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Testimony for the

**House Judiciary Committee's Subcommittee on Immigration, Citizenship, Refugees,
Border Security and International Law**

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Thank you for allowing me to testify on this important issue. I speak on behalf of millions of Americans who would like to see America's immigration laws vigorously enforced.

I contend that America does not have a shortage of agricultural workers. Instead, we have a manufactured crisis by some who would like to ensure a steady supply of cheap labor---in some cases, labor that by-passes the existing laws, in particular H2-A and H2-B guest worker programs. The H2-A Visa is for agricultural related employment and the H2-B is for mostly unskilled non-agricultural jobs.

According to the Bureau of Labor Statistics, the unemployment rate for agricultural workers in August 2010 was 7.9 percent. This was down from a high of 10.8 percent in May.¹

Labor economist Philip Martin who has conducted extensive studies of farm labor in the areas of fruit and vegetable production has found rising production in crops and stagnant wages for farm workers. Meanwhile, the cost of household expenditures on fresh fruits and vegetables has remained constant.²

If there were labor shortages for agricultural workers, one would expect to find rising wages and more attractive working conditions. One would not expect to find unemployment rates of 10.8 percent in May and 7.9 percent in August in agricultural related jobs.

These unemployment figures indicate that there are native workers actively seeking employment in the sector that includes agricultural workers, forestry, fishing, and hunting.

The majority of agricultural workers have less than a high school education. They work under the most strenuous conditions. Consequently, there is a high turnover rate among these workers.

Agricultural workers often leave the fields and farms for other low-wage, low-skill occupations. There they are more likely to compete directly with low-skilled Americans for a dwindling supply of low-wage jobs.

The UFW's humorous "Take Our Jobs Initiative" entirely and, perhaps deliberately misses the point. America cannot continue to bring in low-skilled guest workers to compete with its most disadvantaged citizens: poor whites, blacks, and legal Hispanics.

Often, surplus labor that starts in the fields migrates into other industries. Without this surplus labor, employers would be forced to pay higher wages and many would be forced to improve substandard working conditions. Instead of paying \$8.00 or \$9.00 per hour, employers might be forced to pay \$12.00 or \$13.00. Phil Martin's data shows that an increase in the wages of farm workers would not substantially increase the average family's grocery bill.

The "Take Our Jobs Initiative" misses the fact that in some parts of the country native workers have successfully worked along-side immigrant farm workers.

Yesterday, I had a conversation with a businessman from Nashville who ran a one-year experiment in Helena, Arkansas involving sweet potato planting and harvesting. Mr. Don Kerr of Kerr Industries invested over a quarter million dollars of his own money into a plan to help unemployed Americans get agricultural jobs. This is an area of the country where the unemployment rate for black workers is around 40 percent.

The experiment involved H2-A workers and native born blacks who were picked up at a central location, transported to the job site, provided with bathroom and lunchroom facilities, and a decent wage. Mr. Kerr saw no differences in the quality of the work provided by native born workers. American workers, he said, will do farm work if they have transportation and decent working conditions.

Even though he had a program that was providing jobs for unemployed Americans, he could not get state or federal agencies to make an investment. Consequently, he discontinued the initiative.

Mr. Kerr would like to see an Independent Farms Service Company created to stand between the workers and the growers. The agency would hire the workers, provide transportation in air-conditioned buses, offer bathroom and lunch facilities, and serve as a buffer between agricultural workers and the growers.

There's no indication that the UFW "Take Our Jobs Initiative" made a serious effort to recruit American workers. It seems to have been nothing more than a publicity stunt.

We need to reform immigration. The rapid influx of cheap labor from foreign countries creates an oversupply of labor that works against the interests of native workers. It depresses wages, and it reduces opportunities. It also deters employers from investing in native human capital.

Compounding these problems, no group suffers more than native-born blacks and Hispanics who have a high school education or less.

In the second quarter of 2010, the overall unemployment rate for all Americans was at 9.6 percent. However, the Bureau of Labor Statistics' broader measure of employment, a measure called the U-6, revealed a gloomier picture.

The U-6 includes unemployed people who would like to have a job but have not looked recently and those who hold part-time positions but who would like to work full-time. Using U-6 as our measure, we find that the overall unemployment rate for native-workers is a whopping 16.5 percent.³

Low-skilled native-born workers with less than a high school education have an overall unemployment rate of 20.8 percent and a U-6 rate of 32.4 percent. Those with only a high school education have an unemployment rate of 20 percent and a U-6 rate of 36 percent.

When we turn to racial and ethnic minorities, the picture gets uglier. Native-born blacks with less than a high school education have an unemployment rate of 29 percent and a U-6 measure of 43 percent. That means almost half of the people who would like to work can't find jobs that will hire them. Those with a high school diploma fare only slightly better. They have an unemployment rate of 27.4 percent and a U-6 rate of 40.7 percent.

When we look at the unemployment rates for Hispanics, the picture improves only slightly. Native-born Hispanics with less than a high school education have an unemployment rate of 22.9 percent and a U-6 rate of 35 percent. Surprisingly, those with a high school diploma have an almost insignificantly different unemployment rate than high school dropouts. Their unemployment rate is 23.3 percent with a U-6 rate of 36 percent.

We do not need additional guest workers until the unemployment rate of native workers approaches zero percent. What we do need is for Democrats and Republicans to join forces in pressing for the enforcement of existing immigration laws. Existing immigration laws make it a crime for employers to hire unauthorized workers knowingly.

By enforcing existing laws and regulations, we can provide new opportunities for our native-born workers without waiting years for immigration reform to make its way through Congress. What we need is a multi-faceted approach to provide incentives for compliance and tougher penalties for breaking the law.

We also need to go one-step further. We need to demand that state, federal, and local authorities take aggressive steps to ensure that all businesses, public and private, participate in the federal E-Verify Program.

The E-Verify is a highly effective program for identifying whether workers are eligible to hold a job in the United States. If we expand E-Verify and make the program mandatory, we will make it possible for more native-born workers to achieve the American Dream for themselves and their offspring.

Unfortunately, the Obama Administration has done little to help native workers. The Administration has essentially ended workplace enforcement and it has cancelled the rule that would have required employers to act on the “no-match” letters from the Social Security Administration. These letters would have helped employers identify fraudulent Social Security numbers.

Our nation is in trouble. Ultimately, our success or failure will depend on how much we value and fight to preserve the Rule of Law, the sovereignty of our nation, and the hope that it continues to offer to its own citizens and to the millions of people around the world who wish to live among us.

¹ Bureau of Labor Statistics. “Agriculture, Forestry, Fishing and Hunting: NAICS 11.” <http://www.bls.gov/iag/tgs/iag11.htm> [Accessed September 24, 2010].

² Philip Martin, “Farm Labor Shortages: How Real? What Response,” The Center for Immigration Studies, Background Report, November 2007.

³ The data for the U-6 calculations came from Stephen Camarota’s “From Bad to Worse: Unemployment Among Less Educated U.S. Born Workers, 2007-2010.” Center for Immigration Studies, Background Report, August 2010.