

The Power of the Dollar
Consumer Activism in the 20th Century:
From the National Consumers' League to the Student Antisweatshop Movement

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Index of Abbreviations

ACWA	-American Clothing Workers Association
AFL	-American Federation of Labor
AIP	-Apparel Industry Partnership
AWOC	-Agricultural Workers Organizing Committee
CIO	-Congress of Industrial Organizations
CLC	-Collegiate Licensing Company
FLA	-Fair Labor Association
GATT	-General Agreement on Tariffs and Trade
GSC	-Georgetown Solidarity Committee
ICCR	-Interfaith Center for Corporate Responsibility
ILGWU	-International Ladies Garment Union
ILRF	-International Labor Rights Fund
IWW	-Industrial Workers of the World
MFA	-Multi Fiber Arrangement
NAFTA	-North American Free Trade Agreement
NCL	-National Consumers' League
NFWA	-National Farm Workers Association
NGO	-Non-governmental organization
NLC	-National Labor Committee
NLRA	-National Labor Relations Act
NLRB	-National Labor Relations Board
NFLU	-National Farm Labor Union
UAW	-United Auto Workers
UCAPAWA	-United Cannery, Agricultural, Packing and Allied Workers of America
UFWOC	-United Farm Workers Organizing Committee
UNITE	-Union of Needletrades, Industrial and Textile Employees
USAS	-United Students Against Sweatshops
WRC	-Workers' Rights Consortium
WTO	-World Trade Organization

Prologue

By day, they marched beside the flat, green fields of the valley, waving brilliant red banners and chanting, always chanting- dark-skinned farm workers; intense young students; union men and women from the cities; black civil rights workers; nuns in flowing habits; priests and ministers in somber black suits; children, squirming uncomfortably in the broiling sun. Among the marchers, tall and patriarch-like, was Chavez's father Librado, now eighty-two. They were led by men carrying the flags of Mexico and the United States, a wooden cross with the world 'Huelga' burned into it, and, like those who led the peasant armies of Emiliano Zapata, an embroidered image of La Virgen de Guadalupe. It was patterned quite consciously after the Lenten peregrinations of Mexico, the pilgrimages that combine penance with protests by the poor.¹

The subjects involved in this thesis share unique qualities. The Chicago sweatshop worker of the early 1900s, the migrant farm worker from California, and the present-day textile worker in El Salvador are all victims of an unregulated capitalist society, whether it be pre or post-fordist, developed or underdeveloped, whose institutionalized powerlessness as agents for their own betterment is scarcely imaginable. Not surprisingly, a common feature of this victimization is its predilection for or insistence on women and minorities. The type of systemic oppression experienced by the urban poor sweatshop worker, or the rural poor farm worker confines itself to the most marginalized groups in society and in the process has resulted in further marginalization and powerlessness.

The stories contained within also involve another group of people. Affluent women's clubs, middle class college students, rank-and-file labor organizers, and the American consumer provide the foreground to compelling narratives of social change. It is my view and the thesis of this work, that in times of extreme exploitation in the Capitalist system, large factories, large farms, and giant corporations can be forced to the bargaining table by the power of the consumer. When workers are impoverished to the

¹ Meister and Loftis, [A Long Time Coming](#), 145.

point of complete dependence on their employer, outside pressure must occur to alter the status-quo power structure.

In the same way that the Delano to Sacramento March led by Cesar Chavez united “dark-skinned farm workers,” students, ministers, and children, concerted organization by consumers serves to bridge racial, gender and socio-economic gaps, in the common goal of justice for and empowerment of the working poor. Similarly, as the march publicized the dedication of the farm workers’ movement and the hardships workers faced, the NCL, the UFW and USAS would prove that planned, uncompromising consumer action can set the harsh light of public scrutiny on the even the most clandestine corporate activity. Out financed, out resourced, and out influenced, these groups and the workers who fought with them reconceptualized the term “profit-motive.” The economic concept, which was used for many years to justify capital’s exploitation of labor, was re-appropriated by broad consumer movements to pressure capital and to empower the powerless.

