

REVIEW ESSAY IV
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The Collateral Damage of Opening Floodgates: Problems with Kevin R. Johnson's Arguments for U.S. Immigration Reform

Abstract *This article is a critical discussion of Kevin R. Johnson's discussion of current U.S. immigration policy and of his own proposal regarding open immigration as his views are set forth in his book, *Opening the Floodgates*, as well as some of his other works on the topic.*

Keywords: *American Indians, Environmentalism, Immigration, Indigenous groups, Kevin R. Johnson, Open borders, Population control, Racism, Restricted borders, U.S. blacks.*

299

Introduction

Kevin R. Johnson argues for an open borders immigration policy for the United States. (Johnson 2007a) Instead of assuming the ineligibility of immigrants for admission to the U.S., Johnson's proposal presumes their eligibility, only denying entrance to those who are dangerous due to threatening behavior or easily transmitted diseases. (Johnson 2007a: 37) As he notes, there is some concern over what kind of impact a proposal like his would make, for instance, whether open borders would result in a mass migration to the U.S.. (Johnson 2007a: 28, 210) Johnson states that even though there is a lack of empirical evidence providing support for what might occur under these circumstances, at the very least the new system "would be more orderly, humane, and fair than the current one." (Johnson 2007a: 28)

First, an open borders system would refocus government efforts from blocking entry to most noncitizens to "true dangers to national security and public safety." (Johnson 2007a: 207) Although it is commonly thought that restricted borders increase national security and public safety, "open borders are entirely consistent with efforts to prevent terrorism." (Johnson 2007a: 33) Individual assessments would reveal

potential dangers to national security and provide a database for better tracking of immigrants within the U.S. and shared intelligence between countries on those persons deemed to be threats. (Johnson 2007a: 196) Elsewhere Johnson writes that we would know “who is here, who is not, when they entered, and when they left (if they did).” (Johnson 2007b: 163) Moreover the new system would be more orderly because “Enforcement efforts could move beyond the morass of exclusion grounds, caps, ceilings, and many other complexities” (Johnson 2007a: 33) and the federal courts would not be overwhelmed with immigration appeals. (Johnson 2007a: 179)

300

For consistency’s sake, argues Johnson, the U.S. Government ought to also treat citizens and noncitizens alike because we value “freedom, liberty, and equality.” (Johnson 2007a: 86-87) Furthermore, by treating noncitizens unequally the U.S. Government has created many moral problems, including the exploitation of undocumented workers. Undocumented immigrants risk their lives to cross into the U.S. “in pursuit of the American Dream.” (Johnson 2007a: 201) They are quick to get hired by U.S. employers as they work for relatively little money. (Johnson 2007a: 201) But because they have no legal protections, they are vulnerable to exploitation, working in atrocious conditions for little pay in return. (Johnson 2007a: 123) With approximately 12 million undocumented immigrants currently living in the U.S., several such people are subject to horrendous treatment considered unacceptable had they been citizens (and thus recognized by the government as having certain rights). (Johnson 2007a: 61, 201) In addition, because many of the undocumented immigrants are people of color, “[t]he result is a racially segregated job market.” (Johnson 2007a: 104) When U.S. immigration law seeks to halt immigration, it is essentially seeking to halt many people of color from entering the country. This can have negative impacts for U.S. citizens “who share common ancestry with those excluded” for it may suggest that certain groups of people, of which they are a part, are unwanted. (Johnson 2007a: 106) For example, “the U.S. government’s zealous efforts to seal the southern border in order to keep Mexican migrants out of the country effectively tell Mexican-American citizens living in the United States that they are disfavored and less than full members in U.S. society.” (Johnson 2007a: 106) Elsewhere, Johnson states that, “race is lawfully considered in the enforcement of the immigration laws. The Supreme Court has stated unequivocally that *‘the likelihood that any given person of Mexican ancestry is an alien is high enough to make Mexican appearance a relevant factor’* in making an immigration

stop.” (Johnson 2000a: 294) More extremely, the intentions behind the Minuteman Project of wanting to prohibit Mexican immigrants from crossing the border into the U.S. rest on racist thinking. (Johnson 2007a: 106) In sum, Johnson argues that the implications of restricted borders strongly support the adoption of a more open system.

