

UK's Haldane Society of Socialist Lawyers hosts David Brotherton for talk on the “United States of Deportation”

Thomas Scripps
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The Haldane Society of Socialist Lawyers hosted Professor David Brotherton in London's University of Law Thursday evening for a talk on the “United States of Deportation: The recent history and current status of deportation in the USA”.

Brotherton is a Professor at John Jay College of Criminal Justice at City University, New York. He has studied street organisations and deportation in the US for more than three decades, winning multiple awards, authoring and editing books including *Keeping Out the Other: A Critical Introduction to Immigration Control; Banished to the Homeland: Dominican Deportees and Their Stories of Exile*; and *Immigration Policy in the Age of Punishment: Detention, Deportation, Border Control*.

In the course of this work, Brotherton has appeared in over 200 immigration removal hearings as an expert witness, “nearly all CAT [Convention Against Torture] cases,” he told the meeting, “specialising in the Dominican Republic and Ecuador.” Over time, the success rate in these cases has improved from roughly 5 to 45 percent, “So they hate my guts”.

In 2016, an Immigration and Customs Enforcement (ICE) lawyer requisitioned 20 years of Brotherton’s travel documents and set up a six-month inquiry to prove “my work was all a fiction” and “put the frighteners on me, and on the judge.”

The talk began with an explanation of how he came to be involved with deportation studies, describing his initial research on street organisations in New York in the mid-1990s and his discovery of the unreported mass deportation of Dominicans. The major drivers were Mayor Rudy Giuliani’s “zero tolerance” policy, and the “draconian” Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

Brotherton travelled to the Dominican Republic to interview deportees, rendered second-class citizens in their home country. He hosted the first conference on deportation

in the Caribbean in 2003 and the first in the US in 2004, the latter under the title “The Invisible Crisis”.

Thursday’s talk drew out the long history of punitive migration and deportation laws in America upon which President Donald Trump is building. Brotherton presented a timeline dating back to the Fugitive Slaves Act, and running through the Chinese Exclusion Act; Alien Land Law; the Palmer Raids; the 1924 Immigration Act; Japanese Internment; Operation Wetback; the 1985 Immigration Reform Act; the 1996 Immigrant Responsibility Act; and the Homeland Security Act in 2002.

A critical role was played, Brotherton explained, by Democratic Party administrations, especially the presidencies of Bill Clinton and Barack Obama who he noted earned the title “Deporter in Chief”. He said of Clinton that the president admitted the 1996 Act was “the worst piece of legislation he ever signed off on. But he didn’t have to sign off on it.” Various promises to repeal or change the legislation ultimately translated into Congress upping the penalties associated on three occasions.

Coming to the “very, very harrowing” present, Brotherton described the situation for the migrant community as “devastating”. Many “are not coming to work, lots of migrant kids are not coming to school, they’re certainly not reporting any illnesses to the hospital. There’s a diminution of their ability to partake in civil society.”

In a chilling conclusion, he posed the question, “What’s the plan? Where are we headed?” arguing, “I don’t think that [El Salvadorian dictator Nayib] Bukele... is the instrument, I think Bukele is the model for Trump. He passed three states of exception in order to get where he is today, and that’s basically the only thing we’re missing in the United States.” Brotherton flagged the implementation of the Alien and Sedition Acts as a particular danger.

However, he stressed that popular opposition is building. “For example, the demonstrations we’ve had have been absolutely massive. The first one I went to I remember I

thought it would be about 10,000 people, then I got there and it had to be up to 90-100,000 people.” May Day was “packed to the gills” and was “mostly young people.”

The Q&A focused on these last points, with attendees asking questions about the ICE budget, the scope of resistance available to communities, the role of the Democrats and the sentiment among Brotherton’s colleagues about the state of democratic rights in the US.

Brotherton confirmed that there was real and broad concern among the legal professionals he worked with about the threat of dictatorship, describing ICE as “A highly paramilitarised force... basically Trump’s Freikorps.” Tom Homan, he added, “who’s the head of ICE, was put in there by Obama!”

Pointing to the threat of fascism represented by Trump and how it ran up against strong democratic traditions in America, Brotherton explained, “One major characteristic of fascism is the end of voluntarism... everything from the unions to community boards to street associations... And that in America is completely unimaginable... Self-organisation is a big thing for them.”

Event would come to a crux, Brotherton predicted, around the November 2026 midterms, with Trump facing pressure now that “his approval rating has fallen” since taking office. “That’s when we’re going to get closer and closer to Bukele’s state of exception,” he said, adding later that Trump “isn’t going to change his mind. He’s going to push as hard as he can.” The continued detention of Mahmoud Khalil was a clear example.

Of the opposition movement, Brotherton argued, “Resistance takes time to get going” but we were seeing “the emergence of a broad-based solidarity movement.” He pointed to “Some of the most interesting instances of resistance,” which “have not been in the big cities; they’ve been in these much smaller areas” among migrants and citizens “working side-by-side” on farms or in slaughterhouses.

He suggested the involvement of the trade unions would be a “fillip” to this movement and pointed to the support received by arrested Democratic Mayor Ras Baraka, and to Alexandria Ocasio-Cortez and Bernie Sanders holding major rallies in “Kansas and Nebraska and Nevada: areas which are not necessarily Democrat supporting, and they’ve had these overwhelming numbers of people.”

Asked how much life he thought was left in the Democratic Party, he explained it was “Very difficult to break out of... the two-party system,” but that the “crisis could be such” that something new emerges. “Could it be the end of the two-party system? I don’t know. We’re in this no man’s land. But it’s happening very, very fast.”

What was “percolating now” was a feeling that “It’s not

just about resisting: you need a plan for the future—what’s the alternative?” The key, he said, “is where the youth move now.” There had been large movements around Occupy Wall Street, George Floyd and Gaza. “Do you think all that just disappears. No, of course it doesn’t. But they have to process it, those experiences, to meet the new moment.”

Members of the Socialist Equality Party attended the meeting to participate in the discussion and raise with Brotherton and attendees the SEP’s May 31 meeting in London, “Trump versus democratic rights: The case of Momodou Taal”.

Taal, a student at Cornell University, was targeted for detention and deportation by the Trump administration in retaliation for his legal challenge to the US government’s attacks on speech in defence of the Palestinians. He will be appearing alongside his attorney, Eric Lee, and the chairman of the International Editorial Board of the *World Socialist Web Site*, David North.

LONDON

Saturday May 31, 12.30 p.m.

Crowne Plaza, Kings Cross — Bloomsbury Suite

1 Kings Cross Road, London, England, WC1X 9HX

(15-minute walk from Kings Cross-St Pancras railway station)

Buy your ticket at
Eventbrite: <https://www.eventbrite.co.uk/e/trumps-war-on-free-speech-the-case-of-momodou-taal-tickets-1355443390669>

The venue has disabled access. HEPA filters will be operating at the venue, and we encourage masking to make the event as safe as possible for the medically vulnerable.



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Socialist Equality Party visit:

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