

## Member-Hungry Unions Place Hope in Mass Immigration

By Carl F. Horowitz

*Summary: Both the AFL-CIO and the new Change to Win Federation share enthusiasm for mass immigration and amnesty for illegal immigrants, despite the labor movement's long history of wariness about the impact an influx of low-wage workers can have on job security and wages for native-born workers. Why the policy reversal? Union leaders are desperate for new members, and they are looking to organize immigrant workers. Unions do so at their own peril, writes Carl Horowitz of the National Legal and Policy Center.*

It was solidarity time inside the great hall along Chicago's Navy Pier last July. The AFL-CIO was holding its 50th-anniversary convention. And support for mass immigration, part of a broader campaign for ethnic and racial "diversity" in America, was a top priority. At various points in the proceedings, federation leaders such as President John Sweeney, and marquee guest speakers such as Jesse Jackson and Sen. Ted Kennedy, peppered their speeches with appeals to Congress to grant legal amnesty to millions of "undocumented workers."

The speakers appeared to have forgot-



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**With the support of SEIU Local 32BJ—the nation's largest union of maintenance workers, security officers and other "property service" workers—Sen. John McCain touts legislation co-sponsored with Sen. Ted Kennedy to offer U.S. citizenship to 11 million illegal immigrants. The New York rally on Feb. 27 was sponsored by the New American Opportunity Campaign, a coalition of unions and pro-immigration groups.**

ten that lawmakers did just that nearly 20 years earlier, in the process exacerbating the very conditions they intended to resolve. But the AFL-CIO leadership, not to mention the roughly 800 assembled delegates, was adamant. We need immigrants and they need us. Bring illegal immigrants out from the shadows of the underground economy and into the sunshine of full participation in American life. Fight the cabal of exploitative employers and "right-wing Republicans," and fulfill our highest ideals as a nation. So ran the

script.

The AFL-CIO's support for illegal immigration was overshadowed by the specter of schism. A rump faction, the Change to Win coalition, posed a major threat to the 13 million-member AFL-CIO. The two lead unions, the Service Employees International Union (SEIU) and the Teamsters, boycotted the convention, announcing their formal departure only a day or two into the event. By the end of the week the United Food and Commercial Workers joined the exit. These and other unions

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were dissatisfied, more than anything else, by the AFL-CIO's ostensibly lax attention to organizing. By late September, Change to Win, now with seven member unions representing about 6 million workers, held its own convention in St. Louis to announce its arrival as a federation.

The rancorous split led many commentators to conclude that the federations are hopelessly divided over policy issues, including immigration. In fact, nothing could be further from the truth. The driving force behind Change to Win is SEIU president Andrew Stern, who believes in labor and business "standing shoulder to shoulder" on immigration, fighting for more of it. AFL-CIO president John Sweeney, Stern's former boss and mentor at SEIU, is also an immigration enthusiast, though he expresses his enthusiasm in language couched in classic Leftism. "The struggle of immigrant workers is our struggle," Sweeney has remarked more than once.

The clash, put simply, is over strategy and rhetoric. The AFL-CIO argues that labor must lobby Congress for legislation to adjust the legal status of immigrants living here illegally as a prerequisite to effective organizing. By contrast, Change to Win asserts that organizing massive numbers of immigrants is necessary for lobbying. The two entities differ over cause and effect, not substance.

Indeed, if anything, Change to Win has *more* to gain through mass immigration. The federation's two fastest-growing unions, SEIU (1.8 million members) and the United Food and Commercial Workers (1.4

million members), represent large numbers of unskilled immigrant workers in labor-intensive industries. All those Third World newcomers working at Wal-Mart, Cintas, McDonald's and Wendy's overwhelmingly work for companies that CTW-member unions see as targets in corporate campaigns.

### Change of Mind

Organized labor actually was a latecomer to support for mass immigration. Indeed, for more than a century unions were conspicuous by their resistance to it. Union leaders feared that desperate immigrants would accept wages, benefits and working conditions that native-born workers would find unacceptable. In large enough numbers, such immigrants could pose a threat to the unions' hope to achieving bargaining power, even if over the long run they might indirectly spur union membership. Such fears, in retrospect, have proven justified. "(E)very serious study over the past 100 years," notes Cornell University labor economist Vernon Briggs, "has found that wages are depressed by immigration, the adverse impact being most severe for unskilled workers."