Besides being more humane and fair, an open border also has its economic benefits. The economic growth in the 1990s is attributed by economists to an increase in immigrant labor. (Johnson 2007a: 133) Immigrants are willing to accept low-wage jobs few U.S. citizens want, thus increasing productivity and keeping prices for various goods and services low for consumers. (Johnson 2007a: 133-134) A closed borders system, on the other hand, “results in the expenditure of billions of dollars and thousands of deaths with no tangible benefit.” (Johnson 2007a: 135) As noted above, this is because many undocumented immigrants still enter into the U.S. despite their not being admitted. Johnson goes so far as to say that closed borders “have not ended, and cannot end, unlawful immigration.” (Johnson 2007a: 169)

Johnson claims that his proposal of open borders is not “hopelessly ‘utopian.’” (Johnson 2007a: 12) Again, we cannot quite predict what will occur under an open borders system. Nevertheless, “permeable borders for labor, comparable to those that exist for goods and services, are a practical necessity in the modern, deeply interconnected, and interdependent global economy.” (Johnson 2007a: 12)

According to Johnson, some of the fundamental assumptions underlying current U.S. law and policy regarding immigration include: “the necessity for the substantial restrictions... on the number of immigrants admitted into the country and... that strict limits must be enforced or the nation will be overrun with the hordes of the developing world.” (Johnson 2007a: 6) Related to this is “the presumption that migrants are inadmissible.” (Johnson 2007a: 9) Furthermore, U.S. immigration law assumes that “restrictions on immigration, as well as permitting deportations of certain groups of immigrants, are socially desirable, and... increased border enforcement can in fact effectively reduce undocumented immigration.” (Johnson 2007a: 15) In sum, “The fundamental problem with current U.S. immigration law is that it is founded on the idea that it is permissible, desirable, and necessary to restrict immigration into the United States. A border is viewed as a barrier to entry, rather than as a port of entry.” (Johnson 2007a: 205) Johnson also states what he takes as the two fundamental errors in restrictionist analyses.

(Johnson 2007a: 59) He writes, “First, restrictionists fail to... [recognize that history] demonstrates that the nation is prone to serious and profound errors in judgment in its treatment of immigrants,” namely discrimination. In addition, Johnson claims that restrictionists erroneously assume that a restricted border policy is possible and effective at keeping people out. In the following section, we will lay out some of the main claims Johnson makes against restricted borders (thus leading him to favor an open borders approach) and comment on their plausibility.

Restricted Borders Policy and Racism

302

Johnson argues that the current U.S. immigration policy exacerbates the problem of racism in the U.S.. He states, “Today, because so many immigrants are people of color, discrimination against immigrants often translates directly into discrimination against people of color.” (Johnson 2007a: 14) For example, undocumented U.S. immigrants “are predominantly people of color from the developing world,” yet the U.S. restrictionist immigration policy serves to “racially segregate international labor markets.” (Johnson 2007a: 104) Also, those who are admitted (in addition to those who immigrate to the U.S. illegally) work low-wage jobs “ultimately, [amounting] to a loose racial caste system created and enforced by the U.S. Immigration laws.” (Johnson 2007a: 104) So both hiring immigrants and denying some entry seem to reinforce racism for Johnson as these immigrants are primarily from developing countries, and because many developing countries are the birthplaces of many people of color. Moreover, “the monumental efforts to prevent certain groups of outsiders from entering the country stigmatize those in the United States who share common ancestry with those excluded.” (Johnson 2007a: 106) For example, the U.S. government’s attempts to “seal” the U.S.-Mexican border implies to Mexican-Americans that they are “disfavored” and “less than full members in U.S. society.” (Johnson 2007a: 106,108) Another example of stigmatization is employers not hiring people of color out of fear that those candidates for employment are undocumented immigrants. (Johnson 2007a: 111, 121) Part of what fuels Johnson’s claims of racism is the suspicion that the Minuteman Project (whose members’ aim is to take the law into their own hands in order to keep Mexicans, Central and Latin Americans from crossing the border) is seated in racial hatred. (Johnson 2007a: 106, 114, 204)¹ In these

