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At a Crossroad: Immigration Reform
and American Unionism

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At a Crossroad

Immigration reform and American unionism

by **Vernon M. Briggs, Jr.**

Since the founding days of the Republic, the relationship between American unionism and mass immigration has been contentious.¹ No issue has caused the labor movement more agony and irony. Agony because the scale of immigration affects the size, skill composition, and geographical distribution of the nation's labor supply. In the process, it influences conditions affecting employment, wages, and union-organizing opportunities. Irony because most adult immigrants immediately seek entry into the labor force as workers as eventually do many of their spouses and most of their children. Most adult immigrants do not enter the United States as employers.

It is no surprise, therefore, that throughout its history the American labor movement has sought to influence U.S. immigration policy. Every piece of major immigration law, from the time the initial statute was passed in 1864 through to the mid-1980s, carries labor's imprint. When the Act to Encourage Immigration was enacted in 1864, labor (i.e., the National Labor Union) fought for its repeal and was successful in doing so only four years later. When the Immigration Reform and Control Act of 1986 was enacted, with its historic provisions that made it illegal for employers to hire illegal immigrants, organized labor fought for its adoption and heralded its passage.

In 1892, when the U.S. Supreme Court finally made it clear that the determination of immigration policy was the sole and exclusive responsibility of the federal government, the president of the American

Federation of Labor (AFL), Samuel Gompers, stated in his autobiography that "the labor movement was among the first organizations" to urge that immigration policy contain limits and that it be accountable for its consequences on workers.² As he put it, "we immediately realized that immigration is, in its fundamental aspects, a labor problem."³ Immigrants must work to survive or be supported by those who do.

Gompers, who was himself a Jewish immigrant from England, is the most influential leader in the history of organized labor in America. A member of the Cigarmakers Union since shortly after arriving in the United States in 1863, he later became the first president of the AFL when it was founded in 1886. He held that office, with the exception of only one year (1894), until his death in 1924.

Gompers, like other major labor leaders before him and after him, intuitively sensed that there was an inverse relationship between membership in American unions and trends in the size of the foreign-born population. Figure 1 shows that, with scant exceptions, this relationship has held true. Despite the fact that he and other labor leaders as well as many of their union members were immigrants, they firmly believed that the movement's first obligation was always to the promotion of the economic interests of American workers. The interests of immigrants themselves were always a secondary consideration when fashioning the AFL's policy stance on immigration matters. In retrospect, independent research on the impact of immigration has consistently supported organized labor's conclusion that mass immigration suppresses real wages for workers, makes it difficult to form effective unions, and has been a persistent cause of income disparity within the nation.⁴

In 1965, the AFL – which by this time had merged with a rival federation to form the American Federation of Labor–Congress of Industrial

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Organizations (AFL-CIO) – strongly supported the passage of the Immigration Act of 1965. Organized labor believed what the supporters of this legislation had promised. Namely, this legislation was intended only to eliminate the racism and ethnocentrism of the national-origins admission system that had been in place since the 1920s. It was not envisioned that this legislation would increase in any significant way the level of immigration. In 1965, the percentage of the population who were foreign born was at the lowest level in all of American history (4.4 percent, as shown in Figure 1). Likewise, membership in American unions was close to its historic all-time high (30.1 percent of the labor force). Organized labor had been flourishing for over 30 years while the scales of immigration had been contracting over this timespan.

