

STATEMENT OF CHICAGO COUNCIL OF LAWYERS

February 19, 2025

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OPPOSING MIGRANT DETENTION CENTER IN GUANTANAMO**

On January 29, 2025, President Trump issued a [memorandum](#) directing the Secretary of Defense and the Secretary of Homeland Security to expand the Migrant Operations Center in Guantanamo Bay in order to address “immigration enforcement needs” by providing additional detention space for migrants unlawfully in the United States. Recent news reports have indicated that the Trump administration plans to send up to 30,000 migrants to Guantanamo and that at least one flight holding migrants has already been sent.

The Chicago Council of Lawyers opposes the plan to send migrants to Guantanamo. We believe that it is legally dubious, terribly wasteful, and morally wrong. More alarming, the Trump administration’s “security” rationale and its use of rhetoric accusing immigrants of “poisoning the blood of the country” eerily resemble the language that was used by the Nazis in 1933 to justify the opening of the first concentration camp in Germany at Dachau.

Legality. The Migrant Operations Center in Guantanamo Bay was used in the 1990s as a place temporarily to hold Haitians captured by the Coast Guard on the high seas while they were screened to determine their eligibility for asylum. By holding refugees outside the territorial United States, it was believed that the refugees would not have any rights to vindicate in U.S. courts. However, that argument does not apply to migrants who already have entered the United States. Moreover, U.S. Supreme Court decisions since then have made clear that Guantanamo is not a legal “black hole” beyond the reach of the US courts.

Federal immigration law provides a number of procedural and substantive rights for migrants in the United States facing removal proceedings, including due process, the right to counsel, and the right to judicial review. Under Supreme Court rulings, the government cannot moot the jurisdiction of federal courts by moving someone subject to their jurisdiction to a place outside of the United States. In other words, the Trump administration would gain no legal benefit by holding migrants in Guantanamo as opposed to in the United States.

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Practicability. The costs of building and operating a detention center in Guantanamo Bay are extraordinarily high. Construction workers and supplies must be brought in from the U.S. mainland. The U.S. naval base at Guantanamo Bay must desalinate its own water, maintain its own energy grid, and import all food and other supplies. The detention center at Guantanamo for holding “terrorists” after 9/11 (which is separate from the center for migrants) is the most expensive prison in the world; it is estimated that the Guantanamo facility cost U.S. taxpayers \$13 million annually *per prisoner* in 2019.

The Trump administration claims that it is trying to cut waste from the federal budget. One easy way to reduce government spending would be to abandon the plan to build and operate a detention center in Guantanamo Bay for migrants that would cost many times as much as detention centers in the United States.

Morality. There is precedent in U.S. history for sending large numbers of persons to detention camps. During World War II, thousands of persons of Japanese national origin living in America were forced to move to detention centers far from their homes. In the decades that followed, it was widely recognized that the Japanese detention camps were immoral, based on war hysteria and xenophobia. Congress enacted a law to provide for reparations to Japanese Americans who had been incarcerated in the camps, and President Reagan condemned the internment, done without any due process, as “a mistake.”

President Trump’s memorandum asserts that the detention center in Guantanamo is intended for “high-priority criminal aliens.” However, under the recently-adopted Laken Riley Act, the government is empowered to detain indefinitely, without bail, any undocumented migrant—including minors, asylum seekers, and Dreamers (who came to the U.S. as children)—who is merely arrested for (not convicted of) a nonviolent crime such as shoplifting. Given the Trump administration’s past track record in immigration enforcement matters, its assurance that only hardened criminals will be sent to Guantanamo lacks credibility.

As noted above, the benefits of holding migrants in Guantanamo are nonexistent, and the financial costs are enormous. Human suffering also must be taken into account. Migrants held in Guantanamo will be separated from their families, subject to possible abuse, and cut off from easy access to their attorneys. This country should learn from its experience with the internment of Japanese Americans during World War II and abandon the cruel plan to hold migrants in a detention center in Guantanamo.

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The words of the Emma Lazarus poem “The New Colossus” embedded in the base of the Statue of Liberty state:

"Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore.
Send these, the homeless, tempest-tossed to me,
I lift my lamp beside the golden door!"

The vast majority of us in this country have ancestors who came here seeking safety or a better life for themselves and their descendants. Most of the immigrants who are in this country “illegally” have come here fleeing unsafe conditions or simply seeking better lives for themselves and their children. They are fully entitled to respect and due process of law.

The Chicago Council of Lawyers denounces the creation of a “concentration camp” at Guantanamo by the Trump administration. It is, unfortunately, one of many steps that the administration seems intent on taking to transform this nation into an autocracy, that fails to protect the civil liberties of far too many people in the United States, and that is wholly inconsistent with the ideals expressed in this nation’s founding documents. The Council and its Civil Liberties Committee will continue to do all we can to oppose those efforts.

If you agree with us, feel free to join us at www.ChicagoCouncil.org.