



NEWS & COMMENTARY

The U.S. Government Treats Detained Immigrants Like Slaves



Carl Takei, Former Senior Staff Attorney, ACLU's Trone Center for Justice and Equality
May 28, 2014

The New York Times [reported](#) this Sunday that one national employer relied on the labor of more than 60,000 immigrant workers last year to cook, clean, and do laundry while living behind locked doors and barbed wire. The employer paid them only \$1 per day – or in some cases, compensated them with nothing more than soda and candy bars. In one facility, people who organized a work stoppage and hunger strike were [thrown into solitary confinement](#).

Yet when asked to comment, federal authorities claimed that this is all completely legal and none of the workers were being coerced.

Why?

Because the employer is U.S. Immigration and Customs Enforcement (ICE) and its subcontractors, and the workers are administrative detainees in the agency's sprawling network of approximately 250 immigration detention facilities, performing the labor that keeps these detention facilities running. Thus, while the federal government cracks down on undocumented immigrants and prohibits them from working elsewhere, it has, in essence, become the largest employer of undocumented immigrants in the nation.

Unfortunately, this type of (literally) captive labor force is nothing new. After the end of the Civil War, former slaves who left their old plantations were often arrested for minor or trumped-up legal violations – particularly vagrancy, a crime especially easy for African-American men to be convicted of when traveling to unfamiliar towns to seek new jobs. Southern sheriffs then "[leased](#)" the newly-convicted men to private companies, which forced them to work without compensation in mines, plantations, and factories.

That "convict lease" system was the historical antecedent to the modern private prison industry – and to the ICE detainee labor program profiled in the *Times* this week, which helps make immigration detention profitable for the private prison companies that run

most detention facilities, like the [Corrections Corporation of America](#) and [GEO Group](#). And like the newly freed slaves arrested for seeking better jobs after the Civil War, many of the more than 400,000 people swept into immigration detention each year are kept locked up [for bad reasons](#) and [denied due process](#).

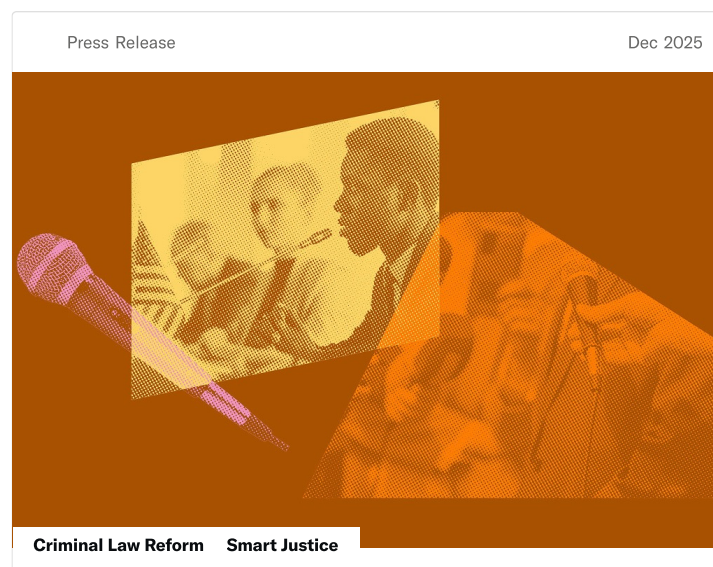
The fact that the federal government is locking up so many people, putting them to work in coercive conditions, and robbing them of a fair wage for that work should outrage our sense of decency and fair play. And the fact that this has happened before in our history makes it inexcusable.

Learn more about immigration detention and other civil liberty issues: [Sign up for breaking news alerts](#), [follow us on Twitter](#), and [like us on Facebook](#).

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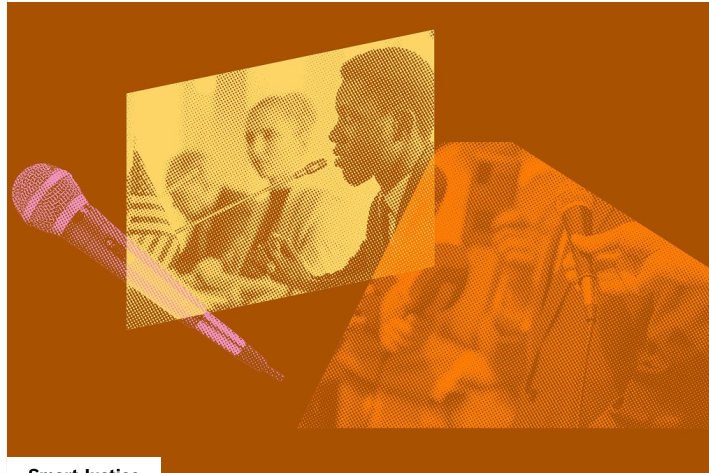


ACLU Responds to President Trump's Announcement Rescheduling Marijuana

WASHINGTON – President Trump announced today that he will direct executive agencies to reclassify marijuana from Schedule I to Schedule III under federal law, recognizing that marijuana has accepted medical uses and a lower potential for dependence. Marijuana is currently classified alongside substances such as heroin, and rescheduling would instead place it alongside medications like Tylenol with codeine. The announcement follows years of advocacy directed at many administrations, expanding scientific research, and widespread state-level reforms. “Today’s announcement is a significant step toward aligning federal marijuana policy with science, evidence, and the realities on the ground in states across the country,” said Nina Patel, senior policy counsel at the ACLU. “Congress must now pass the Cannabis Administration and Opportunity Act and the Marijuana Opportunity Reinvestment and Expungement Act (MORE Act) to ensure justice for the people and communities harmed by the war on drugs. These federal bills would remove federal criminal penalties for marijuana, provide criminal history record clearing, and necessary investments in communities disproportionately targeted for criminalization. The ACLU will continue the fight to end unjust and punitive drug policies for everyone and the creation of a more perfect union for all.”

