



September 24, 2019

The Honorable Zoe Lofgren
Chair
Subcommittee on Immigration and Citizenship,
House Committee on the Judiciary

The Honorable Ken Buck
Ranking Member
Subcommittee on Immigration and Citizenship,
House Committee on the Judiciary

The Honorable Ami Bera
Chair
Subcommittee on Oversight and Investigations
House Committee on Foreign Affairs

The Honorable Lee Zeldin
Ranking Member
Subcommittee on Oversight and Investigations
House Committee on Foreign Affairs

Re: Statement for the Record of the Subcommittees' Hearing on "Oversight of the Trump Administration's Muslim Ban"

Dear Chairwoman Lofgren, Ranking Member Buck, Chairman Bera, and Ranking Member Zeldin;

As the Washington Director of Bend the Arc: Jewish Action, I write to thank you for holding this hearing 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.

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 bans, and promote our nation's core value of religious freedom.

The story of American Jews is a story of migration. Many of us have grown up with defining family immigration stories. For some, the tales are of Ellis Island arrivals in the late 19th or early 20th Centuries, for others of the forced migration that brought slaves to America's shores, and still others of undocumented border crossings by boat and on foot from both the north and the south. This history and our Jewish values make immigration policy deeply personal to the Jewish community.

One particular story from American Jewish history is especially relevant to this committee's hearing today. Eighty years ago, the U.S. government prevented a ship of Jewish refugees, the MS St. Louis, from landing

on its shores. Terrified for their lives, the 937 Jewish passengers of the ship were fleeing the Third Reich after the events of *Kristallnacht (the Night of Broken Glass)*. Many of these people had families in the U.S. who helped sponsor their voyage, and who were anxious for their arrival. Prior to the ship's arrival a rash of antisemitic rallies and editorials flared within American society. The passengers of the MS St. Louis were forced to return to Europe in 1939 because the toxic fear, xenophobia, and the "America First" ideology driving immigration policy of the time won out over our nation's better communal impulses. Of 937 people on that boat, 254 were killed. This failed pilgrimage came to be known as "the voyage of the damned." Such restrictionist policies and attitudes must be relegated to the dustbin of history.

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.

The 28 passengers of the MS St. Louis who survived and made it to the shores of the U.S. have hundreds of descendants--artists, activists, doctors, lawyers, businessmen, bureaucrats, scientists, parents, children, and so much more, who helped to create a new and better country. 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 and the Subcommittees you lead for holding this hearing 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,



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