¹ Precisely how Johnson might know that such prima facie racism by some in the Minutemen group is based on hatred is an open question since he does nothing to

passages, Johnson implies rather consistently that a restricted borders policy is necessarily racist.

Contrary to what Johnson claims, however, a restricted borders policy need not be racist (or might be racist in far less than a maximal way). And Johnson even suggests this when he states that the passage of a (restrictionist) act, the Immigration Act of 1965, “eliminated the discriminatory national-origins quota system and embraced colorblindness in immigrant admissions.” (Johnson 2007a: 51) Despite there being less explicit racial discrimination within U.S. immigration law than there used to be (or even despite that “one cannot categorically state that the U.S. immigration laws are ‘racist’”), Johnson nevertheless sees the instances mentioned above as instances of racial discrimination associated with current policy. (Johnson 200b: 534) He also suggests that it is possible for explicitly discriminatory immigration acts to make their way back into law. (Johnson 2000a: 299)

303

Not only is Johnson’s claim that current U.S. immigration policy is necessarily racist, it is not clear that a policy of open borders would prevent racism as he seems to think. Indeed, racism might increase under open borders if, for example, current citizens feel threatened by the incoming residents of a particular ethnicity and their contribution towards decreasing the likelihood of citizens’ current employment or future employment prospects. Current citizens, like those involved in the Minuteman Project, might also undertake drastic and even violent measures against those admitted under Johnson’s proposal. So open borders is not a necessary or even an adequate guard against racism in the U.S.. Johnson’s view seems to neglect the lengthy and harsh historical realities of racism in the U.S., from its very inception until the present day, most of which had little or nothing to do with U.S. immigration policy.

Restricted Borders Policy and Death

Johnson also seeks to point out the immoral consequences of the current U.S. immigration system. One of the immoral consequences on which he focuses is the deaths he claims are a result of current immigration enforcement at the U.S.-Mexican border. In doing so, he refers to “Operation Gatekeeper,” a Southern California border operation that,

provide evidence of such hatred. After all, racism can be grounded in fear, power, etc., quite apart from hatred (Cf. Corlett 2003: Chapter 4). One of the difficulties with the immigration discourse is that it is often replete with unsupported accusations. What is needed, however, is reasoned discussion.

Johnson believes, has resulted in over 3,000 Mexican immigrant deaths. He states: “Thousands of people have died. A week rarely goes by without a newspaper story about some poor migrant from Mexico dying of exposure in the desert, in the back of a truck, or in the trunk of a car.” (Johnson 2007a: 3) Out of all the references Johnson cites, Operation Gatekeeper carries the majority of the weight in the claim that thousands of Mexican immigrants have died mostly as a result of Operation Gatekeeper. But is this evidence enough to ground his claim that current U.S. restrictionist immigration law should be changed to an open border policy as Johnson suggests? Consider Johnson’s statement suggesting the unstoppable force of immigration: “As many as 12 million undocumented immigrants live in the United States. This large population exists even though, in the 1990s, the U.S. government dramatically bolstered border enforcement with Mexico...” (Johnson 2007a: 201) Couple this claim with his statistic that 25-40% of all illegal immigrants currently residing in the U.S. were initially given a temporary visa but stayed longer than allowed, and it would seem that as many as 9 million immigrants successfully cross the border without having a temporary visa. (Johnson 2007a: 176) In light of how many undocumented immigrants appear to cross the U.S.-Mexican border successfully, are a few thousand deaths, while certainly morally disconcerting, enough to claim that the U.S. immigration policy is a bad thing, all relevant things considered? Furthermore, Johnson’s reasoning suffers from his making an unsupported causal connection between what he construes as a ruthless and inhumane U.S. immigration policy and the deaths of a few thousand illegal immigrants.

