

*Dr. Frank Morris is Dean of Graduate Studies and Urban Research at Morgan State University, Baltimore, and a member of the Board of Directors at the Center for Immigration Studies in Washington, DC. Citing the need of black Americans for places in the nation's labor force, he presented this view on legal immigration reform to the House Sub-committee on Immigration, Refugees and International Law on March 13, 1990.*

## Re: LEGAL IMMIGRATION REFORM

By Frank Morris

I welcome this opportunity to comment on the legal immigration reform proposals now before the House of Representatives, which have potentially far-reaching consequences for current and future African-American workers. As a former Executive Director of the Congressional Black Caucus Foundation, and currently responsible for the work of the Center for Urban Research at Morgan State, I have reviewed considerable data on the effects of our current liberal immigration policies on the conditions of black Americans and on inter-ethnic relations. This statement, however, does not necessarily represent the views of Morgan State University or the Center for Urban Research.

My first concern is that the black community, in looking at the slow rate of growth of our numbers in the labor force and our increasing need for higher skills, may find that any encouraging assumptions we had about opportunities for young black workers and prospective workers have been sidetracked by hasty immigration policies.

We had been encouraged by recent studies, such as the Hudson Institute's *Workforce 2000* and the Department of Labor's *Opportunity 2000*, which underscore a vital national need to develop urgently the human capital of our minority citizens. We had hoped that this need to utilize all our citizens in the work force could, for once, convince America, in its own best interest, to commit itself to the development of the talents of even its most neglected citizens.

But when I examine these legislative proposals to again expand the admission of skilled and unskilled workers, I fear that these comforting assumptions about developing our own home grown human capital are no longer an important part of the equation. It is particularly troubling that no studies have been made to determine what impact the proposed expansion of foreign worker intake would

have on the incentives of employers, the government and the schools to develop the needed skills of those already here.

The nation's immigration policies and practices of the past decade—legal immigration, non-immigrant admissions and tolerated illegal immigration—have permitted the foreign-born population to grow by about 750,000 yearly. This rate of growth, 4 percent a year, is nearly six times the natural growth rate of the domestic population. As a result, the foreign born population, which was 6.2 percent of the total in the 1980 census, will approach 9 percent in the 1990 census.

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This remarkable growth of the immigrant population is most intense in areas where African-Americans have a major presence and have important interests. Much of the increase in the foreign-born population is concentrated in relatively few major metropolitan areas where sizable African-American populations now reside. A quarter of the growth of the nation's labor force now comes from immigration, while immigrants' share of the public school population has increased even more rapidly.

It is clear that America's black population is bearing a disproportionate share of immigrants' competition for jobs, housing and social services. While each year's immigrant cohort brings the nation some needed technical and professional skills, illegal immigration and the system's heavy reliance on family reunification yields a sizeable and growing segment of immigrants whose educational deficien-

cies and low skills parallel those of many black Americans who are struggling to rise out of poverty.

About half of last year's nearly 900,000 legal and illegal immigrants, refugees, asylees and parolees can be expected to enter the labor market. Some 40 to 45 percent of them will settle in six major metropolitan statistical areas (MSAs): New York, Los Angeles, Miami, Chicago, Houston and San Francisco-Oakland. Some 5.6 million black Americans, nearly one-fifth of the nation's black population, now live and work in those six MSAs. Perhaps millions more would consider migrating to those cities from high unemployment areas if the job prospects for black Americans were brighter.

Many of the 1989 immigrants, like those in earlier years of the decade, will be forced by their limited skills to seek employment in occupations in which African-Americans are already over-represented: building services and maintenance, construction, apparel- and other light manufacturing, non-profession health care jobs, and hotel and restaurant work. African-Americans in these occupations understandably would be particularly skeptical about claims of "labor shortages." These fields of work are among those where the stagnation of real wages for the less skilled is greatest, where unemployment is significantly higher than the national average, and where the period of unemployment after displacement or layoff tends to be longer than normal.

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There is little basis for repeated assurances that African-Americans have not been harmed by heavy immigration of the less-skilled during the past two decades. Many of the immigrants compete directly with blacks in the same labor markets and occupations, and have become substitutes for black workers more often than they have become complements.

