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## **Immigration Tyranny**

**by Jacob G. Hornberger**

A popular argument among advocates of immigration controls is that a nation has a “right” to control its borders. The argument is based on the supposed “right” of the U.S. government to station gendarmes along its international borders, including on privately owned land, to prevent people from coming into the country illegally.

What the advocates of control never address, however, is a related situation: If the government has the “right” to prevent people from coming into the country, why doesn’t it have the correlative “right” to prevent people from leaving the country? Doesn’t control over the borders connote control in both directions?

In fact, isn’t that the true rationale for prohibiting Americans, on pain of fine and imprisonment, from traveling to Cuba? While the feds actually prohibit Americans from spending dollars in Cuba, we all know that that’s simply a sham to cover up what they are actually doing — preventing Americans from traveling from the United States to Cuba. If the federal government has the power to prevent Americans from traveling to Cuba, doesn’t it have the power to prevent Americans from traveling everywhere else? Isn’t this what comes with the government’s “right” to control its borders?

That, of course, brings us to the Berlin Wall, a border control that seems to make American proponents of immigration controls uncomfortable.

One of the principal arguments that advocates of immigration controls make is, “The law is the law and people should obey the law.” Under East German law, it was a criminal act to cross the border into West Berlin without permission from East German officials. Even if people disagreed with the law, the East German authorities expected everyone to obey it. After all, they believed, “The law is the law and people should obey the law.”

Once American immigration-control proponents accept that principle as immutable, it would seem that they have no choice but to defend East Germany’s enforcement of its law. Yet most American immigration controllers would never do that, at least not publicly. To defend the shooting of East Germans illegally crossing into West Berlin is not exactly a popular position.

Once the advocates of immigration controls take the position that the East German law was immoral and, therefore, that it was morally okay for East Germans to violate it, an important principle emerges: People have a fundamental and inherent right to disobey an immoral law.

If a law that prevents people from leaving a country is immoral, then why isn't a law that prevents people from entering a country equally immoral? Suppose West Berlin had constructed its own wall that ran parallel to the East Berlin wall. Would advocates of immigration controls have condemned the killing of an East German for illegally crossing the East German wall and praised his killing for illegally crossing the West German wall?

The immigration controllers often use collectivist rhetoric to justify immigration controls. They say that "we" have a right to keep people from "breaking into" our national "home" and trespassing on farms and ranches along the border.

But the only reason that immigrants are illegally hiking across people's farms and ranches when they enter the United States is that it's illegal for them to travel normally by bus or car. Moreover, America isn't Cuba or North Korea, where the government owns the nation and everything and everybody within the nation. Instead, America includes a myriad of private properties, homes, and businesses owned and operated by millions of private individuals and companies. It's obvious that the millions of immigrants who have crossed the U.S. border illegally have found their way into these private residences and businesses with the consent of the owners. When the controllers call on U.S. officials to "lock" our national door, what they really want to do is empower federal officials to lock the doors of millions of private homes and businesses without the consent of the owners.

The ultimate issue in the immigration debate is a moral one: Are freedom to move, freedom to associate, freedom of contract, and private ownership fundamental, inherent rights or not? If so, then the federal government has no legitimate authority to interfere with them. If not, then the immigration controllers have the burden of showing how their position conflicts, in principle, with that of the East Germans, Cubans, and, for that matter, the North Koreans, who, not surprisingly, tightly control the movements of people into and out of their nation.

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**This article was originally published in July 2007.**