

THE 390 TERRORISTS CONVICTED IN CIVILIAN COURTS

The Department of Justice has just sent a letter to the Senate Judiciary Committee answering early questions about how many terrorists have been convicted or plead guilty in civilian courts. Between those convicted of terrorism-related crimes (150) and individuals with ties to international terrorism convicted of other crimes (like obstruction or perjury—the total here is 240), 390 people have been sent to prison using our civilian courts.

As you might recall, there has been some debate over what the “real” number of terrorists convicted in civilian courts is. After the Obama Administration used the same number the Bush Administration had—a number which combines terrorist charges with non-terrorist charges—Republicans squawked.

But as DOJ points out, having other charges available is one of the advantages to the civilian courts:

The second category includes a variety of other statutes (like fraud, firearms offenses, false statements, or obstruction of justice) where the investigation involved an identified link to international terrorism. There have been more than 240 individuals charged in such cases since September 11, 2001. Examples of the international terrorism nexus identified in some of these cases have also been provided for your review. **Prosecuting terror-related targets using these latter offenses is often an effective method—and sometimes the only available method—of deterring and disrupting potential terrorist planning and support activities. Indeed, one of the great strengths of the**

criminal justice system is the broad range of offenses that are available to arrest and convict individuals believed to be linked to terrorism, even if a terrorism offense cannot be established. Of course, an aggressive and wide-ranging terrorism investigation will net individuals with varying degrees of culpability and involvement in terrorist activity, as the NSD chart reflects. Arresting and convicting both major and minor operatives, supporters, and facilitators can have crippling effects on terrorists' ability to carry out their plans. [my emphasis]

This is a point David Kris made in Congressional testimony last year—there are actually charges you can't use in a military commission but which you can use in a civilian court (though the Obama Administration appears prepared to press the limits of MCs anyway).

The list of terrorists convicted itself is interesting in its own right. Among other things, it demonstrates the degree to which terrorism is still largely—though not exclusively—targeted at Muslims (though in the first page itself there are individuals tied to the Tamil Tigers and one woman from FARC who was quietly rounded up last year ~~after the Ingrid Betancourt rescue~~).

Not on this list? Right-wing American terrorists like Scott Roeder.