Requires Military Tribunals for All Foreign Terrorist

"A Win for the Security of the American People"

WASHINGTON, DC – Congressman Vern Buchanan's (FL-13) legislation requiring foreign terrorists to be prosecuted in a military tribunal instead of civilian court passed the U.S. House today 246-173. Buchanan's amendment, introduced earlier this year as the "Military Tribunals for Terrorists Act," was adopted as an amendment to the Defense Authorization Act.

"Today's vote is a win for the security of the American people," said Buchanan. "Foreign terrorists who attack our country should be treated as enemy combatants, not common criminals. Using military tribunals to prosecute and sentence foreign terrorists who conspire or attack the United States is the right policy."

Under current law, the Justice Department may choose to prosecute foreign terrorists in civilian court, instead of a military tribunal. Buchanan's amendment would eliminate that option. Military tribunals are preferable because: they only require a majority vote to convict, not a unanimous verdict as required in civilian court; sensitive intelligence data can be protected from public release and terror suspects can be held indefinitely, as is the case with the 9-11 mastermind, KSM, who has been in custody for eight years.

Buchanan noted that last year, a civilian court jury in New York City found an al-Qaeda terrorist innocent on 279 of 280 felony terrorism charges even though his bombing of two U.S. embassies in Africa killed 224 people and wounded thousands more. Prosecutors were restricted from bringing full evidence to bear in the trial, a limitation that would not extend to a military tribunal.

Last month, Buchanan commended the decision by Attorney General Eric Holder to prosecute Sheikh Mohammad in a military tribunal. Until then, Holder had said the Department of Justice would try Mohammad and four others in civilian courts.

“We can and must distinguish between how our federal government responds to terrorist attacks and burglars,” said Buchanan. “Military tribunals allow us to do just that.”

Buchanan’s “Military Tribunals for Terrorists Act” is co-sponsored by three leading national security experts in Congress: the Chairman of the Permanent Select Committee on Intelligence, Rep. Mike Rogers (R-MI); the Chairman of the Armed Services Committee, Rep. Howard “Buck” McKeon (R-CA); the Chairman of the House Judiciary Committee, Rep. Lamar Smith (R-TX).

President Obama has threatened to veto the Buchanan plan because he wants to retain the option of using civilian courts.