But there is, for all Johnson argues, no causal connection between U.S. restricted border policy and the deaths in question. The said deaths, while highly unfortunate, are the results of unscrupulous border smugglers and traffickers,² drug dealers, and attempts to cross the border illegally that ended in starvation, dehydration, and death. But how is it the fault of U.S. immigration policy and its putative right to restrict its own borders?³ It is surprising that Johnson does not draw this inference

2 The distinction between traffickers and human smugglers is noted in Provine, (2008: 106-108), (<http://www.bsos.umd.edu/gvpt/lpbr/subpages/reviews/johnson0208.htm>, accessed on 17 March 2011), where Johnson is accused of conflating the two categories.

3 Johnson disagrees with the idea that the U.S. has a right to restrict its own borders. But he must do far more than simply state and restate his assertion in order to have it taken seriously. This is especially true in light of the widespread moral intuition that countries have moral rights to protect and delimit their populations.

given that he makes so much of human trafficking across the border in terms of exploitation (more of which we will discuss below). While tragic, this is not the result of U.S. border policy so much as it is telling of the horrible state of the Mexican economy that would drive such people to such drastic measures to take such tremendous risks with their lives. While Johnson is correct to state that the deaths are unacceptable, they are not properly construed as collateral damage of U.S. border policy, though such deaths might be the indirect result of U.S. foreign policy with Mexico and the rest of Latin America (for instance, NAFTA). But this is another issue that is beyond the purview of this paper.

Restricted Borders Policy and Exploitation

In addition to the deaths of many of those seeking to migrate to the U.S., “heightened immigration enforcement has spurred a booming industry in the trafficking of human beings.” (Johnson 2007a: 201) Undocumented immigrants pay smugglers up to thousands of dollars to come to the U.S., making the journey far more expensive than before the 1990s border operations. (Johnson 2007a: 113, 201) And once these undocumented immigrants cross the U.S.-Mexican border, U.S. employers are quick to hire them because they work so well and for so little pay. (Johnson 2007a: 201) Such immigrants arguably have it worse since they are not acknowledged as having many rights: Johnson notes instances of labor operations working under hideous conditions akin to slavery. (Johnson 2007a: 113, 122-124) Of course, the conditions of poverty in which many such immigrants live are well known.

However, what Johnson sees as exploitation is what many immigrants consider an opportunity. Indeed, that is the primary reason for the immigration in the first place. Whether it is the general poor economic conditions in Mexico, or the extremely dangerous conditions of being terrorized by Mexican drug lords and their henchmen, there are certainly strong economic motivations to leave Mexico for a better opportunity in the U.S.. And so long as the result of the immigrants’ employment in the U.S. provides a net gain over what they had prior to immigration, it is hard to see why this is exploitative in a negative way, morally speaking. After all, it is an open question as to whether or not exploitation is always morally problematic. Or, to put it another way,

Assumed here is that the U.S., for instance, is a morally legitimate state, a claim that of course requires substantial justification, ethically speaking. But this matter is beyond the scope of this discussion.

Johnson owes an explanation as to why an immigrant's receiving a significant net gain in income in living standard represents an unacceptable degree of exploitation.

Johnson might respond to this by suggesting that we ought to acknowledge and prioritize the individual rights of noncitizens particularly because we value human rights within liberal theory. (Johnson 2003: 200) Johnson quotes U.S. President Barack Obama as encouraging U.S. citizens and their loved ones and friends who are undocumented immigrants that "help is on the way" and notes that, on the other hand, it is not clear that "immigrants and their friends, families, and supporters can see help anywhere but on the very distant horizon." (Johnson 2009: 1608) In stating this, Johnson suggests that the government should help everyone, that is, every citizen and noncitizen alike. However, Johnson needs to ground the claim that undocumented immigrants should have the right to be treated equally among citizens. Doris Provine writes in her review of *Opening the Floodgates*, "At times [Johnson] appears curiously out of touch with how poor the current social support system is in the United States. He expresses dismay, for example, that unauthorized workers do not have free health care, without noting that many American citizens also lack such coverage." (Provine 2008: 106-108) If Provine is correct, it appears that Johnson (whether intentionally or not) sometimes even prioritizes noncitizens over citizens.

