



Leadership Conference on Civil Rights

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**STATEMENT OF
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**HEARING ON THE U.S. ECONOMY, U.S. WORKERS,
AND IMMIGRATION REFORM**

**SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP, REFUGEES, BORDER
SECURITY, AND INTERNATIONAL LAW**

HOUSE COMMITTEE ON THE JUDICIARY

MAY 3, 2007

Chairperson Lofgren, Ranking Member King, and members of the Subcommittee: I am Wade Henderson, President and CEO of the Leadership Conference on Civil Rights (LCCR). I appreciate the opportunity to present to you the views of the Leadership Conference in today's hearing on the impact of immigration on U.S. workers and the U.S. economy as a whole.

LCCR is the nation's oldest and most diverse coalition of civil rights organizations. Founded in 1950 by Arnold Aronson, A. Philip Randolph, and Roy Wilkins, the Leadership Conference seeks to further the goal of equality under law through legislative advocacy and public education. LCCR consists of nearly 200 national organizations representing persons of color, women, children, organized labor, persons with disabilities, the elderly, gays and lesbians, and major religious groups. I am privileged to represent the civil and human rights community in submitting testimony for the record to the Committee.

Comprehensive Immigration Reform, a Matter of Civil and Human Rights

I would like to begin by noting what I hope are a few general points of agreement. First, I believe that everyone in this room can agree that our nation's immigration system is badly broken. It fails to keep up with economic realities, it fails to provide an orderly way to keep track of who is here, and it is so unfair and so burdensome that it fails to give people enough incentives to play by the rules. America's immigration system clearly need sweeping changes, and it needs them soon.

Second, I think we can also agree that in fixing our immigration system, we also have to include more effective – but also more realistic and more humane – immigration enforcement. Immigration enforcement is important, but it is simply unrealistic to attempt to stretch fences across our massive national borders, and we certainly cannot leave federal immigration law enforcement in the hands of private groups like the Minutemen. As a nation, we can take more sensible measures like hiring additional inspectors and border patrol agents, making better use of



technology, and working more closely with Mexico to cut down on problems like human trafficking and the drug trade.

Third, I would hope that we can also agree on the importance of giving the roughly 12 million undocumented immigrants, living and working in our country, a realistic way to come out of the shadows and legalize their status. As a lifelong civil rights advocate, I do not see this as an issue of economics. I see it as a moral one, and I believe it goes directly to our most basic understanding of civil and human rights.

It is easy to focus on the charge that undocumented immigrants have broken the rules in order to get here. We do not need to condone violations of our immigration laws. But as we do in most other circumstances, we should also look at *why* these individuals broke the rules. Motives count. And most of these 12 million people have broken the rules *not* to “steal jobs,” to live off the government, or to take advantage of anyone else. Instead, most of them have been motivated, to the point where many have even risked their lives to come here, by the desire to escape economic or political hardships that few native-born Americans today could fully understand. And they are all too often enticed here by employers who are perfectly happy to use and abuse them in the process.

When we consider the motives of the bulk of the undocumented immigrants who live and work in our country, it is clear to LCCR – and hopefully to everyone – that our policies should not treat them as fugitives. For example, undocumented immigrants should not be so afraid of the police, due to their immigration status, that they even refuse to report crimes in their own neighborhoods. When they go to work, they – like every human – have a right to know they will be treated safely and paid fairly. If they drive on our roads, it is in the interest of everyone to make sure they have been insured, trained, and certified to obey the rules of the road. And regardless of how they may have initially come here, if they show a willingness to play by the rules and contribute to our economy and our society, we should have policies in place that will reward their hard work and allow them to enjoy the fullest protections of the law.

It is with these thoughts in mind that LCCR looks forward to a vigorous and thoughtful debate over the leading immigration reform proposal in the House, the STRIVE (Security Through Regularized Immigration and a Vibrant Economy) Act of 2007, H.R. 1645. While the STRIVE Act certainly needs to be improved in some areas, on the whole, it represents a much more credible and pragmatic approach to fixing our nation’s immigration system than the leading bill in the last Congress, H.R. 4437.