There is also an intriguing subplot in this collection, roughly sketching a disappointing history of US labor in the past century. The early Industrial period of unregulated capitalism at the end of the 18th century soon gave way to the Progressive Era and Roosevelt’s New Deal for America. This “New Deal” provided a recognition of the rights of American workers to organize; a recognition that included everyone but farm workers. World War II saw a resurgence of militant labor activity, while the post-war era displayed a politically conservative reaction, a red scare and the passage of the Taft-Hartley Act. The latter half of the 20th Century brought with it limitations and an almost abandonment of the welfare state and the emergence of a *flexible* global labor market, both of which limited the ability of the American worker to make gains in real wages or

have a voice in production. While the stories of this paper speak about those relegated to the basement of the house of organized labor, the rise and fall of labor in the 20th Century and its mercurial support of the most marginalized workers hints at a historical failure of America's labor organizations to take care of its weakest. Strong support of the farm workers by the UAW and Walter Reuther is outweighed by the ambivalence of George Meany and the AFL-CIO, the strikebreaking violence perpetrated by the Teamsters, the competing union tactics of AWOC and UCAPOWA's decision to leave the plight of the farm worker to the "public conscience." While organized labor has made great advances in the 20th Century, this work makes an effort to discuss those groups consistently left behind.

A finer detail of this work, one that is dealt with first, rests on the concepts of gender and labor, and labor and consumption. While the story of the NCL helps illustrate the vital and often overlooked role of women in the labor movement, the entire concept of consumption as social change can show the historical role many women have played of head consumer in the household to be both a laborer and a possible agent for social change. Also, the historically female dual role of consumer and cheap laborer, either domestic or industrial, places women at the central base of the capitalist system. It is necessary to see Florence Kelley with the women of the sweatshops, Dolores Huerta with the female farm workers, and Ginny Coughlin with the young girls in Mexican textile factories as struggling together to raise the female laborer out of concealed obscurity within the capitalist structure. It is partly my goal to expose them as the producers, the consumers, and most importantly, the reformers of capitalism in the American 20th Century.

Chapter 1

The National Consumers' League: Early Female Activism

To properly examine the phenomenon of consumer activism in the United States during the twentieth century, it is first necessary to consider the work of that relatively small group of mostly upper-middle class white women at the turn of the century: the National Consumers' League (NCL). Through studying the efforts of the women of the NCL, it becomes evident that the retelling of the history of labor in the United States, in many cases, has excluded the efforts of women consumers, homemakers, and many other non-wage earning workers. Regarding the substantial effect the NCL had on labor rights legislation and its enforcement in the first three decades of the twentieth century, it also becomes evident that the stories of these women are highly relevant to the study of United States labor history. Yet, apart from the effective activism of the women, many scholars would argue that the work of non-wage earning women in general is a valuable part of labor history. The labor of the housewife, of the consumer, and of the caretaker of the wage earner is a topic that has not been extensively pursued by labor historians. Through the eyes of many, what non wage-earning women do as consumers and as housewives is precisely labor.² In this respect, the traditional separation between the concepts of consumption and labor can be disregarded. The NCL therefore provides an opportunity to approach not only the concept of consumer activism, but of a gendered, US labor history as well.

The idea of the consumer in society has historically been the female of the household. The housewife, as the “pure consumer,” in the unique role of being neither an

² For useful studies on consumption as labor and of gendered labor history, Kathryn Kish Sklar, Landon Storrs, Ruth Milkman, and Mari Jo Buhle all offer relevant scholarship.

employee nor an employer and was therefore supposedly the disinterested party in labor relations.³ With the idea of the “pure consumer” in mind, the women who began the first consumers’ league in New York in 1889 believed they had a special authority and legitimacy to organize around the egregious labor abuses of the day. While it would still be thirty years until women were able to vote, this exercise of political consciousness based on their roles as consumers in society foreshadowed future movements for suffrage and equal rights.

Origins of NCL

It is important to note that the consumers’ league movement at the beginning of the twentieth century did not originate from non-wage earning, upper-middle class women deciding to become socially active, but from female workers themselves first asking for help. Around 1891, a young woman named Alice Woodbridge, working for a department store in New York City, asked a local civic worker, Josephine Shaw Lowell, for assistance, describing the hardships that she and her fellow co-workers endured at the store. Lowell provided the assistance by gathering a small group of socially conscious female friends and then organizing large public gatherings as forums for Woodbridge to tell her story. In response to Woodbridge’s story, the newly formed organization decided to draft a list of those department stores which dealt fairly with their employees and offered a minimum wage of 6\$ a week for experienced saleswomen and 2\$ for cash girls. The ladies of the organization would patronize only these department stores, in the hopes of ultimately putting economic pressure on the employers to treat their workers more

