



NEW YORK STATE SENATOR

Vincent L. Leibell

## Leibell Resolution to move 9/11 Terror Trials Overwhelmingly Passes State Senate

VINCENT L. LEIBELL February 10, 2010

**Leibell Resolution Calling on Obama Administration to move 9/11 Terror Trial Out of New York Overwhelmingly Passes State Senate; *Chamber Stands Opposed to President's Refusal to Commit to Changing Course***

State Senator Vincent Leibell, the Ranking Member of the Senate Committee on Veterans, Homeland Security and Military Affairs today overwhelmingly won passage of a Senate resolution he introduced calling on the Obama administration to reverse its decision to conduct the 9/11 terror trial in New York.

The resolution (J3889) took on added importance following the President's refusal Sunday to commit to moving the trial out of New York. Law enforcement officials estimate the failure to change course could cost State and City taxpayers up to \$1 billion in increased security costs and put New Yorkers at risk.

Senator Leibell said, "Holding the terror trial in New York would unnecessarily put New Yorkers at risk and have a staggering economic impact on businesses, disrupt city residents, and cost taxpayers hundreds of millions of dollars. As the President waffles on a matter of extreme importance to New York, I am pleased that the Senate has overwhelmingly voiced

its opposition to the Obama administration's plan. I urge Congress to stand with us in support of this resolution."

Senator Leibell introduced his resolution several weeks ago and worked with Democrats and Republicans to achieve its passage.

According to numerous published reports, Leibell noted, the Obama administration is still considering conducting the trial in New York City, despite public outcry.

Senator Leibell, a former Naval Officer, said that he supports bringing enemy combatant terrorists to trial in front of a military commission tribunal rather than in federal civilian court, as the Obama administration has proposed.

New Yorkers can sign Senator Leibell's on-line petition at [nysenate.gov/trials](http://nysenate.gov/trials). They can also join the new "Move the Terror Trials" Facebook page that he established.

The Leibell resolution is below:

**Senate Resolution No. 3889**

BY: Senator LEIBELL

URGING the Federal Government to reverse its  
decision to hold civilian trials of terrorists  
Khalid Sheikh Mohammed, Walid Muhammed Salih Mubarak  
Bin Attash, Ramzi Bin Al Shibh, Ali Abdul-Aziz Ali,  
and Mustafa Ahmed Al Hawsawi in Manhattan federal

court

WHEREAS, Throughout the course of our nation's history, from the time of George Washington to the present day, the United States has recognized that these terrorists, captured with the intent to attack the United States, its people and/or its interests, and which present a serious and immediate threat to the nation and its people, should not be afforded the same constitutional criminal justice protections reserved for United States citizens; and

WHEREAS, Attempting to apply the same constitutional criminal justice protections reserved for United States citizens, and attempting to apply the principles of our civilian courts to these terrorists, which have openly espoused, planned and/or conducted acts of terrorism, war and mass murder and destruction against the United States, its people and/or its interests, is contradictory to the rules of war followed by our soldiers during the capture of these individuals, and is inherently inapplicable to the prosecution and administration of justice; and

WHEREAS, Permitting these terrorists to enjoy the same constitutional criminal justice protections reserved for United States citizens, and awarding them the rules and procedures of our civilian federal courts, will place a great risk on our nation's most vital intelligence information, offer a platform for the inspiration of hatred of the United States, and encourage fellow terrorists to commit further acts of war and violence against this nation and this state; and

WHEREAS, The means necessary to be employed to effectively stop the activities of these terrorists before they fulfill their missions to espouse, plan and conduct acts of terrorism, war and mass murder and destruction against the United States, its people and/or its interests, are not consistent with the means to afford these individuals the same constitutional criminal justice protections reserved for United States citizens, or to obtain a successful prosecution of these individuals in a civilian federal criminal court; and

WHEREAS, Despite these issues, in February 2009, the United States Department of Justice, stayed the prosecution before a military commission tribunal, of five of the most infamous, dangerous and devoted Al Qaida terrorists in world history, Khalid Sheikh Mohammed, Walid Muhammed Salih Mubarak Bin Attash, Ramzi Bin Al Shibh, Ali Abdul-Aziz Ali, and Mustafa Ahmed Al Hawsawi; and

WHEREAS, The Government of the United States of America announced on November 13, 2009, through U.S. Attorney General Eric Holder, plans to prosecute avowed Al Qaida terrorists Khalid Sheikh Mohammed, Walid Muhammed Salih Mubarak Bin Attash, Ramzi Bin Al Shibh, Ali Abdul-Aziz

Ali, and Mustafa Ahmed Al Hawsawi in federal district court in lower Manhattan; and

WHEREAS, All of these avowed terrorists to be so prosecuted in federal court have been directly linked to the attacks of September 11,

2001, which saw the deaths of nearly three thousand people on New York soil; and

WHEREAS, The proposed location of this trial, in the very shadow of where the World Trade Center once stood, and in the heart of New York City's financial and commercial district, poses unacceptable and significant risk, harm and threat to the safety and security of millions of Americans and New Yorkers residing and working in the vicinity of the federal district courthouse in Manhattan; and

WHEREAS, The risk, potential harm, threat and danger that will be brought to New York State and New York City and its citizens, as a result of the federal government's decision to give these avowed terrorists a civilian trial in federal district court in Manhattan will cause New York City, New York State and its citizens to bear not only the huge burden of such risk, potential harm, threat and danger, but also bear, in the midst of a deep economic recession and state fiscal crisis, an unprecedented security cost, which officials have estimated could reach nearly \$1 billion; and

WHEREAS, It is further contemplated that these trials will cause the State of New York, the City of New York and its citizens, many of whom experienced the horrific events of September 11, 2001, first hand, further unprecedented disturbance, emotional trauma and economic hardship, with the institution of required security measures by state and local law enforcement agencies which would need to be taken in lower Manhattan for a period which has been estimated to be years before

completion of such trials; and

WHEREAS, New York Governor David A. Paterson, New York City Mayor Michael Bloomberg, Julie Menin, Chairwoman of Community Board 1 (representing the neighborhoods surrounding the federal courthouse for lower Manhattan), have all expressed serious concern and opposition to the federal government's plan to prosecute these avowed terrorists in New York City and cause undue and unprecedented financial hardship and burden on the people and law enforcement agencies in the State of New York and its political subdivisions in and around New York City; now, therefore, be it

RESOLVED, That President Barack Obama and Attorney General Eric Holder are hereby strongly urged by this Legislative Body to reverse their decision to prosecute Khalid Sheikh Mohammed, Walid Muhammed Salih Mubarak Bin Attash, Ramzi Bin Al Shibh, Ali Abdul-Aziz Ali, and Mustafa Ahmed Al Hawsawi in federal district court in Manhattan, over the objections of our state and local government officials; and be it further

RESOLVED, That copies of this Resolution, suitably engrossed, be transmitted to President Barack Obama, U.S. Attorney General Eric Holder, and all members of the New York State Congressional delegation.