306

Restricted Borders Policy is Impossible to Enforce

For Johnson, not only have "border enforcement measures... punished, stigmatized, and, at times, killed immigrants, but they have not significantly reduced undocumented immigration. Thus, they have been both ineffective and immoral." (Johnson 2007a: 111) Moreover, Johnson claims that despite strengthened enforcement along the U.S.-Mexican border, there has been an increase of illegal immigrants in the U.S.. (Johnson 2007a: 61) Like immigration, the "federal enforcement of Prohibition proved to be extremely difficult and, in the end, impossible." (Johnson 2007a: 176) People were willing to break the law, and violence and death resulted from the strict enforcement of that law. (Johnson 2007a: 177)

Johnson states that eventually "the government found that more modest forms of regulation of the alcohol industry, such as licensing, were more realistic, enforceable, and effective." (Johnson 2007a: 177) But if we continue this analogy between immigration and Prohibition laws,

then we would seem to be suggesting a restrictionist-type law and policy, not the presumption of eligibility that Johnson proposes. (Johnson 2007a: 37) Furthermore, it is worrisome that Johnson seems to be reasoning as follows: If one cannot stop something and trying to stop it results in more negative consequences, then one should legalize it. But if one cannot stop drug smuggling and trying to stop it results in additional negative consequences, it does not mean drugs should be legalized. It might well mean instead that the policy in question needs revision instead of abandonment. Moreover, Johnson's reasoning depends upon his being able to establish an adequate casual connection between U.S. immigration policy and enforcement, on the one hand, and the deaths of would-be immigrants in question, on the other. If he cannot establish such a connection, then the negative consequences fail to provide support for why the floodgates of immigration should be opened. After all, the damage that can result in opening the floodgates of immigration might be rather great indeed.

307

Despite arguing for the impossibility of border controls, there seems to be some tension within Johnson's outlook with regard to how many immigrants actually desire to enter the U.S... Johnson thinks that many immigrants are slipping in under closed borders. (Johnson 2007a: 114) He also thinks several more want to enter the U.S., but cannot. Johnson notes, "Disproportionately long lines [between applicants of different countries] encourage would-be immigrants to circumvent the law." (Johnson 2007a: 175) He then goes on to assert, "Others might face long lines so unrealistic that they provide no realistic avenue for migration. There is simply no line for them to wait in." (Johnson 2007a: 175) Yet when Johnson addresses the restrictionist concern of large-scale immigration as a result of open borders (that it "would reduce social cohesion and possibly *increase* racism against immigrants of color"), he states "[t]his is far from self-evident." To support this idea, he notes: "The number of immigrants lawfully admitted into the United States annually ranged between 1 and 1.9 million during the 1990s... Although these numbers may seem high to some observers, they hardly suggest that a 'flood' of non-citizens will come to America under a liberal admissions system." (Johnson 2007a: 187) These last comments of Johnson's seem to suggest that because there have not been large numbers of *legal* immigrants into the U.S., we can safely assume a mass immigration would not occur under an open borders system. But this fails to take into account the millions of undocumented immigrants and "long

lines” of hopefuls trying to get in. (Johnson 2007a: 175) It seems odd that Johnson would admit that so many millions want to migrate to the U.S. but not be concerned with the likelihood that a great tide of immigrants will overwhelm the floodgates he wants to open so badly, in fact, that “Most people the world over would prefer to stay put in their native lands.” (Johnson 2007b: 176) He states, “Most Mexicans, for example, prefer to – and in fact do – stay in Mexico,” yet is their remaining in Mexico the result of their having no interest in migrating or because of the tough enforcement currently applied at the border?

