




Office of the City Manager

ACTION CALENDAR
February 15, 2011

To: Honorable Mayor and Members of the City Council
From:  Phil Kamlarz, City Manager
Submitted By: Christine Daniel, Deputy City Manager
Subject: Response to the Peace and Justice Commission's Report entitled "The Safe Resettlement of Cleared Guantánamo Detainees"

RECOMMENDATION

Take no action at this time on the Commission's recommendation relating to the "safe resettlement of cleared Guantánamo detainees."

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

The Peace and Justice Commission has proposed that the City of Berkeley support the repatriation of "one or two Guantánamo detainees" to Berkeley.

Currently, federal law explicitly prohibits the transfer of Guantánamo detainees to the United States (most recently, in H.R. 6523, the Defense Authorization Act, signed into law on January 7, 2011). In addition to prohibiting the transfer of detainees with Department of Defense funds, the bill also requires the President to submit detailed plans for the "disposition" of any detainee released in the United States. This requirement has not been met at this point in time.

BACKGROUND

Based on the Peace and Justice Commission's Report, there are an estimated "38 detainees at Guantánamo [that] have been cleared by the US government of wrongdoing, and it has been determined that they pose no threat to the United States."

There is reportedly bi-partisan opposition to moving detainees into the U.S., and there is every indication that the Administration will be required to have a plan for trial and/or resettlement of detainees. The current lack of federal consensus suggests it may be some time before there is a clear process for detainee resettlement. As the federal policies are developed, the role, if any, for local jurisdictions will become clearer.

RATIONALE FOR RECOMMENDATION

There is no indication that any immediate change to current federal law on the matter is forthcoming. As a result, the City Manager recommends that no action be taken at this time.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

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