



DOJ Finally Admits It Has No Data To Support Trump Lie On Foreign Terrorists

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President Donald Trump and his administration have repeatedly peddled the lie that, according to government data, foreigners who come to the United States are more likely to be convicted of terrorism and “terrorism-related” offenses than native-born Americans.

A new statement from the Justice Department to Lawfare makes the lie more clear than ever.

“[N]o responsive records were located,” the Justice Department said in an otherwise unremarkable statement to Lawfare editor Benhamin Wittes last week. The statement spelled the resolution of a Freedom of Information Act lawsuit that Lawfare had filed in an effort to find data — any data — the administration was using to support the false claim.

Specifically, Lawfare and the DOJ had agreed that:

The offices of the attorney general, the deputy attorney general, legislative affairs, and public affairs would each conduct a search “for records containing data of (i) all individuals convicted of all terrorism-related offenses (domestic and international) between 2001 and the date of the initial search, or (ii) all individuals convicted of all domestic terrorism-related offenses between 2001 and the date of the initial search.”

When the DOJ found “no responsive records,” the implication was clear: Trump lied, many times.

Let’s take a step back: It all started with a lie Trump told both chambers of Congress during his address to lawmakers in February 2017, just days after taking office.

“According to data provided by the Department of Justice,” he said, “the vast majority of individuals convicted for terrorism-related offenses since 9/11 came here from outside of our country.”

Immediately, reporters took note.

TPM reported that “terrorism-related” could mean nearly anything, including offenses like passport forgery, or, in an illustrative example used by the Cato Institute’s Alex Nowrasteh, stealing cereal.

In addition, asked to provide the justification for Trump’s claim, Justice Department spokesperson Peter Carr (who has since become special counsel Robert Mueller’s spokesperson) and assistant White House press secretary Kelly Love (who has since resigned) provided TPM with the same statement, asserting that the Justice Department “maintains information about public international terrorism and terrorism-related convictions” since 9/11.

The statement made no reference to domestic terrorism.

Lawfare noted in a three-part series that the data set the Trump administration had used to present a parallel claim, in the President’s revised March travel ban, similarly only accounted for international terrorism, among many more problems.

The publication found that domestic terrorism convicts — which more than double international terrorism convicts since 1996, it reported — are more likely to be born American citizens (and white).

Also, in his speech to Congress, Trump used the phrase “came here from outside of our country.” As Lawfare revealed, he may well have been referring to people literally brought into the United States to face trial for international terrorism, and who otherwise wouldn’t have entered the country at all.

The language in the executive order was similarly misleading: “Since 2001,” the White House said, “hundreds of persons born abroad have been convicted of terrorism-related crimes in the United States.”

An earlier set of documents obtained by Lawfare revealed that the Justice Department’s National Security Division had shared data on international terrorism with the White House, but, Lawfare noted, the DOJ had also warned that the data didn’t reflect domestic terrorism convictions.

In January of this year, Trump repeated the lie, saying on Twitter that a “New report from DOJ & DHS shows that nearly 3 in 4 individuals convicted of terrorism-related charges are foreign-born.”

But the report used the same flawed data, counting only international terrorism convictions — including criminal acts committed entirely overseas, before suspects were extradited to the United States — and leaving out domestic terrorism.

“International terrorism” is an internal phrase used by the FBI, former FBI counterterrorism agent Michael German told TPM at the time. “Domestic terrorism just means ‘not affiliated with Muslim groups.’ If you’re a Neo-Nazi terrorist in the United States, even if you’re Canadian or French, you’re a domestic terrorist.”