Lastly, Johnson states that “most people in foreign countries have no inclination to leave their native soil” just like most U.S. citizens have no inclination to move states despite differences in economic opportunities. (Johnson 2007a: 206) But are there the same economic differences between U.S. states as there are between the U.S. and other countries? That is, are there more incentives for non-U.S. citizens to move to the U.S. than there are for U.S. citizens to move between states? And if so, then how does this affect Johnson’s claims concerning an open borders immigration policy?

308

A Policy of Open Borders

In reviewing and ultimately rejecting the restrictionist assumptions, Johnson hopes to make a case for open U.S. borders. (Johnson 2007a: 9) He thinks his case is a strong one. With open borders “the modern United States is better off economically, socially, politically, and morally, and places itself on the moral high ground.” (Johnson 2007a: 16) What he takes to be U.S. values like equality and multiculturalism and democratic principles support open borders and it helps prevent “discrimination, exploitation, abuse, and deaths that the current immigration laws allow[s], if not encourage[s].” (Johnson 2007a: 168-169) Additionally, restricted borders policy (presumably, of any kind) simply does not do what it seeks to accomplish: it does not keep immigrants out. (Johnson 2007a: 16)

But in contrast to restricted borders policy, precisely what does “open borders” mean? In Johnson’s proposal, open borders means no limit on the number of immigrants who can come into the country (such as the elimination of the current diversity visa system and family and employment preferences), although immigrants would need to obtain a visa from the U.S. Government. (Johnson 2007a: 37) The visa process would

involve doing a background check on the immigrant's health history and criminal record and, if cleared, would confer status onto the immigrant equal to a lawful permanent resident. (Johnson 2007a: 37-39) Johnson mentions repeatedly that under his proposal, "Only noncitizens guilty of crimes demonstrating that they pose a danger to public safety, proven terrorists, and persons with communicable diseases that constitute a substantial public-health risk would be denied entry into the United States." (Johnson 2007a: 38) A second alternative to this "would be to allow labor migration within the nations that are a party to the North American Free Trade Agreement." (Johnson 2007a: 172, 43)

Furthermore, given the longstanding and often vehement disagreement between various sectors of the U.S. immigration problem, it is a bit unclear that multiculturalism is a value held by most U.S. citizens, as Johnson seems to think it is. And there are millions of such citizens who would argue, plausible or not, that various democratic principles would not, all relevant things considered, support an open borders policy. Whether or not they are correct in their reasoning, it is a bit presumptuous of Johnson to simply assert without independent argument or careful qualification that multiculturalism is a U.S. value. If it turns out to not be the case, then whatever turns out to be a U.S. value fails to serve as strong support for Johnson's policy of open U.S. borders.

Given the above considerations, Johnson's reasoning as to why a restrictive policy on immigration is wrong is itself problematic. But there are also difficulties with his arguments in favor of an open borders policy on immigration.

Why Open Borders?

According to Johnson, racism, death, and exploitation cannot be justified in terms of restricted borders, but what leads him to argue specifically for an open borders policy? First, Johnson believes that it would significantly help the U.S. economy. (Johnson 2007a: 131) Immigrants expand the labor force (contributing to economic growth and minimal inflation), work low-wage jobs few citizens want to fill and subsequently keep prices for various goods and services low. (Johnson 2007a: 133) Restricted borders policy, on the other hand, fluctuates in its enforcement on illegal immigration and thus causes fluctuation in the number of workers available. (Johnson 2007a: 135) Johnson admits that "a reliable cost/benefit analysis" of an open system is difficult to predict

