



TRUMP VS. OUTSTANDING IMMIGRANT KHIZR KHAN

Posted on August 5, 2016 by Cyrus Mehta

It is poetic justice that Khizr Khan, a Muslim and an immigrant, has been able to take on Trump and trounce him. Trump has derided both Muslims and immigrants with the objective of pandering to his base of white male voters. After Mr. Khan's strong repudiation of Trump, he is no longer looking as invincible as he did before.

Mr. Khan, and his wife Ghazala Khan, are the parents of Captain Humayun Khan who was killed in combat in Iraq in 2004. After ordering his subordinates away from a suspicious vehicle, Captain Khan bravely ran forward 10–15 steps and was killed by a suicide car bomber. He was posthumously awarded the Bronze Star Medal and the Purple Heart, and is buried in Arlington National Cemetery.

Mr. Khan, with Mrs. Khan by his side, gave a stirring speech at the Democratic National Convention. He rebuked Trump for his proposed ban on Muslims, and he famously took out a copy of the US Constitution from his jacket pocket and asked Trump whether he had ever read the document. Following the speech, Trump insinuated that Mrs. Khan did not speak because she may have not been allowed to do so as a Muslim. Mrs. Khan, who taught Persian at a college in Pakistan before immigrating to the United States and was perfectly capable of speaking, later explained that she was too grief stricken to speak about her dead son, but she still stood nobly by Mr. Khan's side while he spoke in his honor. After Mr. Khan's speech and Trump's criticism of the Khans having backfired, Trump's standing in recent polls has slumped. Mr. Khan has been able to achieve what no one else has been able to do as effectively, including the unsuccessful efforts of several outstanding Republican candidates whom Trump trounced in the primaries. When Trump spoke at a rally in Portland, Maine, on Thursday night, he was met with at least 50 protestors, inspired by Mr. Khan, who held pocket-sized constitutions.

Mr. Khan is an outstanding immigrant who has done a great service to America by exposing how antithetical Trump's values are to long cherished American values of freedom, liberty and equality. We often extol about how foreign graduates in Science, Technology, Engineering and Math (STEM) fields benefit America, but Mr. Khan has shown that an immigrant lawyer can also make outstanding contributions. He has driven the point home with amazing courage, grace and conviction that anyone in America can stand up, make a point and be heard – be it in public life or other fields of endeavor. Immigrants from all walks of life, whether they are scientists, journalists or chefs, make contributions and provide a different point of view, which ultimately benefit their adopted country. While on first brush, Trump can legally institute deportation proceedings against the 11 million who are here in an undocumented capacity, Mr. Khan pointed out in a CNN interview with Don Lemon on Monday night that this would cause a constitutional crisis. I first scratched my head, but then Mr. Khan added that Trump would have to rely on state enforcement - sheriffs and police - to apprehend all the millions of undocumented, and I realized that this would violate the Preemption Clause in the US Constitution. The enforcement will likely be uneven with Muslims being targeted more than others. There will be mistakes as US citizen children of undocumented parents will get picked up. Targeted immigrants will likely be sloppily served with notices to appear before an Immigration Judge, and may miss their hearing resulting in a deportation order in absentia.

Mr. Trump's Muslim ban, which has now been replaced with a ban against people from countries that have been compromised by terrorism, will cripple the US immigration system. Mr. Khan blasted Trump by stating that if his ban were implemented, his son "never would have been in America." The ban would cover many countries, including potentially countries in Europe such as France and Belgium. It would require a massive bureaucracy to interrogate would be applicants to America regarding their religious views and beliefs. In addition to being a bureaucratic nightmare, it would undermine America's strongly held notion of religious freedom. The simple act of pulling out a US constitution from his jacket pocket during Mr. Khan's speech in defiance of Trump's blighted worldview resonated deeply in the hearts of millions of Americans.

I will continue to cheer Mr. Khan for his courage and audacity in exposing a presidential candidate who has made scapegoats of immigrants, and cast them

in such a derogatory light. Trump has also branded refugees fleeing persecution as terrorists, even though America since its very inception has been the beacon of hope for people fleeing persecution. Trump's idea of a wall on the Mexican border will do nothing to fix the broken immigration system, and the billions of dollars spent on the wall could be better spent on other public infrastructure projects, including high speed rail and other 21st century cutting edge transportation systems. Such projects would also benefit through partnerships with innovative companies founded by immigrants. Cheering for the Khans is no longer a partisan issue. Whether one is Democrat or Republican, all should be concerned about Trump's undermining of the basic values of decency, compassion and the diminution of America's exalted status as a nation of immigrants. While Trump's poll numbers may be down, fair minded people who care for America should not become complacent. Mr. Khan started the movement against Trump with his speech, and we must continue to repudiate Trump. The only way America can restore its reputation, now sullied by the way Trump so ineptly and mean-spiritedly views the world, is to ensure that he is not just defeated on Election Day, but he loses so badly that future Trumps will have no chance of rising again.

Mr. Khan will be given many awards, but we immigration lawyers must also honor him. I therefore urge that the American Immigration Lawyers Association bestow Mr. Khan one of its highest awards at its next annual awards ceremony, and the American Immigration Council honor both Mr. and Mrs. Khan at its next gala event that honors immigrant achievement.