³ Storrs, 21.

justly.⁴ Thus was born the first consumers' league in New York City, a phenomenon that would soon claim 15,000 members in 43 states by 1916.⁵

Soon after the first consumer groups appeared, organizing around department store workers, their desire for just working conditions expanded to factory workers, most notably, women workers in the garment industry. In January of 1899, responding to the need for a coordinated, nationwide movement against what had become known as "sweatshops," the constitution for a national federation of consumer activist groups was ratified and the name of the National Consumers' League was adopted. The group chose a well-known labor rights activist from Chicago, Florence Kelley, as General Secretary. Kelley had gained recognition working for a number of years as chief factory inspector for the state of Illinois. After thirty years working for the NCL, Kelley came to personify the movement of the National Consumer's League. Her family history even had parallels to the history of women's labor activism in the United States. Kelley's great aunt, Sarah Pugh, was an abolitionist, who had led a boycott of slave labor-produced goods from the South. A detailed history of female consumer activism in America could go back even prior to the civil war boycotts, during the revolutionary war period when many colonial housewives rebelliously refused to purchase British made goods. With the knowledge of a history of consumer activism behind her and a desire that "capitalism be bent to become more compatible with democracy," Kelley created the first national NCL campaign, leading it into the next century with its movement for "ethical consumption," and its motto: "investigate, agitate, legislate."⁶

⁴ Goldmark, 52.

⁵ Storrs, 15.

⁶ Sklar, 311.

White Label Campaigns and the Sweatshop

The object of the NCL's new campaign was the "sweating system," which comprised a large portion of the garment industry. The term "sweating," commonly misinterpreted, actually referred to the way in which labor was organized in the garment industry, an informal contracting out of the various steps of the garment making process. Many of the contractors' shops were located behind or directly inside tenement buildings. After the fabric was cut in the shops of the wholesale merchants, it would be given to the contractors and the majority of the work would be done in the contractors' shops or in the homes of the workers who lived in the tenement buildings.⁷ The majority of abuses took place in these contractors' shops where the working conditions could not easily be regulated. Workers were routinely subject to unhealthy environments, paid low wages and forced to work overtime. Despite these conditions, the two facets of the sweating system that Florence Kelley detested the most were its use of child labor and homework.⁸

After only two weeks as secretary general of the newly formed NCL, Kelley had drafted her plan of action for the coming consumer label campaign, intended to educate consumers about how their products were being made. The consumer label, or "white label" as it came to be called, derived from the early efforts of the cigar workers' trade union to inform cigar consumers as to which cigars were made in a union shop by affixing a blue union label to the box. The NCL adopted this idea for the garment industry, specifically the white cotton underwear industry, attempting to guarantee the decent working conditions by which the products bearing the label were produced. The intended

⁷ Kelley, 105.

⁸ The NCL established the age of unacceptable child labor to be anyone under 16. Homework was the common practice of workers being expected to finish their work in their own homes after the day had ended. These two practices would come to be two of the three requirements by which a manufacturer would be held accountable in order to obtain the "white label" from the NCL. (Goldmark, 61)

effect of the white label strategy was in a sense to tell consumers who to buy from, but not to advocate specifically a boycott of a certain manufacturer. This intentional focus on “white lists” as opposed to blacklists was the result of recent successful efforts by manufacturers to challenge the legality of boycotts through the legal means of invoking the Sherman Anti-trust Act. Originally conceived as a means by which to limit the power of corporate monopolies, the Sherman Act was soon utilized against labor by the American Anti-Boycott Association and its members. Most notably, the two cases of the United Hatters in 1902 and then the Buck’s Stove and Range Company in 1906 helped set an anti-labor precedent in the law’s use. In both cases after boycott attempts, union members were charged and convicted by the Supreme Court with conspiracy in the restraint of trade and of malicious interference with the probable expectancies of property rights.⁹ These successful attempts at limiting union activity were similar to those in the early 19th Century in the use of “conspiracy laws” which similarly saw collective action as criminal conspiracy. The NCL attempted to circumvent these laws by focusing on rewarding fair employers, rather than directly attacking unjust ones.