Large-scale immigration, then as now, had its advocates. There existed an explicit alliance of (cost-minimizing) employers and (vote-maximizing) politicians. Back then, however, labor leaders opposed the alliance. Not long before his death, in a letter to Congress dated March 19, 1924, American Federation of Labor founder Samuel Gompers summarized union concerns, as lawmakers debated the proposed Immigration Act:

*America must not be overwhelmed (by immigrants)... Every effort to enact immigration must expect to meet a number of hostile forces and, in particular, two hostile forces of considerable strength. One of these is composed of corporation employers who desire to employ physical strength... at the lowest wage and who prefer a rapidly revolving labor supply at low wages to a regular supply of American wage earners at fair wages. The other is composed of racial groups in the United States who*

*oppose all restrictive legislation because they want the doors left open for an influx of their countrymen regardless of the menace to the people of their adopted country.*

A little over two months later, Congress passed the legislation. The new law substantially tightened national-origin quotas created three years earlier. If labor leaders had strong feelings about the new quotas, it was because the quotas did not go far enough. A. Philip Randolph, black civil-rights leader and future president of the Brotherhood of Sleeping Car Porters, believed in zero immigration. But the thrust of the law—restriction—had the effect of benefiting organized labor. Many first- and second-generation immigrant workers joined unions as they assimilated into American society. Union leaders were able to demand higher wages and more benefits, not having to fear subsequent and indefinite waves of large-scale immigration undermining their bargaining position. And for four subsequent decades, spurred by the unions' Magna Carta, the National Labor Relations Act of 1935, this was the reality.

The 1965 amendments to the Immigration and Nationality Act of 1952 changed this. Congress repealed national-origin quotas and made family reunification the main basis for admission. And though supporters had not intended the law to raise overall admissions, it had the effect of doing just that. Annual legal immigration to the United States over the following decade increased on average from 300,000 to 400,000. Congress's application of the Eastern Hemisphere-nation preference system to the Western Hemisphere (1976) and combination of hemispheric ceilings into a worldwide quota (1978) contributed to a further rise to around 500,000.

This gave rise to a separate and related problem: Illegal immigration was increasing in tandem with legal immigration. This should have been no surprise to anyone. With family reunification now the main basis for admission to the U.S., persons from abroad were going beyond the law to join family and relatives already here. In 1978 Congress created a 16-member

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commission headed by Notre Dame University President Rev. Theodore M. Hesburgh to study the issue. Its final report, released three years later, recommended a series of measures designed to strike a balance between ending illegal immigration and enabling U.S. employers, especially in the agricultural sector, to meet their demand for labor.

It was now Congress's turn to work out a compromise. Led by Sen. Alan Simpson, R-Wyo. and Rep. Romano Mazzoli, D-Ky., Congress put forth a bill that ostensibly

But employer sanctions, even in the early years only fitfully enforced, became laughable as time passed. In 1992 the federal government had levied 1,063 fines on employers for hiring illegal aliens. By 2002 that number had plummeted to 13—a 99 percent drop! Congress added fuel to the fire in 1990 by raising legal entry ceilings by roughly 40 percent and creating a diversity lottery to make up to 50,000 visas a year available to persons from “underrepresented” nations around the world.

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would reflect the overriding concerns of the Hesburgh report. Labor leaders at first opposed any compromise that included an amnesty. “Illegal workers take jobs away from American workers and they undermine U.S. wages and working conditions,” AFL-CIO Research Director Rudolph Oswald told a Senate committee. But in the end, as the Simpson-Mazzoli bill repeatedly had stalled, resistance by the unions to the idea wore down. They settled on what had become a growing consensus. They would accept amnesty, so long as employers in the future would be subject to sanctions for hiring illegal immigrants. In the fall of 1986 the amnesty-for-sanctions tradeoff became law in the form of the Immigration Reform and Control Act, or IRCA.

The law did not live up to its name. Over three million illegal immigrants applied for a phased-in adjustment of legal status. About 2.7 million, about three-fourths of them Mexican, were approved. With less fanfare, lawmakers much later, in 2000, passed “late amnesty” legislation for the unsuccessful applicants, with lawsuits legalizing the status of those still not qualifying. All told, Congress created six additional amnesties in the post-IRCA era, of either a general or nation-specific variety.