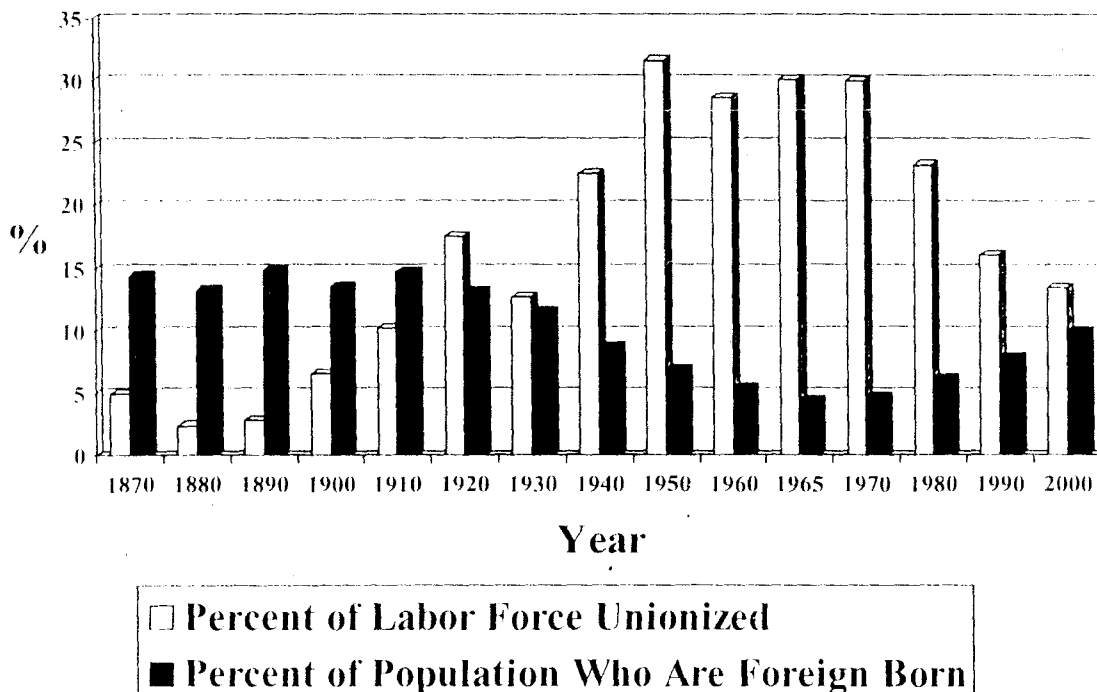
What Has Happened Since 1965

From 1965 to 2000, however, the foreign-born population of the United States has increased by 231 percent (from 8.5 million immigrants to 28.4 million immigrants); the civilian labor force has risen by 86

percent (from 74.4 million workers to 139 million workers); but union membership has fallen by 10 percent (from 18.2 million members to 16.3 million members). Since 1968 (the year the Immigration Act of 1965 took full effect), the distribution of income within the nation has steadily become more unequal. The decline in union membership and the impact of mass immigration both have been identified by the Council of Economic Advisors to the President (CEA) as contributing explanations for the worsening income inequality in the nation throughout this period.⁵

In this post-1965 environment, mass immigration has repeated what it did in the past: it has lessened the effectiveness of unions and diminished their accessibility to workers. To be sure, there are other factors involved in the decline of union membership. The nation’s labor laws, for instance, that supposedly protect the practice of collective bargaining are woefully inadequate when confronted with willful employer opposition. They, too, need to be significantly reformed. Likewise, globalization and technological change have radically altered the

Figure 1. Comparisons of the Percentage of the Labor Force Who Belong to Unions with Percentage of Population that is Foreign Born (Since 1870)



nation's industrial and occupational structures to the disadvantage of organized labor's historic membership strengths. But the drastic weakening of the economic status of working people in this new era argues for increased union representation now more than ever. Mass immigration – especially of the disproportionate entry of unskilled and poorly educated job seekers – has significantly contributed to the income disparity pressures besetting the work force (be they native born or foreign born).

Labor's Shifting Position

In the late 1980s, however, organized labor signaled that it was reconsidering its historic position concerning immigration. When Congress began to debate and then passed the Immigration Act of 1990, the AFL-CIO remained on the political sideline. This legislation raised the level of legal immigration by about 35 percent over the levels in place since 1965. Initially, the annual number was set at 700,000 legal immigrants a year through 1994 when it was reduced to 675,000 where it currently remains. This figure does not include the admission of about 100,000 refugees a year (the actual number fluctuates as it is determined annually by the President) or those who defy the rules each year by entering illegally (estimated in the 1990s to have been between 300,000 and 500,000 persons a year). No legislation passed by Congress since 1990 has had a greater impact on the American population and economy than has this Act. The U.S. Bureau of the Census has estimated (using its "intermediate" projection) that the effect of immigration on the size of the U.S. population from 1995 to the year 2050 will be to add approximately 80 million people (i.e., the immigrants and the children they will have).⁶ This increase will account for about two-thirds of the anticipated growth of the total population (131 million people) that will occur over this timespan. Hence, immigration is now the dominant factor in the determination of U.S. population growth. It will remain so until the terms of the Immigration Act of 1990 are altered and laws against illegal entry are strengthened and enforced.

In 1996, there was an effort made in Congress to reduce the levels of legal immigration back to their approximate pre-1990 levels. The effort was based on the work of the U.S. Commission on Immigration Reform chaired for most of its life by Barbara Jordan.

The AFL-CIO opposed all of the proposed changes. When the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 did pass, the legislation had been stripped of all of its legal immigration reforms and restrictions on illegal immigration had been significantly "watered down."

The change in labor's posture was formally announced by the Executive Council of the AFL-CIO in February, 2000. It proclaimed that it now "proudly stands on the side of immigrant workers." Its new policy calls for the repeal of penalties on employers who hire illegal immigrants (in stark opposition to its unequivocal support for such sanctions in 1986 when they were enacted); the passage of a massive new amnesty program to allow millions of illegal immigrants presently in the country to legalize their status; and the encouragement to its members to become advocates for immigrant causes at the local level. Final confirmation by its membership of this policy shift occurred at the biennial convention of the federation held in Las Vegas in early December, 2001. Preceding the vote of approval, John Sweeney, the current president of the AFL-CIO, stated: "We are now a beacon of hope to millions of workers who've come to our country seeking a better life and I want you to know you have made me the proudest labor leader in the world by re-writing the AFL-CIO's policy on immigration."⁷

Why the Change?

