What Are 'Terrorism-Related' Offenses Trump Claims Foreigners Commit?

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The Justice Department on Wednesday supported President Donald Trump's claim a day earlier that "the vast majority of individuals convicted for terrorism-related offenses since 9/11 came here from outside of our country," but that assertion leaves out crucial information – such as what, exactly, "terrorism-related" means.

"The Department of Justice maintains information about public international terrorism and terrorism-related convictions obtained since September 11, 2001," Department of Justice spokesperson Peter Carr told TPM in an email. "Since 9/11, convictions have been obtained against over 500 defendants for terrorism or terrorism-related charges in federal courts. A review of that information revealed that a substantial majority of those convicted were born in foreign countries."

But neither Carr nor a White House spokesperson (who emailed TPM the same paragraph) have responded to requests for more detail: What does "terrorism-related" mean? And how many of these convictions related to planned attacks on U.S. soil?

While the Department of Justice has not provided TPM with the raw data used to make its claim, DOJ provided the Senate Subcommittee on Immigration and the National Interest with a list of 580 such "terrorism and terrorism-related" convictions between Sept. 11, 2001 and Dec. 31, 2014 a year ago.

The subcommittee, chaired by then-Sen. Jeff Sessions (R-AL), who now leads the Justice Department, conducted "open-source research" to determine birth nation and other data not provided to them at the time and determined that "at least 380" people on the list were foreign-born.

But, according to a Jan. 26 critique from the libertarian Cato Institute's Alex Nowrasteh, only 6.8 percent of convictions listed were for terrorist attacks planned on U.S. soil.

Forty-two percent of Sessions' "terrorism and terrorism-related" convictions were convictions for unrelated charges, he said.

"Many of the investigations started based on a terrorism tip like, for instance, the suspect wanting to buy a rocket-propelled grenade launcher. However, the tip turned out to be groundless, and the legal saga ended with only a mundane conviction of receiving stolen cereal," Nowrasteh wrote. "According to Sessions' list, that cereal thief is a terrorist."

Indeed, many of the convictions included on Sessions' list of terrorism and terrorism-related offenses are for charges like forgery or false use of a passport or improper entry by an alien.

In September, Nowrasteh released his own analysis of murders caused by terrorists on U.S. soil, finding that "the chance of an American perishing in a terrorist attack on U.S. soil that was committed by a foreigner [from 1975-2015] is 1 in 3.6 million per year."

Trump used the same vague language in his speech Tuesday night as he did in his executive order ending immigration from seven Muslim-majority nations, including indefinitely from Syria, and suspending the U.S. refugee program.

"Numerous foreign-born individuals have been convicted or implicated in terrorism-related crimes since September 11, 2001," the order read in part.