

HM 1609

2010

## 1 House Memorial

2 A memorial to the Congress of the United States, urging  
3 Congress to use its constitutional authority to prevent  
4 the trial of terrorists from taking place in a civilian  
5 courtroom.

6  
7 WHEREAS, on November 12, 2009, United States Attorney  
8 General Eric Holder announced the trial of self-described  
9 mastermind of 9/11 Khalid Sheikh Mohammed and the other four  
10 suspected 9/11 terrorists would be moved from a military court  
11 in Guantanamo Bay, Cuba, to a civilian court in New York City  
12 just blocks away from the World Trade Center attacks that cost  
13 the lives of nearly 3,000 people, and

14 WHEREAS, Khalid Sheikh Mohammed, Walid Muhammad Salih,  
15 Mubarek bin 'Attash, Ramzi bin al Shibh, and Mustafa Ahmed al  
16 Hawsawi, known as the "Gitmo 5," all fit the statutory  
17 definition of an "unprivileged enemy belligerent" by having  
18 engaged in premeditated, politically motivated violence against  
19 noncombatant civilian targets, and

20 WHEREAS, United States Attorney General Eric Holder has  
21 also contemplated a civilian court trial in Washington, D.C.,  
22 for Riduan Isamuddin, better known as "Hambali," and potentially  
23 other Guantanamo Bay detainees, and

24 WHEREAS, "Hambali" is suspected of the planning and bombing  
25 of a Bali nightclub which killed 202 people, and

26 WHEREAS, the "Gitmo 5" or other terrorists would likely use  
27 a highly publicized civilian trial in the United States to their  
28 own political advantage, to mode themselves as martyrs and

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29 | spread their jihadist ideology both internationally and  
 30 | domestically, and

31 |       WHEREAS, some independent observers will not discount the  
 32 | possibility that civilian trials could make New York City,  
 33 | Washington, D.C., or any other domestic locale an even larger  
 34 | target, and

35 |       WHEREAS, we are a nation that is at war against terror and  
 36 | should treat enemy combatants in that war as such, and

37 |       WHEREAS, trying any terrorist in a civilian court would  
 38 | award foreign terrorists all the constitutional rights due a  
 39 | United States citizen defendant accused of an ordinary domestic  
 40 | crime, NOW, THEREFORE,

41 |  
 42 | Be It Resolved by the Legislature of the State of Florida:

43 |  
 44 |       That Congress is urged to reject any efforts by the Justice  
 45 | Department to try terrorists in federal court in New York City  
 46 | or any other domestic venue by exercising its constitutional  
 47 | authority as set forth in Section 1 of Article III of the United  
 48 | States Constitution which states: "The judicial Power of the  
 49 | United States, shall be vested in one supreme Court, and in such  
 50 | inferior Courts as the Congress may from time to time ordain and  
 51 | establish."

52 |       BE IT FURTHER RESOLVED that copies of this memorial be  
 53 | dispatched to the President of the United States, to the  
 54 | President of the United States Senate, to the Speaker of the  
 55 | United States House of Representatives, and to each member of  
 56 | the Florida delegation to the United States Congress.