



Hon. Marcia Fudge, Chair
Congressional Black Caucus
2344 Rayburn House Office Building
Washington, DC 20515

May 20, 2014

Dear Representative Fudge:

I write in my individual capacity as a member of the eight-member U.S. Commission on Civil Rights, and not on behalf of the Commission as a whole. In light of recent news reports indicating a renewed push to pass immigration reform, I am writing to remind you and your caucus of a rarely-discussed effect of granting legal status or effective amnesty to illegal immigrants. As I expressed in a letter sent to you last year, such grant of legal status will likely disproportionately harm lower-skilled African-Americans by making it more difficult for them to obtain employment and depressing their wages when they do obtain employment. The increased employment difficulties will likely have negative consequences that extend beyond the economic sphere.

In 2008, the Commission held a briefing regarding the impact of illegal immigration on the wages and employment opportunities of African-Americans.¹ The testimony at the briefing indicated that illegal immigration disproportionately impacts the wages and employment opportunities of African-American men.²

The briefing witnesses, well-regarded scholars from leading universities and independent groups, were ideologically diverse. All the witnesses acknowledged that illegal immigration has a negative impact on black employment, both in terms of employment opportunities and wages. The witnesses differed on the extent of that impact, but every witness agreed that illegal immigration has a discernible negative effect on black employment. For example, Professor Gordon Hanson's research showed that "Immigration . . . accounts for about 40 percent of the 18 percentage point decline [from

¹ U.S. COMMISSION ON CIVIL RIGHTS, THE IMPACT OF ILLEGAL IMMIGRATION ON THE WAGES AND EMPLOYMENT OPPORTUNITIES OF BLACK WORKERS [hereinafter THE IMPACT OF ILLEGAL IMMIGRATION], available at http://www.usccr.gov/pubs/IllegImmig_10-14-10_430pm.pdf.

² *Id.* at 3, Finding 5:

Illegal immigration to the United States in recent decades has tended to depress both wages and employment rates for low-skilled American citizens, a disproportionate number of whom are black men. Expert economic opinions concerning the negative effects range from modest to significant. Those panelists that found modest effects overall nonetheless found significant effects in industry sectors such as meatpacking and construction.



1960-2000] in black employment rates.”³ Professor Vernon Briggs writes that illegal immigrants and blacks (who are disproportionately likely to be low-skilled) often find themselves in competition for the same jobs, and the huge number of illegal immigrants ensures that there is a continual surplus of low-skilled labor, thus preventing wages from rising.⁴ Professor Gerald Jaynes’s research found that illegal immigrants had displaced U.S. citizens in industries that had traditionally employed large numbers of African-Americans, such as meatpacking.⁵

Illegal immigration has a disparate impact on African-American men because these men are disproportionately represented in the low-skilled labor force. The Census Bureau released a new report on educational attainment after the Commission issued its report. This report, released in February 2012, found that 50.9 percent of native-born blacks had not continued their education beyond high school.⁶ The same report found that 75.5 percent of foreign-born Hispanics had not been educated beyond high school, although it does not disaggregate foreign-born Hispanics who are legal immigrants from those who are illegal immigrants.⁷ However, Professor Briggs estimated that illegal immigrants or former illegal immigrants who received amnesty constitute a third to over a half of the total foreign-born population.⁸ Foreign-born Hispanics who are in the United States illegally are disproportionately male.⁹ African-Americans who have not pursued education beyond high school are also disproportionately male.¹⁰ These poor educational attainment levels usually relegate both African-American men and illegal immigrant men to the same low-skilled labor market, where they must compete against each other for work.¹¹

³ *Id.*, at 26.

⁴ *Id.* at 37, 38-39

⁵ *Id.* at 31.

⁶ CAMILLE L. RYAN & JULIE SIEBENS, U.S. CENSUS BUREAU, EDUCATIONAL ATTAINMENT IN THE UNITED STATES: 2009 (Feb. 2012), at 7, available at <http://www.census.gov/prod/2012pubs/p20-566.pdf>.

