

JEWISH COMMUNITY RELATIONS COUNCIL OF GREATER WASHINGTON
STATEMENT ON IMMIGRATION POLICY

At the outset of the Israelites' exodus from Egypt, G-d, through Moses and Aaron, said, "One law shall be to him that is homeborn, and unto the stranger that sojourneth among you" (Exodus XII, 49).

This commandment established a precept familiar to all Western monotheistic faiths, that strangers among us should be treated with compassion and dignity and not subjected to discrimination. Further, our history as Jews, of repeatedly fleeing persecution, seeking greater economic security, and living in the Diaspora for generations, makes us sensitive to, and compassionate with those who suffer similar fates and experiences. Drawing on the original Exodus commandment, centuries of Jewish history before Jews settled in America, and more than 350 years of Jewish experience here in America – an experience that has included both refuge and exclusion, welcome and rejection, and opportunity and discrimination – in March 1995 the Jewish Community Relations Council of Greater Washington adopted a comprehensive immigration policy.

Among other points, the 1995 policy statement emphasized these fundamental principles:

That no immigrant should be the subject of religious, racial or ethnic discrimination;

That special favor should be shown to victims of persecution and to family reunification;

That services such as health care, nutrition, housing and education should be made equally available to all persons legally residing in the United States;

That the denial of services to undocumented aliens and their children, especially in the areas of health and education, would endanger public health and create an uneducated underclass; and

That the federal government has a special responsibility to enforce existing immigration law.

This 2008 Statement of Policy considers the application of the 1995 Principles to current efforts of state and local governments to adopt and to enforce their own rules on both undocumented immigrants and those who deal with them, such as landlords, employers and charities. Although there have been a handful of recent cases upholding local ordinances that penalize employers of undocumented immigrants, the weight of judicial authority suggests that these state and local efforts are unconstitutional. Of equal importance, these state and local rules wrongly discriminate against the targeted class of immigrants and would have significant adverse effects on the public health and the public welfare.

The Constitution of the United States and two centuries of federal legislation conclusively demonstrate that only the federal government has the power to *regulate* immigration. *DeCanas v. Bica*, 424 U.S. 351, 354–55 (1976). Congress has permitted state and local governments to enforce some federal laws applicable to immigrants, subject, however, to entering into a Congressionally prescribed Memorandum of Agreement with federal authorities. See Section 287(g) of the Immigration and Naturalization Act (JNA). This federal statute requires any state or local immigration enforcement activity to be subject to federal training and federal supervision, and to be restricted to investigations of serious crimes specified by the federal government. See <<http://ice.gov/partners/287g/Section287-g.htm>>.

For these reasons, the state and local enactments and proposals addressed later in this statement appear to constitute defiance of federal law. The problem, moreover, is rooted in the failure of the United States Congress to legislate and the failure of the Executive Branch to enforce current law.

For over a decade, the Congress has not acted to address pressing issues created by the lack of meaningful enforcement of existing laws and the resulting massive influx of undocumented immigrants, the large majority of whom have become productive members of the U.S. work force. At the same time, Executive Branch enforcement activities have been erratic, marked by general lassitude occasionally interrupted by well-publicized “raids” on relatively small concentrations of undocumented immigrants. Fair and even-handed enforcement has been rendered difficult by the size of the undocumented community and the established importance of the undocumented immigrants to the economy. (Studies have shown that immigrants, both documented and undocumented, pay taxes and otherwise contribute to the economy to the same extent as similarly situated citizens.)

The state and local legislative proposals addressed here include:

Directions to the local police force to seek out undocumented immigrants and to detain them for deportation by federal authorities;

Denying health services and State university admission to children of undocumented immigrants;

Denying other social services to undocumented immigrants even when federal law does not require the services to be withheld;

Dissolving the corporate charter of, and criminally prosecuting, employers found to have hired undocumented immigrants;

Withdrawing occupancy permits from, and criminally prosecuting, property owners who rent to undocumented aliens;

Making every church or other charity seeking to help immigrants “card” each applicant for assistance and either (1) deny food, shelter or clothing to each person who cannot

prove lawful presence or (2) segregate the institution's private funds from any public funds that are received so that a poor immigrant without documents is served only with private dollars.

These actions are ill-advised in addition to being mean-spirited. In many instances, they have not only been inhumane or unlawful, but counter-productive as a matter of policy. If medical assistance is withheld from undocumented immigrants, the broader public is exposed to increased risk of infection. If the fear of deportation discourages witnesses to violent crimes from coming forward, law enforcement is impaired. The denial of higher education to talented children of undocumented immigrants diminishes the prospects of all of us for an improved life. Some of the jurisdictions enacting legislation of the type addressed here have subsequently found the economic and financial costs of such policy reform to be significant, leading to repeal of their immigration-related legislation.

For these reasons, and in further implementation of the policies incorporated in its March 1995 Policy Statement, the Jewish Community Relations Council of Greater Washington resolves:

1. The Congress of the United States and the Executive Branch should accept and perform their responsibilities to resolve the concerns and issues presented by the large number of undocumented immigrants now residing in the United States.
2. The Congress has the responsibility to reform existing law. That reform should simultaneously and comprehensively address two major concerns: (1) improvement of border security in a humane fashion; and (2) development of a program that would permit undocumented immigrants now in this country to obtain legal status in a timely manner and a reasonable and practical path to eventual citizenship.

3. The Executive Branch, in keeping with its the responsibility to enforce the law, should then fairly and consistently enforce all immigration laws enacted by the Congress,
4. All governments – federal, state and local – should recognize the significant risks the types of state and local actions described above pose to the public health and welfare and to the economy of the Nation.
5. All agreements that permit state and local governments to enforce federal immigration laws should require the states and localities to enforce immigration laws in strict compliance with federal standards and to ensure mechanisms for providing safe harbors to undocumented immigrants who assist law enforcement, report abusive behavior, or who seek medical assistance.
6. Decisions by localities to authorize programs to assist job seekers, such as day labor centers or training programs, should be based on objective analysis of the contribution of such programs to public health and safety and to the local economy. Decisions to authorize or to continue such programs should not be based on whether undocumented immigrants may benefit.

Passed unanimously by the JCRC board of directors on 2/27/08