The statement of the NCL printed onto the labels sewn into inspected and approved clothing expresses much about the NCL campaign. The bowtie shaped label read: “OFFICIAL LABEL: NATIONAL CONSUMERS’ LEAGUE, REGISTERED NOV. 17, 1899. MADE UNDER CLEAN AND HEALTHFUL CONDITIONS. USE OF LABEL AUTHORIZED AFTER INVESTIGATION.”¹⁰ Clearly the NCL did not rely on the self-monitoring of the manufacturers, but actively inspected each factory and shop in order to award the label. For the first few years of the campaign, Florence Kelley herself

⁹ Dubofsky and Dulles, 188-190.

¹⁰ Sklar, 18.

performed the dual roles of General Secretary and Chief Inspector of the NCL. The label's insistence on "clean and healthful conditions" reveals another aspect of the NCL's anti-sweatshop campaign, a reliance on early 20th century public health concerns. Because contagious diseases such as smallpox and diphtheria were more common and more easily passed on in the small, cramped quarters of inner-city tenements, and because of the public's growing belief on the new germ theory of disease transmission, the NCL emphasized the importance of a sanitary, clean working place for garment manufacturing.

The NCL, along with targeting health conditions in their factory inspections, focused on upholding all state factory laws while opposing child labor, overtime and the subcontracting process by which manufacturers could easily conceal the true origin of a product. By 1904, the label was being sewn into the white cotton underwear produced by 60 factories nationwide that stood up to NCL inspection. Although the group would return to it briefly after World War I, in 1906, in response to organized labor's concern that the consumer's label competed with any effort at a union label, the NCL moved away from its use. The group instead moved its focus to campaigns surrounding support for Supreme Court cases involving the constitutionality of and legislative battles for the implement of minimum wage and maximum hours laws. While the concept of winning concessions through legal means as opposed to conventional organizing strategy was at the time contrary to organized labor's preference for voluntarism, the NCL's legal tactics would soon become a primary means by which labor would fight in the 20th century.

Minimum wage/ Maximum hours legislation campaigns

Despite its intentions and accomplishments in activism for the working class, the NCL had at many times a difficult relationship with organized labor throughout the

Progressive Era. While disputes over activist tactics, such as the consumers' label as opposed to the union label were apparent, disputes also commonly centered specifically on gender questions in the workforce, namely the woman's role in organizing. Many union leaders believed women were only temporarily in the workforce and therefore were not organizeable, while other leaders bluntly asserted that women did not make good union members.¹¹ The NCL on the other hand, realized the organizing difficulty inherent in the mostly low-skilled, high turnover jobs held by women, yet strongly believed in women organizing in the workplace. Due to this dispute and the overwhelming difficulty of organizing women in the textile industry, the NCL turned its focus to legislation over collective bargaining in order to work for labor standards such as maximum hours and minimum wage laws.

In the 1905 case of *Lochner v. New York*, the Supreme Court ruled that maximum hours laws for men were unconstitutional. Three years later, the NCL brought forth a landmark brief to argue for the constitutionality of maximum hours laws for women in *Muller v. Oregon*. In this important case, Florence Kelley and NCL research director, Josephine Goldmark had convinced future Supreme Court Justice, Louis Brandeis to serve as counsel. Although Brandeis was the high power attorney in the case, his sister-in-law, Goldmark, actually prepared the successful brief, presenting the negative physical and societal effects of women working long hours. While emphasizing the biological inequality of the sexes, Goldmark's argument also focused on women's social inequality and their lack of union organization and thus their increased vulnerability to labor

¹¹ Storrs, p. 43

exploitation.¹² The court sided with the NCL, yet, as stated in Justice Brewer's opinion, the court spoke only to the issue of the biological inequality of women, namely their physical weakness and their necessity of healthy child bearing as it relates to the interest of society and the propagation of the species.¹³ Despite the pejorative implications in the Supreme Court's majority opinion, an important precedent had been set in establishing the constitutionality of minimum hours laws for women. This case would also serve in the future as an important legal precedent for those attempting to introduce sociological data into court decisions.