(Johnson 2007a: 28), and one wonders whether the status of “lawful permanent resident” Johnson would confer on most immigrants (which presumably includes the right to unionize) would affect the cheapness of immigrant labor related to these types of claims. (Johnson 2007a: 142-143) Furthermore, there is the concern that expanding the labor force would create what Karl Marx called “a reserve army of laborers” which would drive down wages for both the skilled and unskilled. Johnson acknowledges this basic point but is more persistent with focusing on a different reality, namely that immigrants “complement” the skills of natives (rather than displace) and thus enhance productivity. (Johnson 2007a: 146) His response towards the concern that the employment of unskilled U.S. blacks will be threatened by immigrants is that it “may well be an enduring characteristic of capitalism and a market economy, rather than the result of immigration...” (Johnson 2007a: 145) Johnson also suggests elsewhere that the “lagging economic times” is a result of “the cyclical nature inherent in the capitalist system” as opposed to a result of increased immigration. (Johnson 1993: 1162) But whether or not Johnson is correct that capitalism or a market economy is responsible for U.S. blacks being disproportionately adversely affected by the influx of immigrant labor, it is still a fact that open border immigration exacerbates black unemployment and lowers black wages in both skilled and unskilled contexts.⁴ Put differently, it may be the case that full blame for economic downturns cannot be placed on immigration, but some blame nevertheless can still be attributed to it specifically because of its contribution to an increased and, for all Johnson argues, an ever-increasing supply of workers.

Johnson does suggest that a wealth distribution policy could be put in place to mitigate the negative effects of immigration on those who cannot find jobs because of it. (Johnson 2007a: 146) Under this policy, “workers adversely affected by immigration could receive direct or indirect transfer payments based on taxes charged to employers.” (Johnson 2007a: 146) However, it is unclear how this might be done and how it will affect other aspects of the U.S. economy. And if, “[i]n fact, the relative decline in domestic wages due to immigration has been estimated at about 1 percent,” then it is not clear why we would need such policies in the first place (if the point of them is to mitigate the economic suffering of natives). (Johnson 2007a: 146)

4 Indeed, there is good reason to believe that such economic benefits are exaggerated: Borjas (1999).

There is some further gray area within the claim that open borders is economically beneficial. Presumably, Johnson would nevertheless permit some level of border enforcement given the possibility that true threats to national security and public safety could still infiltrate the U.S. despite being denied entry at border checkpoints. With this being the case, would the U.S. be better off economically if it still had to enforce borders, albeit less intensely?

Environmental Concerns With Open Borders Policy

Johnson briefly addresses the environmental concern over an open borders system. But he is quick to dismiss this issue. He mentions that environmental concerns have been raised, and that these “segments of the environmental movement have had distinctly anti-immigrant, nativist strands.” (Johnson 2007a: 24) Johnson argues, “with its environmental protections and a commitment to conservation not often found in the developing world, the United States in many ways offers a more environmentally conscious alternative to a migrant’s homeland.” (Johnson 2007a: 24) This includes environmental protections, recycling programs and a general concern over being more environmentally friendly. (Johnson 2007a: 159) Furthermore he believes that, although the U.S. population “might” increase under an open borders system, it would probably have increased anyway due to the amount of illegal immigration. (Johnson 2007a: 24) Open border advocates like Johnson, moreover, bear the moral burden of demonstrating how immigration does not deleteriously affect the lives of indigenous populations and their abilities to flourish, holistically speaking. It is ecologically irresponsible for Johnson to later state that “it is far from self-evident that the United States is overpopulated.” (Johnson 2007a: 159) And calling the population concern “a scare-tactic” is disingenuous given the legion of ecologists and environmentalists who would beg to differ with Johnson on this matter. (Johnson 2007a: 158) His tendency to gloss over the environmental concern is especially surprising given that in his earlier work he has admitted “there may be legitimate reasons, such as environmental and population concerns, which some rely upon to justify immigration restrictions.” (Johnson 1995: 1543) If these reasons are considered legitimate especially to indigenous groups such as the Dine, the Apaches, the Cherokees, the Senecas, etc., Johnson owes us an explanation as to why they are not as legitimate as they may seem. It appears that in his attempt to open the floodgates to all persons regardless of ethnicity,