Illegal immigration, meanwhile, continued its climb. By the mid-1990s annual net growth had reached about 300,000; by the early part of the current decade the average yearly rise was in the 400,000-to-500,000 range. The second and just-released report on illegal immigration by the Pew Hispanic Center estimated about 11.1 million “unauthorized” (i.e., illegal) immigrants lived here as of March 2005, up from 4 million in 1986. Fifty-six percent of these persons had come from Mexico, and another 22 percent originated from elsewhere in Latin America.

Organized labor saw a golden opportunity for organizing. Here was a large and growing pool of unorganized migrant workers, many poorly paid and possessed of legitimate grievances against employers. Moreover, union leaders were aware of their declining membership of the total U.S. work force. From averaging slightly over 30 percent of the labor force during the '50s and early '60s, the unionized share had shrunk to about 15 percent by the mid '90s. Many labor officials now believed it was time to put some new people in charge.

### **The Sweeney Era**

The Bronx-born John Sweeney was

raised in a hothouse of Irish-ethnic labor progressivism. He joined his first union, a forerunner of the Service Employees, while in college in the 1950s. In 1976 Sweeney became head of New York City's SEIU Local 32B. Four years later he had risen to become president of the international union.

Sweeney sought to remake the SEIU into a model for union organizing and political activism, and with whatever tactics necessary. In 1985 he and his top aides came up with “Justice for Janitors,” a brilliant street-agitprop campaign. SEIU would organize office-cleaning workers and then force office building management to require its janitorial sub-contractors to recognize the union and agree to its demands. SEIU side-stepped the contractors and charged directly at major employers. The demonstrators, overwhelmingly Hispanic, would picket buildings, block sidewalks and street traffic, shout abuse, and shake metal-filled canisters at ear-splitting volumes. The campaign began in Denver and spread to cities nationwide. The tactics infuriated pedestrians and motorists, but local unions won highly favorable settlements. SEIU's membership, unlike that of other unions, rapidly increased. The success of Sweeney's strategy sent a message: Tough tactics succeed, and future membership lies south of the border.

By 1995 Sweeney was a logical heir to the AFL-CIO presidency. The Republicans now were in control of both houses of Congress, and suddenly Democrats along with their union benefactors seemed enfeebled. President Lane Kirkland was forced out in an internal coup. When the federation convened in October in New York City, Sweeney ran against interim president Thomas Donahue and won.

Once in office, Sweeney quickly set about transforming the AFL-CIO into a vocal advocate for mass immigration. American workers, he argued, would not lose out in the face of a huge influx of Third World newcomers. “The notion that immigrants are to blame for the deteriorating living standards of American low-wage workers must be clearly rejected,” read an AFL-CIO policy resolution. In 1996 the federation worked with ethnic and business activists to strip from pending

immigration-reform legislation key provisions such as mandatory Social Security number verification and strict limits on refugee admissions. Though such proposals in fact had been based on careful research by the Congressionally-chartered U.S. Commission on Immigration Reform, lawmakers acceded to union and other interest-group pressure and passed watered-down legislation. In February 2000 the AFL-CIO Executive Council announced its opposition to IRCA employer sanctions (as if they had mattered at this point) and support for amnesty for unauthorized workers. Far from an opportunistic flip-flop, this statement was the culmination of a two-decade-long shift.

### Pro-Immigration Triumvirate

Self-interest had governed organized labor's earlier opposition to mass immigration; it also lay at the heart of labor's reversal. Illegal Mexican, Salvadoran and Filipino workers no longer were viewed as competitors with native-born workers for scarce jobs. Now, the unions explained, they were the very future of organizing drives, a great untapped resource. Labor now was primed to join the alliance of employers and ethnic politicians of which Samuel Gompers warned against decades earlier.

