



**NYCLU**

**NEW YORK CIVIL LIBERTIES UNION**

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**TESTIMONY OF SETH MURASKIN, SUFFOLK CHAPTER DIRECTOR,  
NEW YORK CIVIL LIBERTIES UNION**

**before**

**THE SUFFOLK COUNTY LEGISLATURE  
March 4, 2008**

Members of the Legislature; my name is Seth Muraskin and I am director of the Suffolk County Chapter of the New York Civil Liberties Union. I represent a countywide membership of 4,200 people from all walks of life and backgrounds, and without one single party affiliation. Statewide the NYCLU represents 48,000. Since 1951, the NYCLU has been the state's leading advocate on behalf of New Yorkers' civil rights and civil liberties.

I testify today against Suffolk IR 1105, what we call the "Electrician and Plumbers Unemployment Act."

Our county has the dubious distinction of backing unjust, unnecessary and unworkable laws with regards to immigration. First there was the attempt to ban day laborers in Farmingville, immortalized in an Oscar-nominated documentary. Then there was the law that requires contractors to duplicate the work already mandated by the federal government and confirm the legal status of their employees. Finally, there was the attempt to criminalize day laborers who stand on county roadways trying to find a job, which Suffolk lawmakers eventually rejected as a redundant and discriminatory proposal.

Keeping with its infamous tradition, our county is now poised to take up a new bill that would penalize electricians, plumbers and other individuals who don't disclose to the county the legal status of their employees. The intent of this legislation, according to its sponsor, is to promote "better business practices" and "level the playing field" so that those who are working follow federal regulations.

The amendment to Suffolk County Law 275 would revoke the license of an electrician, plumber or any licensed contractor should it be determined that federal employee verification procedures have not been met.

You need not pass such a piece of legislation. If an electrician or plumber is not in compliance with federal law, you already have the power to revoke any license for cause **now**.

Section 275 (6) and 275 (7) of the Suffolk County Law already provides you a mechanism to go after those who are non-compliant with state or federal law: your body of eight electrical board members and seven plumber board members, as well as the Department of Consumer Affairs, may already revoke any license for cause. All that the two boards and the Department of Consumers has to do is act. You have the power to crack down on the problem and protect Suffolk County citizens from bad business practices.

What this resolution does do, sadly, is throw more wood on a fire of hate and suspicion. The resolution hurts individual contractors, potential consumers, workers and the Suffolk County economy.

There is a common misconception that undocumented residents strain the local economy and hamper the economic opportunities of citizen workers. Unfortunately, such

misconceptions are in part to blame for the introduction of this bill. The facts do not comport with reality.

According to a recent report by the American Immigration Law Foundation, between one-half and three-quarters of undocumented immigrants pay federal and state income taxes, Social Security taxes and Medicare taxes. And all undocumented immigrants pay sales taxes and property taxes. According the *2005 Economic Report of the President*, undocumented immigrants working “on the books...contribute to the tax rolls but are ineligible for almost all Federal public assistance programs and most major Federal-state programs.”

In our own community, we see that immigrants – both documented and undocumented – contribute \$202 million a year in local taxes, as demonstrated in the 2007 report authored by Moriano Torras for Adelphi University “The Economic Impact of the Hispanic Population on Long Island: A Research report Prepared for the Horace Hagdeorn Foundation.”

Suffolk County’s proposal is yet another attempt by local lawmakers to address the problems associated with the federal immigration system. Yet Suffolk County cannot legislate its own set of immigration laws. Moreover, because such attempts are preempted by federal law, similar proposals in other states have all but bankrupted the municipalities that adopted them.

Riverside, New Jersey has already paid \$82,000 in legal fees and runs the risk of paying plaintiff fees. Worse, Riverside lost thriving businesses and had no choice but to rescind its law a year later.

The proposed legislation not only contributes to false perceptions about Suffolk County’s residents and exposes the County to potential litigation, it also will lead to

discriminatory practices by employers who are attempting to comply with the law, exposing these employers to potential civil rights lawsuits. For example, after the passage of the Immigration Reform and Control Act of 1986 (IRCA), employers engaged in defensive hiring and denied many documented workers jobs because of their color or accent.

A General Accounting Office (GAO) study which was commissioned three separate times after IRCA's passage found that one in five employers self-reported some form of employment discrimination because the job applicants were "foreign sounding" or "foreign looking."

Finally, Suffolk County already has agencies, investigators and a violation system in place to enforce health, safety and minimum wage laws and go after "bad business practices." At a time of massive budget deficit, this resolution would require massive government restructuring and would be extremely expensive.

The County Executive, who supports this resolution, stated in his State of the County address that there will be a \$100 to \$200 million budget shortfall for 2009. Can Suffolk spend money it does not have to enforce a hateful law which the federal government has the responsibility to control?

Suffolk County should not be known as the "county of intolerance." Suffolk I.R. 1105 is destined to hurt our county's residents, business, economy and anyone who may look or sound "different."

My great grandparents came from Russia. We are almost all immigrants in this country, and at one time or another, our ancestors were subject to fear, hate and xenophobia because of the smallest of differences. Immigrants from Ireland, from Italy, from Eastern Europe, from China, from Japan -- so many of us have a family legacy of

overcoming xenophobia that we must not forget what was overcome and force it on those who have come here more recently.

We have seen the cost of this fear over the centuries in anti-immigrant violence, discrimination and exclusion, and we saw it even a few years ago in our own county when two Mexican day laborers were nearly killed.

We need you to lead us forward, not take us backwards. This county sets the tone for a nation. Let the nation look to us as an example. This is a great county with almost 400 years of history – all shaped and created by immigrants.

Please don't endorse a Suffolk County that would stand apart from our common heritage. That isn't our past, and it is not our future. This resolution does not belong in the Suffolk County Legislature.

Thank you for your time and dedicated service.