

Brief in favor of the petitioner Zivotofsky v. Kerry Jared Taylor and Wyatt Ford

Zivotofsky v. Kerry

During the 21st century, the president of the United States has seen Jerusalem as an individual entity from any of the countries around it, even though the city is located inside the country of Israel. Because of this, American citizens that are born in Jerusalem are marked down on their passports as a citizen of Jerusalem, not Israel. In 2013, Naomi Siegman Zivotofsky argued that his son, who was born in Jerusalem and marked as being born in Jerusalem, should have his nationality on his passport marked down as being from Israel not Jerusalem. Kerry however argues that the recognition power states that the United States government has to recognize foreign and legal entities outside of the United States as independent. Zivotofsky is correct on this position, mainly because Jerusalem, which is recognized as an independent state, is within the boundaries of Israel, is apart of Israel and anyone born there should have their birthplace marked down as Israel.

In the constitution, it clearly states in Article 2 section 2 clause 1, 2, and 3 the president's powers when it comes to foreign affairs, these powers include "the president shall be commander in chief of Army and Navy of the United States..." "The President shall have power, by and with the advice of consent of the senate, to make treaties..." "The President shall receive Ambassadors and other public ministers." No where in these powers does it state that the president, whether through his secretary or himself, can say someone is from an independent entity and actually put that on a person's passport as their country/state of origin. Also in Article 1 section 8 clauses 3, 5, 10, 11 it states the following powers of congress when it comes to foreign affairs. "The congress shall have the power to regulate commerce with foreign nations" "The congress shall have the power to coin money, regulate the value thereof, and of foreign coin, and fix the standards of weights and measures" "The congress shall have the power to define and punish piracies and felonies committed on the high seas and offences against the laws of nations." "The congress shall have the power to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water." Just as the President, congress has no power to determine what someone's nationality is, if they are born in an independent state inside of a country, in other words, congress, the president, and the secretary of state have no power to determine Jerusalem as a place of origin, because it is inside of Israel.

The definition of a liberty right is “ simply a freedom or permission for the right-holder to do something.” (Wesley Newcomb Fields) As stated above, a liberty right is basically the right of the right holder to do something. So comparing this statement with the case, Zivotofsky has the right to choose where his sons’ birthplace will be, and as a U.S citizen, he has the right as a right holder, to put this into effect, and be able to choose where his sons’ birthplace is, and the U.S government is violating his right to do so, and thus violating his liberty right. Another perfectly quoted example is “this fact demands that individual be able to act on his or her reason and judgement and that it be considered wrong for others to forcibly stop him or her from doing so.” (<http://www.westerncultureglobal.org/knowledge-rights.html>) So lets plug zivotofsky into this equation, zivotofsky is a person, in western culture, who has the right to choose where his or his other sons birthplace will be on their passport, and the U.S government, is trying to take that right away from here, which as stated above, is “considered wrong for others to forcibly stop him or her form doing so”, so it is zivotofskys’ natural born right in todays western culture to be able to have a right such as this.”The right to the pursuit of happiness is the right to live for one’s own sake, fulfillment and enjoyment.” (<http://www.westerncultureglobal.org/knowledge-rights.html>) This is the pursuit of happiness, a mans natural born right to live life to his enjoyment, and try to provide that for his sons. for zivotofsky, he is just trying to fulfill his pursuit of happiness, by being able to decide the birthplace of his son. For a man like him this is very important to him, and the very essence of the U.S government trying to stop him from achieving his pursuit of happiness, is infringing on his natural born rights, as a U.S citizen. a very interesting position in the western culture is the guardian of the rights, as stated “The only function and purpose of a proper government is to protect the rights of the individual.” (<http://www.westerncultureglobal.org/knowledge-rights.html>) This is the definition of the guardian of rights. In this case, the United States governments’ sole purpose is, like every other western government, to protect the rights of the individuals and citizens of the United States of America . Zivotofsky is just exercising his right to choose his sons birth place, and the United States government, instead of protecting and supporting this right, is saying he shouldn’t be allowed this right, and is violating their duty to protect their citizens rights. “If a government does not protect the citizens’ rights, but violates them, then such a government has no moral authority or rational reason to exist.” (<http://www.westerncultureglobal.org/knowledge-rights.html>) This summarizes this case perfectly, why is the United States government even in existence if they aren’t going to protect the rights of their citizens and fellow americans. The United States government is not only violating the rights of zivotofsky, but in a way they are saying that we have the