gender and class, Johnson has truly and completely neglected the moral rights of those who most certainly possess the greatest moral claims to what is commonly referred to as the territory of the U.S.. For there is absolutely no question given the history of the Americas, especially North America, that immigration has proven to have one of the most deleterious effects on indigenous populations. And it is precisely the U.S.'s mitigated open door policy of immigration that has wrought considerable damage on indigenous nations. Perhaps this is the most morally damning implication of Johnson's proposal of opening the floodgates. Whatever small ways in which indigenous groups might be able to, within the confines of an already damaging environment, improve their well-being, Johnson's open borders policy ensures their final destruction even more rapidly. We demand of Johnson a plausible explanation as to how it is that his open borders policy would not, albeit unintentionally, eventuate in the "final solution" to the "Indian Problem" in the U.S..

312

Finally, it is unclear that opening the floodgates of immigration into the U.S. will genuinely and adequately address the poverty and unmet need in Latin American countries such as Mexico. While open border enthusiasts like Johnson see open borders as the only answer to the humanitarian crisis that is the immigration problem, we believe that a better form of humanitarianism is a kind of responsible compassion that seeks rather to encourage Mexicans to remain citizens of their beloved homeland while the U.S. provides substantial economic resources to the Mexican government that would create and sustain a wide range of educational and employment opportunities, among other unmet needs. In fact, a figure of approximately \$4 billion might be given to Mexico annually for such purposes, subtracting the amount of money it costs the U.S. to capture, process and deport undocumented Mexicans finding their ways into the U.S. each year. This would provide an incentive for Mexico to police its own side of the U.S.-Mexican border, lowering the cost of such policing for the U.S.. This would address problems of overpopulation that are caused in part by immigration and exacerbated by an open borders policy of immigration that Johnson prefers. In turn, indigenous groups in the U.S. will not suffer even more greatly from almost unfettered population increases caused in part by immigration, and blacks in the U.S. will not be greatly and adversely affected by the economic ramifications of Johnson's open borders policy more than they already have by current U.S. immigration policy.

Conclusion

“The inherent deficiency in justification [for closed borders] does not necessarily point to any affirmative obligation to allow for the easy admission of immigrants into the United States,” (Johnson 2003: 215) and although Johnson believes he has proven the deficiencies of the current system and provided reasons to support an open one, the aim of our paper has been to question his reasoning. This has involved denying that restrictionist thinking is inherently discriminatory and questioning whether open borders would reduce racism. In addition, we have urged Johnson to provide a direct causal connection between U.S. immigration law and policy and the deaths of persons attempting to cross the Mexican border, along with challenging his idea of treating citizens and noncitizens alike in some matters. Furthermore, Johnson needs to more fully address the effects of open borders on the employment of citizens of certain minority groups, such as blacks, and the effects on the environment. Even worse is the implications of his open borders policy for indigenous nations. As Johnson notes, “this book outlines a general proposal with, as one might say, the devil remaining in the details.” (Johnson 2007a: 36) Unfortunately, Johnson does not describe his claims in enough detail to determine any real winner in the debate over immigration law and policy, thus tempting one to seriously doubt the comparatively well-ordered state Johnson describes under an open borders system.

313

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J. Anđelo Korlet

Kimberli Anger

314

Kolateralna šteta otvaranja brana: teškoće sa argumentima
Kevina R. Džonsona za Američku imigrantsku reformu

Apstrakt

Ovaj članak se bavi kritičkom diskusijom shvatanja Kevina R. Džonsona o američkoj imigrantskoj reformi, kao i njegovim predlogom o otvorenoj imigraciji koje je izneo u svojoj knjizi *Otvaranje brana* i u nekim drugim svojim člancima posvećenim istoj temi.

ključne reči: američki indijanci, Environmentalism, imigracija, autohtone grupe, Kevin R. Johnson, otvorene granice, kontrola populacije, rasizam, ograničene granice, američki crnci