



February 7, 2020

The Honorable Jerrold Nadler
Chair
House Committee on the Judiciary

The Honorable Doug Collins
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. 2214)

Dear Chairman Nadler and Ranking Member Collins:

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. 2214). This important legislation would end the Muslim Ban and prohibit 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. With President Trump's recent unnecessary expansion of the Muslim ban to include six additional countries, our resolve has only deepened.

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, including the Muslim Ban, negatively impact individuals both inside and outside of the U.S. Families across all racial and socioeconomic lines have been ripped apart by President Trump's cruel actions. 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 ceases, prevent future such discrimination, 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 will 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 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 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 white nationalism is on the rise and its dangerous influence can be seen not only in the violence committed against minority communities, but in the policies of our President--including the Muslim Ban. 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 to rectify the great injustice presented the Muslim Ban, and set our nation back on a better path of inclusion and true diversity.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Kimelman-Block". The signature is fluid and cursive, with a large initial "J" and "K".

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