Immigrants and the African-American Workforce

Turning more directly to the subject of today’s hearing, I understand that it was motivated in part by an ad campaign by the Coalition for the Future American Worker, featuring civil rights advocate T. Willard Fair. In the ad, which has been placed numerous times in *The Washington Post* and *Roll Call*, Mr. Fair argues that immigrant workers are responsible for taking hundreds of thousands of jobs from African-American workers, and that legalizing undocumented workers would cause even further economic devastation in black communities.

I certainly share the legitimate concerns about unemployment and underemployment among African Americans. I do not, however, share the simplistic and divisive view that immigrants are to blame or that they are “stealing jobs” from any population of native-born Americans.

The situation facing African Americans is far more complicated than restrictionists suggest, and cannot be conveniently explained away in a one-page ad in *Roll Call* newspaper. For one, as economists such as Steven Pitts of the Center for Labor Research and Education at the University of California have pointed out, the employment crisis facing African Americans began long before our nation took a more generous approach to immigration policy in 1965. Looking at overall unemployment rates over the last 50 years, we see that the unemployment rate for African Americans has always been approximately twice as high as white Americans, and has remained approximately the same¹ even as the percentage of foreign-born Americans, relative to the population as a whole, has increased in the past several decades:

Year	Black Unemployment	White Unemployment	Black/White Unemployment Ratio
1956	8.3%	3.6%	2.3
1965	8.1%	4.1%	2.0
1975	14.8%	7.8%	1.9
1985	15.1%	6.2%	2.4
1995	10.4%	4.9%	2.1
2005	10.0%	4.4%	2.3

This employment crisis is primarily the result of both historical and contemporary racial discrimination, not only in the labor market, but also in other aspects of society such as housing markets, educational systems, and the criminal justice system. The higher rates – and the lasting stigmatic effects – of incarceration of African-American males are especially significant.² The situation has also been compounded by broader changes in the U.S. economy as a whole, including the globalization of the economy and the movement of many types of jobs overseas.

As to the question of whether immigration might play a role in aggravating the long-existing causes of African-American unemployment, economists who have studied the issue have not been able to establish any sort of consensus.³ Even among experts who do think there is an impact, there is disagreement over the extent of this impact. For example, Bernard Anderson, an economist at the University of Pennsylvania’s Wharton School, believes that while immigrants have probably taken some jobs previously performed largely by African Americans, there is also evidence that African Americans are less likely perform low-skill service jobs because they have largely moved on to take better-paying jobs or have retired from the labor force. The displacement that has taken place, Anderson argues, has not had a significant effect on the wages or opportunities of native-born workers.⁴

¹ U.S. Department of Labor, Bureau of Labor Statistics; also Council of Economic Advisors, *Changing America: Indicators of Social and Economic Well-Being by Race and Hispanic Origin*, September, 1998, at 26.

² See, e.g., Jenny Bussey and John Trasviña, *Racial Preferences: The Treatment of White and African American Job Applicants by Temporary Employment Agencies in California*, Discrimination Research Center, December 2003; Devah Pager, *The Mark of a Criminal Record*, AMERICAN JOURNAL OF SOCIOLOGY 108(5): 937-975.

³ See, e.g., Roger Lowenstein, *The Immigration Equation*, THE NEW YORK TIMES, July 9, 2006.

⁴ *The Immigration Debate: Its Impact on Workers, Wages and Employers*, KNOWLEDGE@WHARTON, May 17, 2006 (located at <http://knowledge.wharton.upenn.edu/article.cfm?articleid=1482>).



In short, the truth is that economists simply do not – and probably cannot – know the full extent of the displacement of African-American workers by new immigrants. As such, LCCR rejects the sweeping, simplistic, divisive indictments of immigrants that have been offered by groups such as the Coalition for the Future American Worker, and we urge this subcommittee to do the same. At the same time, we do recognize that it is *possible* that unskilled, native-born workers have been – or could be – displaced by increased immigration. At the very least, the prospect of job displacement has been used by restrictionists to drive a wedge between African Americans and Latinos. For these reasons, LCCR does take the underlying concerns very seriously.

Earlier this year, LCCR organized a summit of leaders from African-American, Latino, and Asian communities to discuss how the concerns of low-income workers might best be addressed in the ongoing debate over immigration reform. The organizations and leaders involved in those discussions have followed up by coming together in support of a statement of principles and legislative recommendations that we are today urging Congress to take up as the debate over comprehensive immigration reform moves forward.

