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ONE HUNDRED FIFTEENTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON THE JUDICIARY

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August 2, 2018

Donald J. Trump  
President of the United States  
The White House  
1600 Pennsylvania Ave, N.W.  
Washington, D.C.

Dear President Trump:

We write to obtain from you directly an explanation as to how and why you came to make a statement before a joint session of Congress in 2017, that “[a]ccording to data provided by the Department of Justice, the vast majority of individuals convicted of terrorism and terrorism-related offenses since 9/11 came here from outside of our country.” According to recent information produced by the Department of Justice, this statement appears to have no basis in fact.

On February 28, 2017, you addressed the United States before a joint session of Congress. In your speech, you made several statements that appear to support your decision to issue Executive Order 13769—commonly known as the first travel ban, which generally banned the entry of foreign nationals from seven majority, Muslim nations. After noting your desire to “protect our nation from radical Islamic terrorism,” you stated that “[a]ccording to data provided by the Department of Justice, the vast majority of individuals convicted of terrorism and terrorism-related offenses since 9/11 came here from outside of our country.”

The veracity of this statement was widely questioned in the weeks and months that followed. Ultimately, fact-checkers at *The Washington Post* concluded that your statement was unsupported by any available data from the Department of Justice.<sup>1</sup> Referencing your “grossly exaggerated misuse of federal data,” the *Post* awarded your statement “Four Pinocchios” due to its false and misleading character.

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<sup>1</sup> Michelle Ye Hee Lee, President Trump’s claim that foreigners are responsible for ‘the vast majority’ of terrorism convictions since 9/11, *Washington Post* (Aug. 15, 2017), available at [https://www.washingtonpost.com/news/fact-checker/wp/2017/08/15/president-trumps-claim-that-foreigners-comprise-the-vast-majority-of-terrorism-convictions-since-911/?utm\\_term=.b3e2cde3efd5](https://www.washingtonpost.com/news/fact-checker/wp/2017/08/15/president-trumps-claim-that-foreigners-comprise-the-vast-majority-of-terrorism-convictions-since-911/?utm_term=.b3e2cde3efd5).


This conclusion has now been reaffirmed in writing by the Justice Department. In April 2017, the Department received two requests under the Freedom of Information Act (FOIA) seeking records and data supporting your claim before Congress. Through the course of litigation related to those FOIA requests, an agreement appears to have been reached between the Justice Department and the Plaintiffs to limit the search to the statistical information the Department would have needed to support your claims. On July 24, 2018, the Department of Justice noted that it had ended its search and that “no responsive records were located.”<sup>2</sup>

This formal response from the Department of Justice appears to acknowledge what many experts understood many months ago—that your statement as president of the United States to the American people in a joint session of Congress was simply and demonstrably false.

While we may disagree about the policies you were seeking to implement by way of your so-called “travel bans,” we hope we can all agree that any factual statements made to support this or any other Administration policy should be both accurate and made in good faith. Making false statements before Congress obviously raises a number of very troubling issues and concerns for both the Congress and the Nation. That is why we are asking you to help us understand how and why this particular statement was made.

Thank you for your prompt attention to this matter.

Sincerely,



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Jerrold Nadler  
Ranking Member  
Committee on the Judiciary



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Zoe Lofgren  
Ranking Member  
Subcommittee on Immigration and  
Border Security

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<sup>2</sup> Letter of Vanessa R. Brinkmann, Senior Counsel for the Department of Justice, to Benjamin Wittes, dated July 24, 2018, available at <https://assets.documentcloud.org/documents/4623380/7-24-18-Final-Response.pdf>.

cc: Bob Goodlatte, Chair, House Judiciary Committee  
White House Office of Legislative Affairs.