



11350 Random Hills Road, Suite 800, Fairfax, Virginia 22030 Phone (703) 934-6101 Fax (703) 352-3678

[fff@fff.org](mailto:fff@fff.org) [www.fff.org](http://www.fff.org)

---

## **In Defense of Open Immigration**

**by Anthony Gregory**

Immigration is one of the most difficult and divisive issues for freedom lovers. Many principled libertarians and champions of a free society believe in government restrictions on immigration, either for their own sake or as an interim measure so long as the United States has welfare programs that are presumed to attract immigrants, who then become net recipients of government revenue at the cost of taxpayers.

Most arguments against immigration, coming from partisans of freedom, boil down one way or another to the notion that free immigration fosters socialism and moves American society away from the libertarian ideal. It is argued that immigrants use welfare programs and encourage their expansion; or that immigrants modify American culture generally for the worse, bringing from their native countries alien and socialistic ideas; or that free immigration itself constitutes a de facto trespass against the private-property rights of Americans; or some combination of the above arguments is advanced.

### **Immigration and the welfare state**

Some pro-immigration libertarians have attempted to show that illegal immigrants actually receive less in welfare than they pay in taxes or even less than what native-born Americans receive, on average. This argument, as useful as it may be, circumvents the fundamental issues of immigration policy. (I, for one, think that if open immigration overloads the welfare system, causing it to collapse, so much the better.)

In exploring immigration as a welfare issue, let us consider that it is not only opponents of social welfare who oppose open borders because of a perceived relationship between immigration and the welfare issue. European countries with socialist economies oftentimes have extremely strict immigration policies, and citizens of those countries oftentimes see that open immigration threatens their welfare state, which they strive to maintain.

American advocates of social welfare policies also see the incompatibility between their pet programs and a free flow of immigrants. In a recent interview with Pat Buchanan, Ralph

Nader implied such an incompatibility, as well as a conception that the government should centrally plan the economy, when he said, “I don’t believe in giving visas to software people from the Third World when we have got all kinds of unemployed software people here.” He went on to say,

This is the reason the Wall Street Journal is for an open-borders policy: they want a cheap-wage policy. . . . [Illegal immigrants] should be given all the fair-labor standards and all the rights and benefits of American workers, and if this country doesn’t like that, maybe they will do something about the immigration laws.

Nader is willing to bet that an expansion of labor regulations and economic socialism would lead to tighter immigration controls, which he appears to advocate.

Conservatives have at times attempted to restrict the ability of immigrants to receive welfare benefits, such as with the notable 1994 Californian voter initiative, Proposition 187. This is surely a better method to reduce any problems immigration might have regarding the welfare state, when compared to giving the government more power and money to keep out immigrants who only seek work and freedom. It is more politically viable and more realistic, and reduces the activity of the state, rather than increasing dependence on it. (Ideally, of course, immigrants would be exempt not only from welfare but from taxes as well. Even more ideally, these exemptions would also apply to citizens.)

All in all, any alleged relationship between free immigration and a growing welfare state is irrelevant to the underlying issue, as pointed out by Hans-Hermann Hoppe, a scholar at the Ludwig von Mises Institute and an opponent of open borders. As Hoppe explains,

[The effect of immigration on welfare] is not an argument against immigration but against the welfare state. To be sure, the welfare state should be destroyed, root and branch. However, in any case the problems of immigration and welfare are analytically distinct problems, and they must be treated accordingly.

No libertarians advocate government welfare and any welfare problem is ultimately not one of immigration. Though Hoppe is against open borders, he urges us to separate the issues conceptually.

### **Immigration and culture**

Some libertarians, including this writer, often argue that immigration is a blessing to the culture of America, which has always been a nation with a large immigrant population. The

expanded variety in foods, music, art, and traditions is one of the things that makes America the great country it is.

Other libertarians argue that immigrants bring with them foreign customs, practices, and ideas, which, on balance, compromise the tradition of American liberty embraced by native-born Americans, whose Anglo-European heritage provides them with an affinity for the rule of law and constitutional liberty or who simply have assimilated and come to embrace freedom over socialism.

There are weaknesses with this argument, seeing that many immigrants come especially because they seek freedom, not the socialism or despotism characteristic of the countries from which they come. To the extent that they come for the socialism that already exists in America, it testifies as much against the socialist tendencies of Americans, who enact such policies, as it does against the foreigners who seek them.

