

WASHINGTON, D.C. — Representative Xavier Becerra (CA-31) joined House Democratic Leader Nancy Pelosi, Reps. Henry Waxman (CA-30), John Conyers (MI-14), Charles Rangel (NY-15), Sander Levin (MI-12), Rosa DeLauro (CT-3) and Grace Napolitano (CA-38) in sending a letter to the chairman of the United States Commission on Civil Rights expressing concern that the commission is preparing to detract from its mission and needlessly enter the debate over Social Security privatization.

The commission is proposing two year-long studies on Social Security as it relates to minorities. The studies are up for consideration at the commission's meeting tomorrow, Friday, March 18. In their letter, the members of Congress express serious reservations about whether these studies are an appropriate use of the commission's limited resources, especially given that the questions posed have been well analyzed in such a way so as to render the commission's planned efforts moot.

"The role of the Commission on Civil Rights is to ensure that all Americans have equal protection under the law, not to produce politically biased reports in support of President Bush's Social Security privatization proposal," Rep. Becerra, the only congressional member from Southern California who is a member of the House Committee on Ways and Means and its Subcommittee on Social Security, said.

The letter asks the chair of the commission to provide information about the development of these proposals, particularly regarding the influence of the White House.

The full text of the letter to Chairman Gerald Reynolds is below:

March 16, 2005

The Honorable Gerald A. Reynolds

Chairman

U.S. Commission on Civil Rights

624 Ninth St. NW

Washington, DC 20425

Dear Mr. Chairman:

We recently obtained documents indicating that the independent U.S. Commission on Civil Rights is preparing to enter the debate over the future of Social Security. [1]

The documents indicate that at its March 18 meeting, the Commission will consider two proposed studies on Social Security. [2] The first is a proposed Office of Civil Rights evaluation entitled, *Building an Ownership Society: The Impact of Social Security Reform on Minorities*. The second proposal is for an Office of General Counsel "legal analysis of any race-conscious elements of proposed Social Security reforms."

[3]

We have serious reservations about whether these studies are an appropriate use of the Commission's limited funds.

The primary goals of the Commission on Civil Rights are "to investigate complaints alleging that citizens are being deprived of their right to vote" and "to study and collect information relating to discrimination or a denial of equal protection."

The proposal to study Social Security does not appear related to these goals. In fact, the Office of Civil Rights proposal acknowledges this directly, stating that the study does "not fulfill USCCR standards" and is not directly related to the "mission statement nor to strategic plan goals."

[4]

Moreover, the specific proposals appear biased as drafted. The goal is not a neutral assessment of the complex issues surrounding Social Security. In fact, the description of the Office of General Counsel study prejudices the outcome, stating that it will be incorporated into the Office of Civil Rights report on "the adverse impact of Social Security on racial/ethnic minorities and women." [5]

Other examples of bias in the design of the studies include the following:

- The documents cite “Heritage Foundation and Cato Institute” researchers in support of the assertion that “Social Security has an adverse impact on the economic outcomes of blacks.” But the documents fail to cite the conclusions of unbiased sources such as the Government Accountability Office that have found just the opposite. [6]
  
- The proposals fail to mention Social Security’s survivor and disability benefits despite the fact that those benefits are provided disproportionately to African Americans. [7]
  
- The proposals misleadingly confuse life expectancy at the start of the working career (which is lower for blacks than whites), with life expectancy at retirement (where there is a much smaller gap), making the incorrect claim that “white male workers . . . will draw benefits for nearly six more years than their black counterparts.” [8] The actual gap in life expectancy at retirement is less than two years. [9]
  
- The proposals include biased, leading research questions, such as: “Will President Bush’s proposal . . . expand opportunities for blacks to invest in the stock market?” They further fail to consider the impact on minorities of alternative proposals that would leave the Social Security system intact.

