



October 11, 2019

Dear Senator,

We, the undersigned immigrant rights groups, write to express our opposition to the nomination of Steven Menashi for the U.S. Court of Appeals for the Second Circuit. We urge the Senate Judiciary Committee to vote against advancing his nomination and, should it proceed, urge the full Senate to reject this nomination. Mr. Menashi has worked to erode critical rights and legal protections while serving in the White House Counsel's office advising on the administration's inhumane and cruel anti-immigrant measures, as well as serving as a legal advisor at the Department of Education.¹

In Mr. Menashi's current role as an Associate White House Counsel, he is a member of Stephen Miller's Immigration Strategic Working Group.² This working group is directly responsible for administering the Trump administration's most draconian anti-immigrant measures.³ Mr. Menashi has indicated that he worked on a broad range of immigration issues,⁴ including broadening the "public charge" rule,⁵ cutting the refugee admission cap to a historic low,⁶ which Miller is now pushing to slash to zero by 2020,⁷ enacting the "remain in Mexico" policy,⁸ barring refugees who do not seek asylum in another country en route;⁹ declaring a state of emergency¹⁰ while also unlawfully diverting federal funds to build a wall along the southern border;¹¹ and threatening to block immigrant children from their constitutional right to access public education;¹² among others. The administration has also threatened to issue an executive order that would end birthright citizenship, a blatant

¹ <https://educationvotes.nea.org/wp-content/uploads/2019/09/Judicial-nominee-Menashi-091019.pdf>

² <https://www.thedailybeast.com/trump-aide-may-davis-a-stephen-miller-ally-who-floated-sending-migrants-to-sanctuary-cities-gets-promotion>

³ <https://www.washingtonpost.com/graphics/2019/politics/stephen-miller-trump-immigration/>

⁴ <https://afj.org/wp-content/uploads/2019/09/Menashi-Responses-to-QFRs.pdf>

⁵ <https://www.politico.com/newsletters/politico-pulse/2019/08/02/inside-stephen-millers-push-to-change-public-charge-rule-704429>

⁶ <https://www.nytimes.com/2018/09/17/us/politics/trump-refugees-historic-cuts.html>

⁷ <https://www.politico.com/story/2019/07/18/trump-officials-refugee-zero-1603503>

⁸ https://www.washingtonpost.com/world/national-security/trump-plan-would-force-asylum-seekers-to-wait-in-mexico-as-cases-are-processed-a-major-break-with-current-policy/2018/11/21/5ad47e82-ede8-11e8-9236-bb94154151d2_story.html

⁹ <https://www.wsj.com/articles/trump-prepares-new-rule-for-asylum-seekers-at-southern-border-11563195494>

¹⁰ <https://www.washingtonpost.com/politics/2019/02/17/uncharted-territory-political-legal-hits-continue-after-trumps-emergency-declaration/>

¹¹ <https://www.npr.org/2019/09/03/757262799/trump-administration-diverts-3-6-billion-from-military-projects-to-border-wall>

¹² <https://www.bloomberg.com/news/articles/2019-08-17/white-house-mulled-ways-to-block-migrant-children-from-schools>; <https://www.washingtonpost.com/news/education/wp/2018/06/05/can-educators-call-ice-on-students-betsy-devos-finally-answers/>

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violation of the Fourteenth Amendment.¹³ While legal challenges to many of these policies are ongoing, Mr. Menashi could one day sit on a powerful federal appeals court, presiding over a number of these measures on which he may have directly provided guidance.

Additionally, Mr. Menashi has made deeply offensive comments about the Muslim community. For example, Italian Prime Minister Silvio Berlusconi was roundly condemned for claiming the “superiority” of European “civilization” over Islam and even recanted the statement, but Menashi defended the claim as simply “stat[ing] the obvious.”¹⁴ He also lauded the anti-Muslim myth that as part of General John Pershing’s “counterterrorism repertoire” he executed Muslims “with bullets dipped in pig fat” and “wrapped their bodies in pigskin before burial.”¹⁵ Mr. Menashi’s claim that this alleged conduct was “effective” demonstrates his low regard for the rights or humanity of Muslims, making him incapable of serving as an impartial arbiter in many cases that would come before him if confirmed as a judge.

The federal courts are profoundly important to recognizing and securing our rights and freedoms in America. Our judges must be fair, impartial, and committed to achieving equal justice for all. However, Mr. Menashi’s disturbing and long track record demonstrates a willingness to put ideology ahead of the law. Mr. Menashi’s deeply held beliefs have infused his work with Secretary Betsy DeVos at the Department of Education and with Stephen Miller at the White House. We, the undersigned immigrant rights groups, do not believe any immigrant who appears before him can expect a fair day in court, and we urge you to oppose his nomination.

Sincerely,

32BJ SEIU
ACLU People Power Fairfax
African Communities Together
America’s Voice
The Black Alliance for Just Immigration (BAJI)
Center for American Progress
Center for Gender & Refugee Studies
Centro de los Derechos del Migrante, Inc.
Coalition for Humane Immigrant Rights (CHIRLA)
Coalition on Human Needs
Council on American-Islamic Relations
Immigrant Defense Project
Irish International Immigrant Center
The Leadership Conference on Civil and Human Rights
Muslim Advocates
NAACP

¹³ <https://www.usatoday.com/story/news/politics/2018/10/30/trump-birthright-citizenship-executive-order/1816666002/>

¹⁴ <https://afj.org/wp-content/uploads/2019/09/Defining-culture-but-not-as-anthropologists-would.pdf>

¹⁵ <https://www.hoover.org/research/teaching-evil>



National Action Network
National Association of Social Workers
National Council of Jewish Women
National Immigration Law Center
National Organization for Women
Poder Latinx
Progressive Leadership Alliance of Nevada
Service Employees International Union (SEIU)
Southern Poverty Law Center
United We Dream
Virginia Coalition for Immigrant Rights
Virginia Coalition of Latino Organizations