However, like the welfare issue, the cultural impact of immigration is really secondary to what kind of immigration policy is fit for a free country. Many libertarian policies will tolerate culturally and even morally questionable trends, but we who cherish freedom believe that such vices will pale in importance when compared with the moral virtues and practical benefits of maximized freedom, as well as the moral and cultural greatness that such freedom, on balance, nurtures.

### **Open versus restricted immigration**

So the real question is whether open immigration or restricted immigration is the more appropriate policy for a free country. One argument against open immigration, given by some libertarians, is that in an ideal world almost all land would be private, but in the meantime illegal immigrants who use public space are essentially trespassing on what should be the privately owned land of native-born Americans.

It is indeed true that we should maximize how much land is owned privately. If nearly all land were private, landlords, employers, merchants, and others would determine who could enter their property. Every property owner would have his own “immigration” policy.

In the meantime, what is the most libertarian immigration policy? The fact is, landlords, employers, and merchants currently allow immigrants on their land all the time, and in many cases would be more open to immigrants if they did not fear legal repercussions. The only question that remains is what to do about public property, including much of the land along the national borders. Whereas in a free society property owners along the border would be free to allow foreigners to enter their property, opponents of open immigration believe that the government must, in the interim, forbid people from allowing immigrants onto their own land.

The philosophical case for prohibiting immigrants on public land — and by corollary, effectively keeping them out of the country and off the private land of willingly accommodating

owners — as an extension of private property rights is highly problematic. Why would such a rationale not be fitting to limit, by law, the number of children a family can have? If a middle-class family has 10 children, certainly it takes up an amount of space disproportional to its income and what it pays in taxes.

Every day we see the willingness of Americans to accommodate immigrants. The market supports them. They work, purchase goods and services, and pay for housing. Their use of public resources and land, if anything, is a problem with the status of so much property as public — just as their potential abuse of welfare is a problem with welfare itself. Continuing to shut out immigrants, or becoming even more restrictive with the borders, further reinforces the notion that so much public land should be protected by government, and takes us a step away from our ultimate goal of eventually privatizing it. Once most land is privatized, most immigrants would be able to find work and housing in the marketplace, and in the meantime the government cannot mimic the proper supply and demand for labor in lieu of market mechanisms.

Furthermore, the use of the federal government to control borders contributes directly to socialism far more than the immigrants themselves.

Just like all other federal government programs, immigration controls are a form of socialism. They involve bloated budgets, bureaucracy, central planning, taxation, abusive police powers, intrusions in the marketplace, and widespread corruption.

Immigration controls are expensive, and they clearly don't work that well. More than a million foreigners enter America illegally every year. A serious attempt to keep them out would require even higher taxes, a more militarized border patrol, and vast invasions of the privacy of employers and other Americans. It would potentially require a national ID card, as well as an army of border police and federal agents to round up and repatriate illegals. It would depend on central planning, which, as all free-market economists should know, simply doesn't work. The border guards have already been implicated in a number of scandals, and the idea that the government can maintain efficiency and honesty in its border police, when the federal government does a poor job of preventing corruption and degradation among city police, prison guards, and even in the highly regimented military, requires quite a stretch of the imagination.

As borders are tightened, a black market in immigration will expand, leading to increased violence and government corruption. The war on drugs has utterly failed to keep drugs out of the country, and yet has succeeded in draining away enormous resources and eroding precious civil liberties; a war on immigrants would yield similar results.

### **Immigration, the Declaration, and the Constitution**

Moreover, just like all the other socialist federal programs in America, closed immigration is totally unconstitutional. Article I, Section 8 provides no authority whatever to the federal government to close the borders. It is a step in the wrong direction to violate the Constitution

further, simply to allow one favored government program to slip through. Such leniency with the Constitution, after all, is how we wound up with so much socialism in the first place.

This brings us to the question of the history of immigration control. Many Americans point to the 1965 amendments to the Immigration Act, which loosened restrictions on immigration somewhat, and associate them with Lyndon Johnson's socialist Great Society programs of the same era, believing they are another indication that free immigration and socialism go hand in hand.