Studies claiming to show insignificant change in rates of African-American unemployment or labor force participation fail to take into account employment opportunities closed to black Americans who might otherwise migrate to metropolitan labor markets increasingly impacted by immigration. The pervasive effects of ethnic-network recruiting and the spread of non-English languages in the workplace has, in effect, locked many blacks out of occupations where they once predominated. Heavy immigration is affecting the mobility of black workers and altering migration patterns within the United States. The rate of African-American migration to Los Angeles and other major urban areas in California has slowed markedly in the past two decades. Professor Vernon Briggs of Cornell University finds that a major factor in the rising percentage of African-Americans resettling in the south since the 1960s is the resumption of mass immigration into eastern, mid-western and western cities.

African-Americans also pay a higher price for mass immigration than other Americans in terms of its consequences for the quality of public education in major American cities. Department of Education data show the following major urban school districts most impacted by limited English proficiency (LEP) students and other foreign-born persons requiring special programs to assist their adjustment to US society: Los Angeles Unified, Dade County (Florida), Chicago, San Francisco Unified, New York City, and the Houston Independent School District. Black children, many of whom have severe unmet educational needs, have a major presence in all of these school districts. Shrinking federal and state resources, rising numbers of foreign-born children with special needs, and lack of commitment to quality public education for all in our cities, have ill-served black children, even in well-intentioned school districts.

Unfortunately, I can only conclude that the various bills under consideration in the House will, in varying degrees, worsen all of these problems. Provisions in the Berman, Morrison and Fish bills to allow unlimited immigration of spouses and minor children of permanent resident aliens are likely to double the total legal immigration over the next few years as the current second-preference backlog is absorbed and immediate relatives of nearly 3 million amnestied aliens are admitted. Much of the intake

will enter the labor force as low-skilled workers, more likely to compete with black workers than complement them. Since much of this heavy flow is to reunify families, we can reasonably expect an even greater concentration of those admitted in the early 1990s in the five or six top immigrant-receiving MSAs, with further dilution of public education resources in those cities and increased distress for the low-cost housing market.

The Schumer and Morrison bills in the House, like S.358 in the Senate, increase the intake of temporary foreign workers to varying degrees—the Morrison bill significantly. Black Americans reject the assumption of labor shortages underlying all these proposals and would see them as attempts to use immigration policy to loosen a tight labor market that is just now beginning to stimulate employers to offer American minorities, including earlier immigrants, a rare opportunity to gain training, improve their bargaining power, and better their wages, conditions and employment prospects.

I recognize that the bills include presumed safeguards for the competitive position of American

workers, such as labor certification in some cases, limits on recruitment of foreign workers, a 9 percent tax on employers, and employer liability for repatriation. But I am convinced that disadvantaged American workers, with their limited political clout, either cannot count on such measures to survive the legislative pruning now underway (indeed, the proposed tax on employers has already dropped from 15 to 9 percent) or to be allowed to function as intended if enacted. The history of the implementation of the migrant labor (Bracero) agreement, the H-2 program, and the other non-immigrant temporary labor provisions of current law such as H-1 and L-1 suggest that employer concerns can be expected to override workers' interests in the implementation.

I urge members of the Judiciary and Labor committees to resist impulses to rush toward sharp increases in the nation's already high level of immigration, or to use immigration policy to impede or delay the working of natural labor market forces that are highly promising for disadvantaged US workers. Thank you. ■

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## **Toward a Secure Personal Identification**

When it comes to tamper-proof identification cards, the nation could learn a lesson from California's Department of Motor Vehicles. Complete with holograms, encoded magnetic strips and super-sharp photographs, the DMV's new high-tech driver's licenses unveiled last week could be a model for the type of national ID card necessary to make immigration reform work.

The new documents have two attributes that are particularly appealing: (1) They are virtually counterfeit-proof because the information they contain is embedded in plastic, not merely typed on easily altered paper. Any attempt at forgery almost certainly would destroy the license. At the very least, it would notably alter the mosaic of holograms of the state and DMV logos that stretch across the document's face.