The alliance between labor and business was logical, though rooted in opposite motives. Trade groups such as the National Association of Manufacturers, the U.S. Chamber of Commerce and the National Restaurant Association support normalizing the immigration status of illegal workers. Randel Johnson, the U.S. Chamber of Commerce vice president on labor and immigration issues, for example, reacted favorably when the Bush administration unveiled its guest-worker plan in January 2004. "We need a system of 'earned targeted adjustment' for undocumented workers that fill vital roles in the economy, which would enable them to achieve legal status," he said. Union leaders, for their part, continue to rail against "the corporations" in their press releases and convention speeches, but they are full partners on immigration. And why should they not be? Few things are more potentially mutually advantageous than a mas-

sive guest worker program—an amnesty all but in name—in which temporary immigrant workers pay into employer or union benefit funds but do not stay around long enough to collect.

By contrast, the alliance between unions and ethnic radicals owes more to political beliefs than economic interests. Each is an indispensable bloc within the Democratic Party. The ethnic advocacy

sored a May Day March for Workers' Rights and March for Immigrant Rights. The Organizing Committee for Workers Rights held a May Day rally and concert in New York City's Union Square under the slogan, "Amnesty for all immigrants—present and future." Later, in October 2003, Sweeney welcomed illegal aliens to a pro-amnesty "freedom ride," a bus convoy that converged on Liberty State Park

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groups—most of all, the Mexican American Legal Defense and Educational Fund (MALDEF)—are aggressive in filing lawsuits to promote immigration, while pressuring employers to commit themselves to ever-greater ethnic "diversity."

Labor organizations have come to see America in much the same terms as the allies in MALDEF, the National Council of La Raza and the League of United Latin American Citizens. They believe Hispanic and other Third World immigrants are America's victims who can be organized into a coalition of "people of color." In August 2003, for example, the AFL-CIO issued a statement, "In Support of Immigration Reform." Its dozens of signers included unions such as the Teamsters and the Operating Engineers, but also a far-rago of nonprofits such as MALDEF, the Mexico Solidarity Network, the Hispanic Farmers Association of El Paso, the Tennessee Immigrant Rights Coalition and the National Immigration Project of the (far-Left) National Lawyers Guild. The statement supported "a fair and realistic process to provide an adjustment of status for undocumented workers" and opposed "the expansion of existing temporary non-immigrant worker programs or the creation of any such new programs at this time."

The labor-ethnic alliance is producing more than manifestos. In 2001 the AFL-CIO Executive Council, the General Amnesty Coalition and other groups co-spon-

in New Jersey. As of this writing, the Massachusetts chapter of a labor-backed group, Jobs with Justice, is trying to persuade that state's legislature to pass a bill enabling "undocumented" (i.e., illegal) immigrant college students to pay in-state tuition, joining nine other states at present with such laws.

### Unions' Quandary

Support for amnesty is the culmination of the immigration-without-consequences mentality. It lacks even the pretense of distinguishing legality from illegality. Of course, "amnesty" is a very unpopular word. That's precisely why President Bush adamantly denies that his guest-worker program constitutes an amnesty. But underneath the lofty rhetoric is the reality that the proposal lacks effective enforcement mechanisms to ensure that those who obtain renewable "temporary" three-year visas will return home. The Government Accountability Office recently admitted in a draft report, in fact, that the agency overseeing the program, U.S. Citizenship and Immigration Services, would not have a fraud-management system in place until 2011. It looks like amnesty under a new name.

The Bush guest-worker plan, plus a number of similar proposals circulating in the Senate, fails to take into account that each announcement of amnesty encourages more of the same. There is never a

“final” amnesty, merely a period of respite before the next one. That’s why Harvard political scientist Samuel Huntington terms immigration a “self-perpetuating” process.

Labor leaders fear a loss of revenues, bargaining power and visibility that would come with curtailment of immigration. For them, immigrants are crucial to institution-building. “We’re always looking for opportunities for people to join unions. That’s our number-one reason for working with immigrants,” noted AFL-CIO spokeswoman Kathy Roeder a few years ago. More recently, Jim Gleason, a Colorado-based United Brotherhood of Carpenters chieftain, defends his union’s outreach program to illegal immigrants this way: “If you want to grow, you have to represent the people who are doing the work.” In his state, the union’s share of construction jobs has plunged from about 70 percent to 10 percent over the past three

decades.

