



NEW YORK STATE SENATOR

John J. Flanagan

Senator Flanagan Sponsors Resolution Calling On Obama Administration To Move Terror Trials

JOHN J. FLANAGAN February 22, 2010

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In an effort to protect New York residents, Senator John Flanagan (2nd Senate District) announced that he recently sponsored a Senate resolution calling on the Obama administration to reverse its decision to conduct the 9/11 terror trial in New York. The resolution was passed overwhelmingly by the Senate during a recent vote.

The decision to move the trials of Al Qaida terrorists Khalid Sheikh Mohammed, Walid Muhammed Salih Mubarak Bin Atash, Ramzi Bin Al Shibh, Ali Abdul-Aziz Ali, and Mustafa Ahmed Al Hawsawi to the civilian courts in lower Manhattan was announced by United States Attorney General Eric Holder in late 2009.

Since all five men have been directly linked to the attacks of September 11, 2001, which resulted in the deaths of nearly three thousand people, placing the trial right near the site of the terror attacks would create a long list of logistic and economic issues for the city and the state. The cost and the accompanying disruption of the area led Senator Flanagan to push to have the trials transferred out of the area.

According to numerous published reports, the Obama administration is still considering conducting the trial in New York City despite a public outcry and President Obama has refused to commit to moving the trial out of New York.

The resolution also calls on the federal government to hold these trials in military commission tribunals instead of in federal civilian court as the Obama administration is currently proposing. By affording these three men the same constitutional rights as enjoyed by the very American citizens who were their targets, allowing the trial in civilian courts would be an injustice to everyone who suffered a loss in the attacks of September 11th, 2001.

“The residents of our state deserve to be protected from this safety and economic hardship and I hope President Obama will reverse this decision immediately. Conducting these trials in the very same place where terrorists carried out their heinous act is an affront to all of us and would have a very real impact on the everyday lives of those who live and work in the area. It is unnecessary and it needs to be changed,” stated Senator Flanagan.

New Yorkers who wish to join the call should [click here](#) to sign the online petition.

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.