⁷ *Id.*

⁸ THE IMPACT OF ILLEGAL IMMIGRATION, *supra* note 1, at 35-36.

⁹ Peter Skerry, *Splitting the Difference on Illegal Immigration*, NATIONAL AFFAIRS (Winter 2013), at 5 (“Of the undocumented immigrants over the age of 18 currently residing in the U.S., there are approximately 5.8 million males, compared to 4.2 million females.”), available at http://www.nationalaffairs.com/doclib/20130102_Skerry.pdf.

¹⁰ THE IMPACT OF ILLEGAL IMMIGRATION, *supra* note 1, at 52; see also Anne McDaniel, Thomas A. DiPrete, Claudia Buchmann & Uri Shwed, *The Black Gender Gap in Educational Attainment: Historical Trends and Racial Comparisons*, 48 DEMOGRAPHY 889, 890 (2011) (“It is well known that black males trail black females on a range of key educational outcomes, including high school graduation, college enrollment, and college completion.”), available at <http://jrnetserver.shorensteincenter.netdna-cdn.com/wp-content/uploads/2011/10/fulltext.pdf>.

¹¹ THE IMPACT OF ILLEGAL IMMIGRATION, *supra* note 1, *Statement of Vernon M. Briggs, Jr.*, at 37.

[I]t is not everywhere that there is likely to be significant competition between low skilled black workers and illegal immigrant workers, but there are ample circumstances where there is – such as the large metropolitan labor markets of Los Angeles, New York, San Francisco, Chicago, Miami and Washington-Baltimore. Moreover, some of the



Unfortunately, scholarly research indicates that the low levels of socioeconomic achievement among many foreign-born Hispanics persist among their American-born children and grandchildren.¹² As detailed by George Borjas and Lawrence Katz, many Mexican immigrants have very low levels of human capital.¹³ These low levels of human capital manifest themselves in persistently low wages, whereas non-Mexican immigrants relatively rapidly experience their wages converging with those of the native-born population.¹⁴ Regrettably, these low levels of human capital persist among native-born Americans of Mexican ancestry.¹⁵ This represents a substantial long-term increase in the number of people in the low-skilled labor market, a labor market which is otherwise largely populated by African-American men.

fastest growing immigrant concentrations are now taking place in the urban and rural labor markets of the states of the Southeast – such as Georgia, North Carolina and Virginia, which never before were significant immigrant receiving states in previous eras of mass immigration. Indeed, about 26 percent of the nation’s foreign-born population are now found in the states of the South – the highest percentage ever for this region. There is mounting evidence that many of these new immigrants in this region are illegal immigrants.

¹² George J. Borjas and Lawrence F. Katz, *The Evolution of the Mexican-Born Workforce in the United States*, in *MEXICAN IMMIGRATION TO THE UNITED STATES* 16–17 (George J. Borjas, ed., 2007).

What we do know, however, is that the Mexican immigrant population today stands out from the rest of the immigrant population in two striking ways. It is well-known, of course, that there has also been a sizable increase in the number of non-Mexican immigrants admitted to the United States. Nevertheless, Mexican immigrants comprise an ever-larger fraction of the foreign-born stock of the United States. Second, as we will document, Mexican immigrants tend to have demographic and socioeconomic characteristics that differ significantly not only from that of the native-born population, but from that of other immigrants as well. In general, the economic performance of Mexican immigrants lags significantly behind that of other immigrant groups, and this lagging performance is, to an important extent, transmitted to future generations of native-born workers of Mexican ancestry.

¹³ *Id.* at 31–32.

¹⁴ *Id.* at 32–36.

¹⁵ *Id.* at 42–43.

Table 1.9 documents the sizable difference in the distributions of educational attainment between native-born Mexicans and other native-born workers. Like their immigrant counterparts, native-born Mexicans have disproportionately large high school dropout rates and disproportionately low college graduation rates. In 2000, for example, 21.0 percent of native-born Mexicans were high school dropouts, and only 11.3 percent were college graduates. This contrasts strikingly with the 8.3 percent of native-born non-Mexicans who were high school graduates and 27.9 percent who were college graduates. . . . The sizable differences in the educational attainment (as well as in the occupations) of Mexican native workers and other natives inevitably lead to equally sizable differences in log weekly wages between the two groups.