The role of the Commission is to ensure that all Americans have equal rights, not to produce

politically biased reports in support of President Bush's Social Security privatization proposal. In light of these concerns, we ask that you respond to the following questions about these proposals by March 25:

1. Is consideration of Social Security consistent with the statutory mandate of the Commission? If so, why do the Commission documents note that the studies do "not fulfill USCCR standards for a statutory report," and are "not directly related to the USCCR mission statement."
2. Have USCCR Commissioners or staff had any contact with staff from the White House or other executive branch offices regarding these studies? If so, please provide a list of all contacts, including relevant documents detailing the content of these contacts.
3. Have USCCR Commissioners or staff had any contact with staff from outside organizations, such as the Heritage Foundation, the Cato Institute, or Americans for Tax Reform regarding these studies? If so, please provide a list of all contacts, including relevant documents detailing the content of these contacts.
4. What is the anticipated budget for these proposed studies? Has the Commission traditionally conducted studies that do "not fulfill USCCR standards for a statutory report," and are "not directly related to the USCCR mission statement"? If so, please provide a list of these reports, as well as a discussion of the amount of the USCCR budget that was spent on these studies.

Thank you for your response to this request.

Sincerely,

Nancy Pelosi, Democratic Leader

Henry A. Waxman, Ranking Minority Member, Committee on Government Reform

John Conyers, Jr., Ranking Minority Member, Committee on the Judiciary

Charles B. Rangel, Ranking Minority Member, Committee on Ways and Means

Sander M. Levin, Ranking Minority Member, Subcommittee on Social Security

Rosa L. DeLauro, Member of Congress

Xavier Becerra, Chair, Congressional Hispanic Caucus Social Security Task Force

Grace F. Napolitano, Chair Congressional Hispanic Caucus

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[1] U.S. Commission on Civil Rights, *Mission Statement* (2005) (online at <http://www.usccr.gov/about/mission.htm>).

[2] The Commission was originally scheduled to consider these documents at the February meeting, but this discussion was postponed until March.

[3] U.S. Commission on Civil Rights, *Office of Civil Rights Evaluation — Building an Ownership Society*.<sup>1</sup> *The Impact of Social Security Reform on Minorities* (Feb. 18, 2005); U.S. Commission on Civil Rights, *Office of General Counsel — Project Concept* (Feb. 18, 2005).

[4] U.S. Commission on Civil Rights, *Office of Civil Rights Evaluation, id.*.

[5] U.S. Commission on Civil Rights, *Office of General Counsel, supra* note 3.

[6] Government Accountability Office, *Social Security and Minorities*.<sup>2</sup> *Earnings, Disability, Incidence, and Mortality are Key Factors that Influence Taxes Paid and Benefits Received* (Apr. 2003) (GAO-03-387). The report finds: “In the aggregate, blacks and Hispanics have higher disability rates and lower lifetime earnings, and thus as a group tend to receive greater benefits relative to taxes than whites.”

[7] See Social Security Administration, *African Americans and Social Security*.<sup>1</sup> *Social Security is Important to African Americans* (2005) (online at <http://www.socialsecurity.gov/pressoffice/factsheets/africanamer.htm>).

[8] U.S. Commission on Civil Rights, *Office of Civil Rights Evaluation*, *supra* note 3, citing the Cato Institute, *Sober Security: Personal Retirement Accounts are Pro-Black, Too* (May 14, 2002) (online at <http://www.socialsecurity.org/pubs/articles/art-murdock020514.html>). Life expectancy data from Centers for Disease Control, *National Vital Statistics Reports*.<sup>2</sup> *United States Life Tables, 1999* (Mar. 21, 2002).

[9] Centers for Disease Control, *id.*

The allegation that Social Security is unfair to minorities has long been settled by the nonpartisan Government Accountability Office (GAO), the federal government's investigative watchdog, which examined the issue in 2003. To obtain a copy of the full GAO report, please visit <http://www.gao.gov/new.items/d03387.pdf>, or visit [http://www.house.gov/waysandmeans\\_democrats/socsec/appendix\\_gao.pdf](http://www.house.gov/waysandmeans_democrats/socsec/appendix_gao.pdf) for a summary.

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