Presidential administration may deny or revoke passports for foreign policy or national

security reasons at any time.” (as stated in the constitution) The above quote exemplifies the fact that the only power the president has in terms of passports, is to revoke or destroy them. No where in this does it state that the president of the United States or his cabinet have the right to choose whether or not a United States citizen can decide where a groups birthplace is, and thus the United States should have no role in the picking of where a group of peoples birthplace will be on the birthplace, since that ground is never covered in the united states constitution. “as Israel maintains its primary governmental institutions there and the state of palestine ultimately foresees it as its seat of power; however, neither claim is widely recognized internationally.”

(<https://web.archive.org/web/20080603214950/http://www.momentmag.com/Exclusive/2008/2008-03/200803-Jerusalem.html>) As stated above, Jerusalem is recognized as neither apart of palestine or israel internationally, in other words, jerusalem is not recognized by any other countrties in thew world as apart of plaestine or israel, but instead, it is recogniozed as a soveirgn state seperate from both countries. So if Jerusalem isn't apart of palestine, and if is isn't apart of israel, and it is recognized as an individual state in international politics, why are people from the state of jerusalem being identified as being from israel, when jerusalem is separate from israel? the United States government is in a way saying that they see Jerusalem as a part of israel, when in reality, jerusalem is separate from israel. Because of this, the United States government should not make people from jerusalem put israel on their passports since it is internationally recognized as an individual state from israel, but instead, The U.S government insists on making citizens of jerusalem put jerusalem on their passports instead of israel. The final piece of evidence is that Although jerusalem is a seperate from israel, the government has no right to include jerusalem as a birthplace because it is located inside of israel and should thus be included as a part of israel. Palestine and israel had been fighting over who controls the city of jerusalem for centuries, and although jerusalem is considered a separate entity from israel it still is many times seen as a part of israel in international politics. So if every other country is recognizing israel as an independent state, why isn't the united States doing it? the United States since its existence has gone against what many other western powers recommend in terms of representing countries, and in many cases the United States is right in doing so, but for this the united states needs to listen to the other countries and get in line. As stated earlier, the United States is the one country to not see jerusalem as a part of israel, and although listening to european powers can prove to be hurtful, the united States needs to listen to them and recognize them as apart of israel, which would in turn solve the zivotofsky problem of wanting to put israel as their country of origin.

In conclusion, the United states government does not have the power to not allow a person (zivotofsky) who was born in jerusalem and was marked down as jerusalem, and his son , to have their birthplace be from israel instead of jerusalem. There are an endless number of

examples of why this is true, a few being that for one, congress is never given the power to choose where someones birthplace is in the constitution, thus rendering them useless when it comes to the fact of determining a person's birthplace. Another reason is that The president is never given any powers to decide a person's birthplace, and in turn, of the few powers the president has in terms of controlling passports, none of them include the right to change a person's birthplace or to allow or not allow a person to chose where his wants his sons birthplace to be. Also a man in the United States is given the right to a pursuit of happiness, and this includes being able to choose where your sons birthplace will be , and the United States Government not allowing this man (Zivotofsky) to do so, is infringing this mans pursuit of happiness, and is thus infringing upon his natural given rights. This man who is also a citizen of the united states, is supposed to have his rights protected by the united states government, but instead the government is not defending him and in turn, they are going against their sole purpose in this world, which is to protect their citizens rights. Finally, Jerusalem is inside of israel so it is technically a part of israel, thus if a man is from jerusalem, he should be from israel, since jerusalem is located inside of israel, and since the government of jerusalem is in control of the city, jerusalem should be counted as a part of it. so in conclusion, zivotofsky is the correct side to go with in the case because of the lack of evidence supported by kerry and the fact that no one in the united states government has the power to choose where someone birthplace will be on their united states passport.

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