The obvious question is whether there are sufficient jobs in the low-skilled labor market for both African-Americans and illegal immigrants. The answer is no. As Professor Briggs noted in his testimony to the Commission, “[i]n February 2008 . . . the national unemployment rate was 4.8 percent, but the unemployment rate for adults (over 25 years old) without a high school diploma was 7.3 percent.”¹⁶ During 2007, “Black American adult workers without a high school diploma had an unemployment rate of 12.0 percent, and those with only a high school diploma had an unemployment rate of 7.3 percent.”¹⁷ These statistics suggest both that there is an overall surplus of workers in the low-skilled labor market, and that African-Americans are particularly disfavored by employers.¹⁸ More recently, Professor George Borjas of Harvard writes:

Classifying workers by education level and age and comparing differences across groups over time shows that a 10 percent increase in the size of an education/age group due to the entry of immigrants (both legal and illegal) reduces the wage of native-born men in that group by 3.7 percent and the wage of all native-born workers by 2.5 percent. . . . The same type of education/age comparison used to measure the wage impact shows that a 10 percent increase in the size of a skill group reduced the fraction of native-born blacks in that group holding a job by 5.1 percentage points.¹⁹

Furthermore, these statistics reflect an economy that was not experiencing the persistent stagnation we are experiencing today. The country’s economic woes have disproportionately harmed African-Americans, especially those with little education. Five years into the economic recovery, African-Americans face particular difficulty obtaining employment. According to the Bureau of Labor Statistics, the April 2014 unemployment rate for all black Americans – not just those with few skills – was 11.6 percent, more than twice the white unemployment rate of 5.3 percent.²⁰ The economy has a glut of low-skilled workers, not a shortage. The unemployment rate for black teens is 36.8 percent.²¹

¹⁶ THE IMPACT OF ILLEGAL IMMIGRATION, *supra* note 1, *Statement of Vernon M. Briggs, Jr.*, at 36.

¹⁷ *Id.*

¹⁸ *Id.*, *Statement of Harry J. Holzer*, at 41.

Other evidence, including that by ethnographers, indicates that employers filling low-wage jobs requiring little reading/writing or communication clearly prefer immigrants to native-born blacks, and encourage informal networks through which immigrants gain better access to these jobs. The native-born black workers likely would be interested in some, but not all of these jobs, depending on their wages.

¹⁹ George Borjas, *Immigration and the American Worker: A Review of the Academic Literature*, Center for Immigration Studies (April 2013), available at http://cis.org/immigration-and-the-american-worker-review-academic-literature?utm_source=E-mail+Updates&utm_campaign=344e45830d-Borjas_Study4_8_2013&utm_medium=email.

²⁰ BUREAU OF LABOR STATISTICS, *Employment status of the civilian population by race, sex, and age*, <http://www.bls.gov/news.release/empst.t02.htm>.

²¹ *Id.*



The black labor force participation rate has fallen to an historic low of 60.9 percent.²² In addition, black median household income has dropped by nearly \$1,500 in the last five years, and 3.5 million more blacks are receiving food stamps.²³

Not only do illegal immigrants compete for jobs with African-Americans, but that competition drives down wages for the jobs that are available. Harvard professor George Borjas writes:

Although the net benefits to natives from illegal immigrants are small, there is a sizable redistribution effect. Illegal immigration reduces the wages of native workers by an estimated \$99 to \$118 billion a yearA theory-based framework predicts that the immigrants who entered the country from 1990 to 2010 reduced the average annual earnings of American workers by \$1,396 in the short run. Because immigration (legal and illegal) increased the supply of workers unevenly, the impact varies across skill groups, with high school dropouts being the most negatively affected group.²⁴