Union officials are looking out for themselves, but not their members or the American public. In a 2001 nationwide Zogby poll taken not long before the 9/11 terrorist attacks, 60 percent of union households thought amnesty was either a “bad” or “very bad” idea. And a recent *Time* magazine poll that showed 63 percent of respondents from all walks of life considered illegal immigration a “very serious” or “extremely serious” problem. Patriotism aside, there is a reason for most Americans’ divergence from union leaders. Many better-paid union members sense, properly, that huge influxes of immigrants, even if successfully organized, will wind up undercutting union collective-bargaining ability.

Labor’s strategy to ratchet up immigration indefinitely is self-defeating. Unions may acquire additional members and dues collections, but they will get a bumper crop

of workers who are less skilled, educated and English-fluent than the overall labor force. These workers are replaceable. And replaceable workers, in whatever industry, are in no position to press demands, unless they engage in Justice for Janitors-style *sturm und drang*. The nation as a whole, moreover, will pay a heavy price in the form of more job displacement of the higher-priced native-born, further expansion of foreign-language enclaves, and more stage-managed political balkanization. That’s not a legacy that anyone, least of all union officials, should covet.

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# Labor Notes

## **Federal Court Blocks Defense Department's Personnel System**

A federal judge handed unions a victory in their lawsuit seeking to block the Bush administration's efforts to reform the federal personnel system. U.S. District Court Judge Emmet Sullivan ruled that the Defense Department's new work rules and merit-based pay system does not ensure collective bargaining rights for employees and fails to provide for independent review of labor relations decisions. "This is a big win," gloated John Gage, president of the American Federation of Government Employees, but the Defense Department is considering an appeal.

## **Virginia House Blocks Governor's Choice of Labor Official for Cabinet**

The Virginia House of Delegates rejected new Gov. Timothy Kaine's nominee to serve as secretary of the commonwealth because of the nominee's pro-union views. Former AFL-CIO state director Daniel LeBlanc has long opposed Virginia's "right to work" law, which since 1947 has protected workers who do not wish to join a union. LeBlanc was president of the state's labor federation from 1990 until last year.

## **Unions Turn Against Reformist Los Angeles Mayor**

Los Angeles Mayor Antonio Villaraigosa, a liberal Democrat and former teachers union organizer, is seeking to take over the city's public schools, much to the chagrin of public employee unions. Villaraigosa is also struggling with a large budget deficit, caused in part by a \$5 billion commitment to lifetime health benefits for retired government workers, and has pledged to get tough in contract talks with the unions. "We wish him well," wrote the editors of the San Diego Union-Tribune last month. "The Nixon-goes-to-China angle—that only a Democratic lawmaker can tame the public employee unions—makes sense. But the establishment of friendly relations between the United States and its communist enemy seems an easier task than overcoming unions' hammerlock on California politics."

## **Los Angeles Union Official, Politician Accused of Mixing Funds**

Also in Los Angeles, Martin Ludlow, head of the County Federation of Labor and a former city councilman, has agreed to plead guilty to a plan to divert union funds to his 2003 council campaign. The National Legal and Policy Foundation reports that Ludlow allegedly put political employees on the payroll and used other funds from Service Employees International Union Local 99 for his campaign.

## **Colleges Back Antisweatshop Plan... But Doubt Its Legality**

At least eight colleges and universities have endorsed a proposal by United Students Against Sweatshops to do business only with unionized clothing factories that pay employees a "living wage," according to the *Chronicle of Higher Education*. The institutions—including Duke University, Georgetown University, Indiana University, Santa Clara University, Smith College, the University of Connecticut, and University of Maine at Farmington and the University of Wisconsin at Madison—are members of the pro-union Worker Rights Consortium. But despite supporting the proposal, the institutions have delayed action while college attorneys study whether it is legal under federal antitrust law, with particular concern for licensees that provide student apparel.

## **Washington, D.C., Teachers Union Sued by Labor Department**

Former employees of the Washington Teachers Union, an affiliate of the American Federation of Teachers (AFT), have been caught and jailed for embezzling about \$5 million in union funds, but their saga continues. In advance of her sentencing in May, former office manager Gwendolyn Hemphill is claiming mental disease with psychotic episodes. She could receive a prison sentence of 19 to 24 years. And now the Labor Department is suing the union over alleged violations that may have affected union elections held during December 2004-January 2005. Members claim some teachers never received ballots while ineligible voters participated in the election.