

CS/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 enemy combatants from taking place in a
5 civilian courtroom.
6

7 WHEREAS, on November 13, 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, Ali Abdul Aziz Ali, and
16 Mustafa Ahmed Adam al Hawsawi, known as the "Gitmo 5," all fit
17 the statutory definition of an "unprivileged enemy belligerent"
18 by having engaged in premeditated, politically motivated
19 violence against 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 enemy combatants would
27 likely use a highly publicized civilian trial in the United
28 States to their own political advantage, to mode themselves as

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29 | martyrs and spread their jihadist ideology both internationally
 30 | and 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 enemy combatants in a civilian court
 38 | would award foreign enemy combatants all the constitutional
 39 | rights due a United States citizen defendant accused of an
 40 | ordinary domestic 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 the "Gitmo 5" or any other enemy combatant in
 46 | federal court in New York City or any other domestic venue by
 47 | exercising its constitutional authority as set forth in Section
 48 | 1 of Article III of the United States Constitution which states:
 49 | "The judicial Power of the United States, shall be vested in one
 50 | supreme Court, and in such inferior Courts as the Congress may
 51 | from time to time ordain and 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.