

US Report on 'Terrorist Entry' Called Out as Highly Flawed

ZACK HUFFMAN May 4, 2018



BOSTON (CN) – Skewering a government report that is supposed to substantiate the so-called travel ban, a pair of civil rights advocacy groups claim in a federal complaint that the deliberately deceptive study has been key to supporting a biased agenda.

“This is not a government report collecting dust in a basement on Pennsylvania Avenue,” the May 3 complaint filed in Boston states. “It has played a central role in major issues facing our country, and it is false, deceptive, and unreliable.”

Represented by in-house counsel, the Protect Democracy Project and the Brennan Center for Justice brought the lawsuit to ensure correction of the Jan. 16, 2018, report as required by the federal Information Quality Act.

Back in February, before the ink on the report could dry, the Protect Democracy Project and the Brennan Center say they called on the Departments of Justice and Homeland Security to make the necessary corrections.

Because the 60-day deadline for the agencies to respond has passed, the groups say the time has come now for court intervention.

Calling the report a “particularly pernicious ... piece of disinformation,” the 34-page complaint identifies a dizzying number of inaccuracies and methodological flaws.

One critical finding the groups made is that the report inexplicably excludes instances of domestic terrorism to advance a misleading claim about 549 individuals convicted of international terrorism-related charges in U.S. federal courts between Sept. 11, 2001, and Dec. 31, 2016.

Though the report claims that 73 percent of these individuals were born in other countries, Thursday’s complaint notes that the report offers no data to support this statistic.

A review of the data that is available moreover “demonstrates that the statistic is likely wrong and, at the very least, highly misleading,” the complaint continues.

Protect Democracy and the Brennan Center say that another flaw of the report is its conflation of immigrants with the individuals whom the United States brought here to face terrorism charges.

Still more misleading data appears, according to the complaint, because the report ignores “our constitutional and legal tradition of treating natural-born and naturalized citizens the same in nearly every instance.”

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“Indeed, in this respect the report even deviates from the authorizing executive order, which instructs defendants to provide information on foreign nationals, not foreign-born U.S. citizens — who are, of course, nationals of the United States,” the complaint states. “And it even unreasonably gestures at a distinction between natural-born citizens based on the citizenship status of their parents, with no explanation. The report’s disparate treatment of certain U.S. citizens based on the place of their birth fails to meet basic objectivity standards that all U.S. citizens reasonably expect from their government.”

Protect Democracy and the Brennan Center found as well that the report “pander[s] to negative stereotypes about Islam.”

“For example, the report discusses so-called ‘honor killings’ without mentioning that its statistics are drawn from a study commissioned by an anti-Muslim critic who regularly seeks to stigmatize Muslim communities and which its own author admitted was unscientific,” the complaint states. “The report also blatantly overstates the number of immigrants convicted of crimes involving gender-based violence.

“Notwithstanding the report’s significant flaws,” the complaint continues, “President Trump and his administration have repeatedly used it to support their political and policy agenda via television appearances, congressional testimony, and even President Trump’s Twitter account. The president, his staff, the attorney general, and the secretary of Homeland Security have all used the Report to call for stricter immigration policies, for example, including the end of family reunification and diversity visa programs.”

A spokesman for the Department of Homeland Security declined to comment on the suit, citing policy toward pending litigation.

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