The full statement of principles has been attached at the end of my testimony, but I will briefly summarize them here. They call upon Congress to provide for:

- Better enforcement of antidiscrimination laws, through testing and other measures, and enhanced public education efforts to counter stereotypes about immigrants and African Americans;
- More open vacancy notification systems, to overcome the use of informal networks of friends and relations to fill low-wage jobs, which reduces job competition;
- Increased enforcement of workplace standards including fair wage and overtime requirements, safety and health and labor laws;
- Making it easier for workers to compete for jobs in other locations through better advertising of unskilled jobs and the allocation of resources to pursue and relocate for them; and
- More job skills, training and adult education opportunities for low-wage workers, including young people and high school dropouts.

We will be following up on these principles by fleshing them out into specific legislative proposals, and we urge Congress, as it considers immigration legislation, to include them in the debate either as an amendment or as a concurrent standalone bill.

Black vs. Brown in the Immigration Debate

Finally, Chairperson Lofgren, I would like to say more about the misperceptions about black-Latino relations to which Mr. Fair's ad unfortunately contributes. As with any controversial issue, and immigration is undoubtedly a controversial issue, there will inevitably be a wide variety of opinions within any community.

The relationship between the African-American community and immigrant communities has long been a complicated one. On one hand, as minority groups in America, they share a strong



common interest in fairness and equal opportunity. Indeed, because the immigrant community includes many individuals of African and Caribbean descent, African Americans do have a direct interest in fair immigration policies. For these reasons, the traditional civil rights movement was instrumental in eliminating discriminatory immigration quota laws in favor of more generous policies in the 1960s, and leading civil rights organizations have continued to speak out on behalf of immigrants' rights since then.

On the other hand, it is clear that many individuals represented by traditional civil rights organizations, particularly those who struggle the most to make ends meet, are concerned about the way their economic lives are affected by increased immigration. There is a fear among many that generous immigration policies result in unfair competition for jobs, as well as for other assets such as education and quality health care.

But contrary to what the Coalition for the Future American Worker ad might suggest, these concerns do not, on the whole, lead to any widespread resistance to the legalization of undocumented immigrants. Indeed, while they may be less enthusiastic than white or Latino voters, public opinion data shows that a majority (61 percent) of African-American voters support immigration reform that includes enforcement and a path to citizenship, with 42 percent supporting it strongly.⁵

On the whole, African Americans understand that it is inherently wrong to divide people along the lines of race or ethnicity or national origin, and that creating “us versus them” scenarios does not help anyone in the long run. If Congress does more to protect low-income, native-born workers as a part of immigration reform, consistent with the principles I outlined above, the numbers I have just cited would be even more favorable.

In closing, I would also like to add that civil and human rights organizations do take note of how consistently – or inconsistently, in this case – advocates for restrictive immigration policies show their concern for the welfare of African Americans on the whole. For example, during last year's reauthorization of the Voting Rights Act, the most important civil rights law governing our most important civil right, the same groups and individuals who claim to be protecting black Americans now stood squarely against us then, and at one point they even went so far as to prevent the reauthorization bill from coming to the House floor. Sadly, the same has often been true of restrictionist voices when it comes to matters such as education, Head Start, racial profiling, affirmative action, hate crimes, and a host of other issues that are of critical importance to the welfare of African Americans and other minority groups. To anyone who looks closely, and doesn't rely solely on full-page newspaper ads, it is clear that immigration restrictionists are not – and never have been – our friends.

This concludes my prepared remarks. Again, I want to thank you for the opportunity to speak before your subcommittee today. I look forward to answering any questions you may have.

⁵ Polls conducted by Lake Research Partners, April 19-28, 2004 among 800 likely voters; Lake Research and Tarrance Group, July 9-13, 2006 among 1000 registered, likely voters.

Statement of Principles Comprehensive Immigration Reform Must Protect *All* Workers

As the country finds itself at a critical point in the current debate over our broken immigration system, and how best to fix it, the undersigned organizations and individuals have come together to call on Congress to also address the issues, barriers, and challenges facing minorities as part of this important national discourse. We believe that immigration is a civil rights issue, requiring the attention of *all* Americans.