Immigration, both legal and illegal, resulted in a disproportionately large increase in the number of high school dropouts in the labor pool. This caused a drop in wages among the poorest and least-educated members of the workforce.²⁵ As discussed above, these people are disproportionately likely to be African-American men. Furthermore, there is evidence that wages for these men have not just failed to increase as much as they would have in the absence of illegal immigration. Their real wages, the number of dollars they take home at the end of the week, have actually diminished. Julie Hotchkiss, a research economist and policy advisor at the Federal Reserve Bank of Atlanta, estimated that “as a result of this growth in the share of undocumented workers, the annual earnings

²² *Id.*

²³ Deroy Murdock, *Black Americans Are Worse Off Under Obama*, NAT’L REV. ONLINE, May 16, 2014, <http://www.nationalreview.com/article/378087/black-americans-are-worse-under-obama-deroy-murdock>.

²⁴ Borjas, *supra* note 19.

²⁵ *Id.*

[The simulation] shows that immigration particularly increased supply at the bottom and top of the education distribution. Immigration increased the effective number of hours supplied by high school dropouts to 25.9 percent, and those of workers with more than a college degree by 15.0 percent. In contrast, immigration increased the number of hours supplied by workers with 12 to 15 years of school by only 6 to 8 percent. Overall, immigration increased effective supply by 10.6 percent during the two-decade period.

Because of the skewed nature of the supply shift, the simulation shows that immigration particularly affected the wage of native workers at the two ends of the education distribution. The large supply increase experienced by high school dropouts decreased the wage of this group by 6.2 percent in the short run and 3.1 percent in the long run. Similarly, the wage declines for the most highly skilled workers (those with more than a college degree) were 4.1 percent in the short run and 0.9 percent in the long term.



of the average documented worker in Georgia in 2007 were 2.9 percent (\$960) lower than they were in 2000. . . . [A]nnual earnings for the average documented worker in the leisure and hospitality sector in 2007 were 9.1 percent (\$1,520) lower than they were in 2000.”²⁶ A \$960 annual decrease may not seem like much to a lawyer or a doctor. But as President Obama noted in regard to the 2012 payroll tax cut extension, an extra \$80 dollars a month makes a big difference to many families: “It means \$40 extra in their paycheck, and that \$40 helps to pay the rent, the groceries, the rising cost of gas”²⁷

The consequences of illegal immigration for black men and the black community in general are not limited to wages. In another study, Borjas found that lower wages and fewer jobs also correlate with an increase in the black incarceration rate.

Our study suggests that a 10% immigrant-induced increase in the supply of a particular skill group is associated with a reduction in the black wage of 2.5%, a reduction in the black employment rate of 5.9 percentage points, and an increase in the black institutionalization rate of 1.3%. Among white men, the same 10% increase in supply reduces the wage by 3.2%, but has much weaker employment and incarceration effects: a 2.1 percentage-point reduction in the employment rate and a 0.2 percentage-point increase in the incarceration rate. It seems, therefore, that black employment and incarceration rates are more sensitive to immigration rates than those of whites.²⁸

Both lower wages and incarceration likely contribute to one of the most serious problems facing the African-American community today: the dearth of intact nuclear families. The disintegration of the black family began to accelerate during the 1960s. It is one of the great tragedies of modern America that the disintegration of the African-American family has shown no signs of abating.²⁹ Seventy-two percent of African-American children are born out of wedlock.³⁰ It is now a truism that children born out of wedlock are far more likely to experience a

²⁶ THE IMPACT OF ILLLEGAL IMMIGRATION, *supra* note 1, at 46.

²⁷ Amie Parnes, *Obama: Payroll tax cut extension will help with higher gas prices*, THE HILL, Feb. 21, 2012, available at <http://thehill.com/blogs/e2-wire/e2-wire/211765-obama-payroll-tax-cut-extension-will-help-with-higher-gas-prices>.

²⁸ George J. Borjas, Jeffrey Grogger, and Gordon Hanson, *Immigration and the Economic Status of African-American Men*, 77 *Economica* 255, 256 (2010).

²⁹ Kay Hymowitz, *The Black Family: 40 Years of Lies*, CITY JOURNAL (Summer 2005), available at http://www.city-journal.org/html/15_3_black_family.html.

