



April 13, 2021

The Honorable Jerrold Nadler
Chair
House Committee on the Judiciary

The Honorable Jim Jordan
Ranking Member
House Committee on the Judiciary

Re: Statement for the Record of the Committee's Markup of the National Origin-Based Antidiscrimination for Nonimmigrants (NO BAN) Act (H.R. 1333)

Dear Chairman Nadler and Ranking Member Jordan:

As the Washington Director of Bend the Arc: Jewish Action, I write to thank you for holding this markup and share our strong support for the National Origin-Based Antidiscrimination for Nonimmigrants (NO BAN) Act (H.R.1333). This important legislation would make impossible any further attempts to re-implement the Muslim Ban by prohibiting discrimination in migration on the basis of religion or national origin. As the largest national Jewish organization focused exclusively on domestic policy, bringing together Jews from across the country to advocate and organize for a more just and equal society, Bend the Arc and our members believe it crucial to ensure that no president will ever again be able to deny an entire people the promise of this nation.

Although President Biden has overturned the Muslim Ban through executive action, our resolve to ensure that no future president can reinstate it has not wavered. Last year, our community was heartened to see this Committee advance the bill out of markup and the 116th Congress pass H.R. 2214 through a historic bipartisan vote. We look forward to seeing the 117th Congress follow suit.

The NO BAN Act is a landmark piece of civil rights legislation, not just for Muslims, but for all of this country's diverse communities. Immigration policies have long been used to prevent Jews, Catholics, Mormons, and Muslims from entering the U.S. or enjoying the same rights and privileges as their fellow Americans. Such policies negatively impact individuals both inside and outside of the U.S. Though he is no longer in office, families across all racial and socioeconomic lines continue to be ripped apart by President Trump's cruel immigration policies. By amending the Immigration and Nationality Act (INA) to establish a heightened strict scrutiny standard for presidential action on immigration, the NO BAN Act would help ensure that this kind of family separation and discrimination cannot be enacted by a future president, and promote our nation's core value of religious freedom.

The Jewish population in America is diverse and complex, including by race, gender, orientation, ability, and immigration status. Jewish families—past and present, here and elsewhere—have been denied entry, scapegoated, forced to flee, detained, and enslaved. Whether our families have stories of our ancestors passing the Statue of Liberty to come to the U.S., stories of surviving slavery and persecution in the U.S., or other stories of fleeing and fighting for our lives, we all share a central

tradition of exodus and liberation. This history and our Jewish values make immigration policy deeply personal to the Jewish community.

As Jews, we must not stand by as communities are divided and immigrants are scapegoated. From the moment the Muslim Ban was first issued, American Jews from all denominations turned out at airports and city halls, and took to the streets to protest this policy. Bend the Arc also joined *amicus* briefs urging courts to strike down former President Trump's Muslim and refugee ban on the grounds that it is an unconstitutional attempt to single out members of a religious group for discrimination based solely upon their religion, including in cases before The Supreme Court and the Fourth and Ninth Circuit Courts of Appeals. We continue to see the Muslim Ban and its many iterations as a violation of our Constitution's guarantee of religious freedom, as a violation of the First Amendment's Establishment Clause, which prevents the government not only from designating a state religion, but also from singling out one religion for condemnation or disfavor. We believe the Muslim Ban and the Supreme Court rulings upholding it will be remembered in history alongside *Dred Scott*, *Korematsu*, and other cases where the highest court in the land failed to deliver justice.

Additionally, this Committee well knows from its previous hearings that the white nationalist movement's dangerous influence can be seen not only in the violence committed against minority communities as we just recently witnessed in the anti-Asian violence in Atlanta, but in policies, including those of former President Trump--like the Muslim Ban.

As Jews, we know that freedom and safety for any of us depends on the freedom and safety of all of us. Our Jewish history and moral tradition call us to be bold and courageous in the face of these threats, and work in solidarity for the collective safety of all Americans, including those who are, like us, threatened by the rise of white nationalism. We see a core part of this work supporting policies like the NO BAN Act that would protect all seeking the promise of this nation from unjust discrimination.

When we shut our borders to those seeking safety and better lives because of our baser fears and bigotries, we actively deny our country the making of a better future. Again, we thank you for holding this markup and urge you to pass the NO BAN Act once again to rectify the great injustice presented by the Muslim Ban, ensure no such policy is ever re-implemented, and set our nation on a better path of inclusion and true diversity.

Sincerely,



Rabbi Jason Kimelman-Block
Washington Director, Bend the Arc: Jewish Action