The dramatic reversal in policy position is the result of several factors. The first is associated with the change in organizational leadership that occurred in 1995. That year, John Sweeney was elected president of the AFL-CIO in the first contested election for the position in 50 years. Sweeney believed that a change in direction was needed to reverse the precipitous decline in union membership that has occurred since 1965. Secondly, Sweeney believes that labor can no longer "go it alone." It needs to ally its voice with other progressive movements if it is to achieve its own political agenda. Hence, it has sought to join the informal "rainbow coalition" of special interest organizations. Each of these groups has its own concerns; but, collectively, they feel that, if they support those issues that have wide appeal (even if some are counter to their unique concerns), they will all be better off. Thus, to get support for labor-law

reforms and greater enforcement of worker-protection laws, labor's leadership believe they must give up their historic views on immigration. Thirdly, labor leaders have concluded that the federal government is simply never going to crack down on illegal immigration so that unions are going to be increasingly confronted by illegal immigrants in the workplace. They understand that unions can only organize the workers that employers hire. If employers are going to increasingly hire illegal immigrants and the federal government is not going to enforce the sanctions against the practice, then unions must try to attract immigrants to the labor movement. Rightly or wrongly, they believe the best way to accomplish this is becoming an advocate for immigrant rights.

In a real sense, the policy shift can be seen as an act of desperation. Organized labor has felt isolated as its membership has fallen and its influence waned. The labor laws are in as bad shape as are the nation's immigration laws. But the national political leaders of both parties are indifferent to labor's plight. Politicians give faint praise to the nation's collective bargaining system as a preferential way for a free society to settle the inevitable disputes over wages, hours, and working conditions that arise between employers and employees. But the penalties for breaking the labor laws are weak, and it has become commonplace for employers to hire replacement workers when strikes occur rather than to shut down. Labor-law reform is desperately needed.⁸ But it is highly unlikely that labor alone can garner the support needed to reform these laws. It is a gamble to seek to join with pro-immigration forces in the hope that they will reciprocate by helping labor with its needs.

The cost to organized labor of the shift in position on immigration policy, however, could be massive. For if it does by chance happen that immigrant workers do flock to unions in appreciation for their change in attitude, it will be exceedingly difficult to win gains for workers, because the ranks of the work force will have swollen. Such is already the case in that portion of the labor force where the bulk of the immigrant work force is employed – in the unskilled and semi-skilled occupations of the labor market – and where unions hope to expand their organizational efforts. Moreover, how long will it be before the native-born labor force, who also hold many of these

same jobs in these same industries, realize that the greatest friend the working person in the United States has ever had – its organized labor movement – has turned against their interests?

Thus, this tactical shift by organized labor can be likened to a proposal to take a shortcut through quicksand. It is more likely to endanger rather than safeguard the labor movement. More broadly speaking, it also means that the movement to establish a reasonable and enforceable immigration policy for the United States has lost the most influential voice it has ever had. ■

NOTES

1. For detailed discussion, see Vernon M. Briggs, Jr., *Immigration and American Unionism* (Ithaca, N.Y.: Cornell University Press, 2001).
2. Samuel Gompers, *Seventy Years of Life and Labor* (New York: Dutton, Inc., 1925), volume 2, p. 154.
3. *Ibid.*, p. 157.
4. Timothy H. Hatton and Jeffrey G. Williamson, "The Impact of Immigration on American Labor Markets Prior to the Quotas," Working Paper No. 5185 (Cambridge, Mass.: National Bureau of Economic Research, Inc., 1995), p. 30; Stanley Lebergott, *Manpower in Economic Growth* (New York: McGraw-Hill Book Company, 1964), pp. 162-163; Harry A. Millis and Royal E. Montgomery, *Labor's Progress and Some Basic Labor Problems* (New York: McGraw-Hill Book Company, Inc., 1938), p. 31 (see also pp. 211, 239, and 244 for related discussion); and National Research Council, *The New Americans: Economic, Demographic and Fiscal Effects of Immigration*, Edited by James P. Smith and Barry Edmonton (Washington: National Academy Press, 1997), p. 227.
5. Council of Economic Advisors, *Economic Report of the President, 1995* (Washington: U.S. Government Printing Office, 1995), p. 182; and Council of Economic Advisors, *Economic Report... 1994*, op. cit., p. 120. See also Daniel H. Weinberg, "A Brief Look at Postwar U.S. Income Inequality," *Current Population Report*, P60-191 (Washington: U.S. Bureau of the Census, 1996), p. 1.
6. Jennifer Cheeseman Day, "Population Projections of the United States by Age, Sex, Race, and Hispanic Origin: 1995-2050," *Current Population Report*, P25-1130, (Washington: U.S. Bureau of the Census, 1996), Table 5 at p. C.
7. Tom Ramstack, "AFL-CIO Adopts Amnesty Proposal," *The Washington Times*, December 5, 2001, (<http://www.washtimes.com/business/20011205-71368876.htm>).
8. For details, see Briggs, *op. cit.*, pp. 157-158 and 187-188.