This does not necessarily follow any more than Andrew Jackson's opposition to central banking and his atrocious Trail of Tears, when taken together, demonstrate that free-market banking goes hand in hand with the brutal displacement of American Indians. Still, it is often useful to see the political movements associated with certain political trends and opinions.

In the case of immigration, we can go all the way back to the Declaration of Independence, in which Thomas Jefferson cited King George III's obstruction to immigration to the colonies as a grievance:

He has endeavoured to prevent the Population of these States; for that Purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their Migrations hither, and raising the Conditions of new Appropriations of Lands.

For most of U.S. history, there were virtually no immigration controls. Some northern states had Black Codes that kept free blacks from entering. Eventually, the federal government passed the Chinese Exclusion Act of 1882.

There was always a widespread movement to keep out the newest wave of immigrants, whether it was the Irish, the Chinese, the Japanese, Hispanics or whoever. But it wasn't until the early 1920s that the United States imposed, and widely enforced, sweeping immigration legislation.

### **The Progressive movement and the history of immigration and liberty**

The early 1920s were a logical time for such legislation, for it was the tail end of what is called the Progressive Era. The progressives were a loose movement of Americans who advocated a hugely expansive and interventionist government, both at home and abroad. They championed electoral reform, business regulations, income taxation, and government-enforced personal morality. By the time the three presidents of the Progressive Era — Theodore Roosevelt, William Taft, and Woodrow Wilson — were done with their progressive reforms, America had seen the largest expansion in government power, and most significant shift in national politics, since the Civil War. Much of their agenda was accomplished in these three administrations — antitrust

legislation, food and drug regulation, environmental “protection,” a graduated income tax, central banking, and sweeping reforms in local political procedures.

The United States embarked for the first time on an imperialist foreign policy in 1898 with the Spanish American War, and the progressives continued this policy in Latin America and eventually in the nationalization of American industry and mobilization of millions of conscripts for U.S. entry into World War I.

The progressives also tended to believe in temperance, and they had a strong anti-immigrant streak. Their successes in these two arenas didn't come until the very end of the Progressive Era, with the alcohol prohibition of the Eighteenth Amendment and Volstead Act of 1920, and with the Immigration Act of 1921. The Republican administrations in the 1920s had some distinct differences from the progressives, but they implemented the policies on immigration and alcohol for which the progressives had fought for years.

Of course, the progressives were right once in a while, as on equal rights for women under the law. And the Great Society politicians in the 1960s were right once in a while, as in the relaxation of immigration controls in 1965.

But by and large, the Progressive movement was one of the most harmful episodes for American liberty and constitutionally limited government in U.S. history. It was an essentially socialist movement, and American progressives of the early 20th century understood the incompatibility between a free immigration policy and a managed economy, as well as the logical correlation between such an economy and immigration controls. Sometimes the progressives cloaked their advocacy for immigration controls under a guise of wanting to help the immigrants, but, as with their Progressive foreign policies, their humanitarian rhetoric about foreigners did not translate into genuine compassion in the real world.

Whereas many millions of immigrants came to America in the early 20th century, the decades that followed the passage of the Immigration Act of 1921 saw a severe decline in immigration. This was tragic for those who wanted to enter America, most notably when huddled masses of European Jews sought refuge from Hitler's terror but were denied entrance into the land of the free by Franklin Roosevelt, one of the most socialist presidents in American history.

The history of immigration in America coincides well with the history of liberty, and it shows the socialist origins of immigration controls. In its history, its theory, and its practice, immigration controls are just one more boondoggle of dysfunctional, immoral, unconstitutional, and socialist central planning. A welfare state may depend on such controls, but a free society should reject them. Severe restrictions on immigration compromise the liberty of the people inside as well as outside the borders, and they should be among the policies libertarians oppose in their efforts to bring liberty back to America.

*Anthony Gregory is a writer and musician who lives in Berkeley, California. He earned his bachelor's degree in history at UC Berkeley, where he was president of the Cal Libertarians. He is a research assistant at the [Independent Institute](#) and has written for [RationalReview.com](#), the [Libertarian Enterprise](#), and [LewRockwell.com](#). See his webpage, [AnthonyGregory.com](#), for more articles and personal information.*

**This article was originally published in the October 2004 edition of *Freedom Daily*.**