protection of our national values of equality, opportunity, and justice.

Sincerely,

American Jewish Committee (AJC)
Anti-Defamation League
B'nai B'rith International
Bend the Arc Jewish Action
Central Conference of American Rabbis
Hebrew Immigrant Aid Society
Jewish Council for Public Affairs
Jewish Labor Committee
Jewish Women International
National Council of Jewish Women
Rabbinical Assembly
Reconstructionist Rabbinical College
The Workmen's Circle
Union for Reform Judaism