Throughout America's history, the challenges that have often arisen as part of what is an emotional debate around national immigration policy have centered on the impact of immigrants, whether legal or undocumented, on the native-born workforce. Today's debate is no different. Both the real and perceived challenges and barriers faced by *all* low-wage workers sadly prevent progress, and often lead to further division among minority groups and underserved populations.

There are some who seek to frame the debate in racial terms—as one of competition between minority native-born workers, particularly African-Americans, and immigrant workers, especially Hispanic and Asian immigrants. Such a superficial approach ignores the serious challenges facing *all* low-wage workers. To frame this debate solely in racial terms or simply as a question of numbers and enforcement, is to ensure that we will not confront and solve the underlying systemic causes.

As we work to enact comprehensive immigration reform, we need to look at issues facing *all* low-wage workers in the United States. Globalization, the changing American economy and other factors have led to a breakdown in the low wage employment sector. Despite the growing productivity of workers in the United States, and the strong profitability of U.S. companies, the wages and benefits available in millions of low-wage jobs have not improved.

We must pursue an agenda that serves the interest of *all* workers, especially those who are unemployed or employed in low-wage jobs, whether it is in the context of immigration reform or other efforts to improve the wages and benefits of low-wage workers. For example, increasing the minimum wage is one such initiative, unrelated to immigration reform, which will begin to address structural problems and lay the groundwork for improving the quality of low wage jobs. In the context of immigration reform, we seek to ensure that such reform helps to repair, rather than exacerbate both the short-comings of the current low-wage labor market, as well as the impact immigrants may have on job opportunities of native minority low-wage workers who are already facing challenges and barriers.

Consideration should also be given to the impact of new immigrants on local community social-service initiatives for low-wage families, including job assistance, access to affordable housing and housing assistance programs, education, and health care. Assessments of such programs should contemplate how to meet the challenges of delivering such services to *all* who need them in affected communities. Further, in addressing the challenges and barriers that low-income workers already face here in our country, the following principles should be incorporated in immigration and worker reform efforts:

- Strongly enforce antidiscrimination laws, through testing and other measures, and enhance public education efforts to address employer biases that too often typecast the “ideal” low-wage job candidates for particular jobs and exacerbate stereotypes of individual groups,

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including immigrants and African Americans, as qualified or interested in only certain low wage job opportunities.

- Establish a more open vacancy notification system to overcome the “informal” nature of using closed incumbent worker networks of friends and relations to fill low-wage jobs, which reduces real job competition and creates an inside-versus-outside labor market competition.
- Increase the enforcement of workplace standards including fair wage and overtime requirements, safety and health and labor laws; and enforce civil rights laws as they pertain to equal opportunity in hiring and advancement.
- Increase the ability of workers to compete for jobs in other locations through more effective advertising of these opportunities and through the allocation of resources to pursue and relocate for low-wage jobs; and
- Provide increased job skills, training and adult education opportunities for low-wage job candidates, including young people, or job candidates who have not completed a high school level education. In addition, provide for initiatives that assist in the creation, support for, and expansion of small business opportunities for existing and new residents.
- While the civil rights community may not be unified on the question of the need for a new visa program to replace the undocumented stream of workers, there is unity on the issue that if one is created, there must be strong labor, health, wage and safety protections, and there must be an opportunity for such workers to become legal permanent residents and get on a path to citizenship.

As the country debates comprehensive immigration reform, we have a unique and important opportunity to confront directly the above challenges. Congress must take into account the needs of low-income workers as it debates comprehensive immigration reform. Whether Congress can begin to offer solutions to the vexing problems facing low-wage workers as part of immigration reform or through other policy proposals, it should draw on the extensive research and expertise that already exists within the civil and human rights community.

Leadership Conference on Civil Rights/Leadership Conference on Civil Rights Education Fund (LCCR/LCCREF)

National Council of La Raza

Asian American Justice Center

National Association for the Advancement of Colored People (NAACP)

National Urban League

National Association of Latino Appointed and Elected Officials (NALEO) Educational Fund

NAACP Legal Defense and Educational Fund, Inc.

Center for Community Change

Lawyers' Committee for Civil Rights Under Law

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