³⁰ Jesse Washington, *Blacks struggle with 72 percent unwed mothers rate*, ASSOCIATED PRESS, Nov. 7, 2010, available at http://www.nbcnews.com/id/39993685/ns/health-womens_health/t/blacks-struggle-percent-unwed-mothers-rate/#.UWR6fZPvvn4.



host of negative outcomes than are children raised by their own biological, married parents.³¹

Married men are more likely to be employed and to have higher earnings than unmarried men, although the relationship between marriage and economic success is complex. However, it is obvious that men who are unemployed or are incarcerated are far less appealing prospective spouses than men who hold down a steady job.³² Yet there are fewer and fewer jobs available—and at lower wages—for men in traditionally masculine industries.³³ Giving amnesty to illegal immigrants would only exacerbate this problem facing low-skilled men, who are disproportionately African-American. The dearth of job opportunities gives these men less confidence in their ability to support a family, and gives women reason to fear that these prospective husbands will be only another mouth to feed.

Granting amnesty to illegal immigrants will only further harm African-American workers. Not only will the low-skilled labor market continue to experience a surplus of workers, making it difficult for African-Americans to find job opportunities but African-Americans will be deprived of one of their few advantages in this market. Some states require private employers to use E-Verify to establish that their workers are in the country legally. This levels the playing field a bit for African-Americans. If illegal immigrants are granted legal status, this small advantage disappears.

³¹ See *id.* (“Children of unmarried mothers of any race are more likely to perform poorly in school, go to prison, use drugs, be poor as adults, and have their own children out of wedlock.”); see also W. Bradford Wilcox and Jeffrey Dew, *Protectors or Perpetrators: Fathers, Mothers, and Child Abuse and Neglect*, Center for Marriage and Families (Feb. 2008), available at <http://www.wbradfordwilcox.com/Dad.abuse.pdf>:

[A] 1996 federal study found that the overall rate of child maltreatment among single-parent households was nearly double that of two-parent families: 27.3 children per 1,000 were maltreated in single-parent families, whereas 15.5 children per 1,000 were maltreated in two-parent families. Another study found that 7 percent of children who had lived with a single parent had been sexually abused, compared to 4 percent of children who lived in an intact, biological family. Still another study found that children were half as likely to suffer physical abuse involving a traumatic brain injury when they lived in a household with their father, compared to children living in a fatherless family.

Research also indicates that children living in stepfamilies are more likely to suffer from abuse. One study by David Finkelhofer of the University of New Hampshire and his colleagues found that “children currently living in single parent and stepfamilies had significantly greater lifetime exposure than those living with two biological or adoptive parents” to five different forms of victimization—sexual assault, child maltreatment, assault by peers or siblings, being a victim of a crime, or witnessing violence. Other studies have found that children are markedly more likely to be killed or sexually abused by stepfathers, compared to children living in an intact, married household.

³² Hannah Rosin, *THE END OF MEN* (2012) 8–10 (a single mother’s description of her daughter’s underemployed father as “one less granola bar for the two of us”).

³³ See Rosin at 71–97 (2012).



Furthermore, recent history shows that granting amnesty to illegal immigrants will encourage more people to come to the United States illegally. The 1986 amnesty did not solve the illegal immigration problem. To the contrary, that amnesty established the precedent that if you come to America illegally, eventually you will obtain legal status. Thus, it is likely that if illegal immigrants are granted legal status, more people will come to America illegally and will further crowd African-American men (and other low-skilled men and women) out of the workforce.

Before the federal government decides to grant legal status to illegal immigrants, due deliberation should be given to what effect such grant will have on the employment and earnings prospects of low-skill Americans generally and black Americans specifically. It is respectfully submitted that granting such legal status is not without substantial costs to American workers. Given these costs, I ask that you and the members of your caucus publicly confirm that you will:

- 1) Oppose any legislation that would grant any form of work authorization to illegal aliens.
- 2) Oppose legislation that would increase the overall number of guest workers admitted to the U.S. each year.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Kirsanow".

Peter Kirsanow
Commissioner