(2) A magnetic strip on the back of the licenses, encoded with all pertinent data, allows verification of information to occur almost instantly via readout devices connected with DMV records. This allows merchants accepting checks to quickly verify names and addresses. And law-enforcement officials, using a more comprehensive system, can instantly retrieve even more detailed information — from a thumb print to a check for warrants and outstanding tickets.

Sound expensive? Actually, it's a money saver. The DMV estimates that the more-automated system will weed at least a million Californians a year out of DMV lines, at substantial savings to taxpayers. A cost-effective, tamper-proof, instantly informative ID card. That prospect should appeal to federal officials seeking solutions to the rampant fraud undermining current immigration policy. The new California driver's license proves that the technology is available. The only missing ingredient is political will. [From the San Diego (Calif) Tribune, January 21, 1991]



*Part of the mission of The Social Contract is to bring to our readers some of the cogent items that have been written in previous years, the message of which is still valuable and applicable to the issues under consideration. The following piece by Henry Catto was written as a guest "My Turn" column for Newsweek, December 1, 1980, and is reprinted by permission. Mr. Catto is the current Director of the United States Information Agency. He has served several distinguished posts in government including ambassador to El Salvador and to the Court of St. James'.*

## OUR LANGUAGE BARRIERS

By Henry E. Catto, Jr.

By the end of the next decade it is entirely possible that the United States will once again confront the fateful choice it faced in 1860: schism or civil war. The cause this time will be language, and the crisis will have resulted in no small measure from government policy.

Two recent events, coming with dramatic simultaneity, foreshadow this bleak future. The separatist election in Quebec showed the grim danger of two competing languages within one nation. And the Spanish armada of Cubans fleeing their wretched homeland is a clear reminder of what is happening to us. Unfortunately, like some vague vatic dream, the memory will fade and we will do nothing to avert the problem until it is too late.

The American tradition has been, of course, for each wave of immigrants to put aside its language, save for special occasions, and learn English. But in the mid 1960s, understandably anxious to overcome the problems of minorities, the Federal government in its zeal unwisely abandoned this tradition.

The beginning of it all was innocuous enough. The Elementary and Secondary Education Act of 1965 was amended by a \$7.5 million pilot program that would allow a Spanish-speaking student to be taught his basics in Spanish; as his English improved, he would switch into it and not lag behind his peers.

**Brainchild:** In 1967 I testified in favor of this project before Sen. Ralph Yarborough's subcommittee. The bill was the brainchild of liberal Democrats. Its sponsors thought the favorable opinion of a Spanish-speaking South Texas Republican such as myself would be helpful. Aware of the benefits of being bilingual, I obliged. I know from experience that command of more than one tongue is enormously useful. In commerce, government, or society in general, multilingualism is

a helpful tool and a mark of sophistication. The trend in America away from foreign-language study is a cause for legitimate concern. I have, however, come sorely to regret having testified for the pilot program; for, in the way of things governmental, the winsome babe has, in its maturity, turned monstrous.

The problem started in the courts. In 1974, in the case of *Lau v. Nichols*, the Supreme Court ruled that Chinese-speaking students in San Francisco were being discriminated against by being taught in English. It ordered relief but did not specify what form the relief should take. The office of Civil Rights of the Department of Health, Education and Welfare could have gone two ways to implement the decision: increase special English instruction or impose teaching in Chinese. With an unerring instinct for disaster, it chose the latter. Consider some of the results.

First, and most bizarre, students now have the *right* to be taught not only in Chinese or Spanish, but also in Aleut, Navajo, Apache, Japanese, Yiddish, Russian, Tagalog, or any of 60-odd additional tongues.

Second, the cost of the program, borne on the wings of the *Lau* decision, has soared. In 1981 it is projected to be \$192 million, a beautiful example of how governmental acorns grow. Thus far, the program has cost \$942,063,000.

Third, school districts (some 300 of them throughout the nation) which do not satisfactorily comply with these guidelines face a cutoff of vital federal funds. A "bilingual/bicultural" program is mandatory if there are twenty or more students of similar linguistic background in a district. There is no compelling law of the land in this loss of local control over local education. There are only proposed Department of Education regulations. Congress, in spite of the perversion of its idea, docilely continues