Press Release

Aug 2025



Smart Justice

ACLU and Partners Reach a Landmark Settlement Agreement to End Wealth-Based Detention in Oklahoma

OKLAHOMA CITY – The American Civil Liberties Union, ACLU of Oklahoma, and Covington & Burling LLP announced a landmark agreement today with court leadership in Canadian County, Oklahoma that, if approved by the federal judge presiding over the case, would put an end to the unconstitutional practice of jailing people simply because they cannot afford bail. Under the agreement, judges in Canadian County must determine a person’s ability to pay before imposing cash bail. The agreement also prohibits conditioning release on paying cash bail unless the court finds that doing so is necessary because nonfinancial conditions will not adequately ensure future court appearance or protect the public. This marks a major step toward ending wealth-based detention in Oklahoma. “This agreement marks a major step toward ending a two-tiered justice system in Oklahoma where wealth determined who stayed in jail and who walked free,” said Brandon Buskey, director of the ACLU’s Criminal Law Reform Project. “For far too long, people who are presumed innocent have been languishing in jail when they could have otherwise

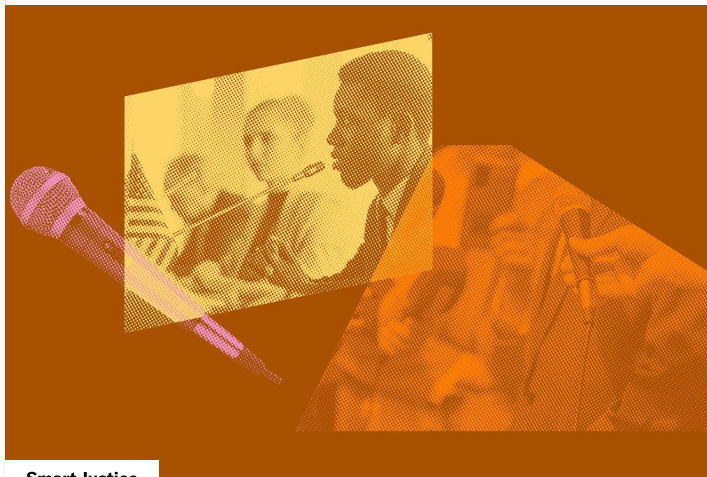
been safely in their communities. The procedures we have implemented are critical to building a more just and equitable pretrial system for all.” If approved, the settlement would resolve a federal class action lawsuit, *White v. Hesse*, brought in 2019 on behalf of people detained pretrial in Canadian County. Plaintiffs challenged the unconstitutional use of a preprinted bail schedule and the policy and practice of imposing cash bail without individualized hearings or ability to pay assessments. As a result, people were routinely held in jail for weeks without receiving a meaningful hearing. “Spending even a few days in jail can upend a person’s entire life,” said Megan Lambert, legal director at the ACLU of Oklahoma. “People risk losing their jobs, their housing, and even custody of their children, making it more difficult to rebuild their lives upon release. Cash bail traps people in a cycle of discrimination, poverty, and incarceration. Today’s agreement interrupts that cycle to better ensure that no one is locked up simply because they cannot afford to pay for their freedom.” The full agreement is here: <https://www.aclu.org/cases/white-et-al-v-hesse-et-al?document=Consent-Decree>

Court Case: *White, et al. v. Hesse, et al.*

Affiliate: Oklahoma

Press Release

Aug 2025



Smart Justice

ACLU Condemns Trump Executive Orders Targeting Cash Bail Reform in Washington, D.C.

WASHINGTON – President Trump signed two executive orders today attempting to end Washington, D.C.’s cash bail reforms and threatening to withhold federal funds from cities with similar policies. Below is a statement from Cynthia Roseberry, director of policy and government affairs with the American Civil Liberties Union’s Justice Division, in response to the orders: “To further his dangerous, performative abuse of power in D.C., President Trump today took another step to make people in our nation’s capital less safe by targeting common sense bail reforms. These executive orders are another blatant power grab by the Trump administration that will only serve to benefit the predatory bail industry. But the people who will be most impacted are those with the fewest resources. Whether we can afford to pay should never determine our freedom.” “The President’s attempt to end cash bail risks increasing pretrial detention, which is not a real solution to preventing crime in D.C. It can actually have a negative effect on public safety, by separating people from their support networks, jobs, and housing,” said Alicia Yass, supervisory policy counsel at ACLU of the District of Columbia. “Even short periods of unnecessary detention increase a person’s risk of re-arrest, and cash bail has been associated with a 6 to 9 percent increase in reoffending or committing another crime. Cash bail has long punished

people living below the poverty line — especially Black and Brown communities. It is our constitutional right to be presumed innocent until proven guilty. Pretrial detention does just the opposite — it treats certain people as guilty until proven innocent.”

Affiliate: Washington, D.C.

Georgia

May 2025



Criminal Law Reform Smart Justice

Coronell, et al. v. Georgia

As a result of Georgia Senate Bill 63, thousands of people are being kept in jail pre-trial because they can't afford to post bail, even when a judge believes the person should have been released until trial with no risk to the public. The ACLU's Criminal Law Reform Project, along with ACLU-GA and the Southern Center for Human Rights, filed a class action lawsuit challenging SB63's mandatory monetary bail provisions under the Georgia State Constitution.

Status: Ongoing



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