After the 1908 decision which led the way for legislation limiting the amount of hours a woman could legally work, the NCL realized the immediate importance of minimum wage laws to counteract the loss of income from reduced working hours. From their first minimum wage legislation victory in Massachusetts in 1912 until the Supreme Court ruled against its constitutionality at the Federal level in 1917, the instigators of the American minimum wage movement, spearheaded by Florence Kelley and the NCL, were able to persuade passage of such laws in 12 states.¹⁴ The 1917 4-4 split Supreme Court decision upholding the unconstitutionality of the minimum wage was further bolstered by the outcome of *Adkins v. Children's Hospital*, 1923, based on a women's minimum wage law passed in Washington, DC. This law, specifically designed by the NCL and passed by the District of Columbia in 1918 and the subsequent minimum wage board established (with two NCL members as the chief staff) had become the model by which the NCL

¹² It was the NCL's continued use of the biological inequality argument and their campaign for gender specific labor legislation that put them at odds with the National Women's Party (NWP) and many feminists of the day. The NWP's support of the Equal Rights Amendment, which would have invalidated any gender specific legislation, also naturally conflicted with the NCL's agenda. (Storrs, p.41)

¹³ Storrs, p. 45.

¹⁴ Storrs, p. 46.

hoped to set wage regulation in every state. The 1923 decision, by a 5-3 majority, ruled against the minimum wage for women. The Court's opinion denied a connection between wages and general welfare and stated that women, who had recently gained suffrage, needed no further special legal protection. Florence Kelley labeled the outcome "a new Dred Scott decision" which quickly led to an almost instantaneous 50 percent wage cut for women in the District and put a temporary end to the NCL minimum wage campaign.¹⁵

Despite the setbacks suffered by the NCL and their movement for minimum wage legislation at the hands of the Supreme Court, from 1908 the NCL managed to pressure both courts and politicians at times into viewing minimum wage and maximum hours laws for women as morally and constitutionally sound. Their organizing pressure as consumers began an American minimum wage movement that would eventually result in the passage of a national minimum wage for both sexes. Just as important as their concerted pressure on lawmakers was the NCL's pressure on organized labor to organize the female work force. Their constant ideological struggle with male dominated organized labor over the efficacy of labor laws raised awareness of a large unorganized female work force for which government labor regulation was the only resort.

Hope in the consumer

At the outset of the twentieth century, the National Consumers' League adopted a technique of organized labor by modifying the union label into a consumer label, and attempted to improve working conditions by informing the consuming public on behalf of the garment industry laborers. The need for consumer-organized help in lieu of organized labor efforts was evident to the NCL, as Florence Kelley stated in 1898: "Education of consumers by workers presupposes that the workers themselves are organized and

¹⁵ Storrs, 49.

educated. Since the sweatshop victims lack this kind of education almost completely...there is not much hope that this method can be used in the near future.”¹⁶ Owing to the fact that many sweatshop workers were unable to even speak English and had very little power in a system where labor supply exceeded its demand, the women of the NCL decided to use their leverage as consumers to exert economic and then legislative pressure on the manufacturers.

Quantifying the success of the National Consumers’ League in terms of the number of labor laws passed and enforced or the amount of sweatshop abuses averted due to consumer awareness and activism would be extremely difficult. What is a more tangible and possibly even more important result of the work of the NCL throughout the first three decades of the twentieth century is the lasting consumer awareness and public outcry against the concept of the “sweatshop” in the textile/garment industry. At the outset of the 21st Century, it has become impossible as a consumer to avoid the constant “outing” of a particular garment manufacturer for sweatshop abuses. In a context of a growing globalized economy, where textile outsourcing has become the standard and the Latin American free trade zone has almost completely replaced the early 20th century inner-city tenement, questions surrounding employee working conditions and wages in third world textile factories are as abundant as “Just Do It!” Nike commercials.

The work of the NCL has permanently added the term “sweatshop” to the collective American lexicon, forever to automate a negative association with the concept in the mind of the consumer. The term “sweatshop” is now an identifiable, readily conjured abhorrent image that American society has been hearing about now for over one hundred years. This linguistic accomplishment alone continues the NCL fight against

¹⁶ Kelley, 110.

sweatshop labor into the 21st Century, greatly aiding its contemporary consumer activist counterparts. As I will explore in the final chapter, the work of the NCL continues today in the hands of groups like the National Labor Committee, the United Students Against Sweatshops, and the Union of Needletrades, Industrial and Textile Employees (UNITE). These groups carry on the anti-sweatshop campaign of the NCL, employing many of the same tactics along with a few new ones in order to inform and activate the consuming public against the sweatshop of the 21st Century.

Chapter 2

The UFW and the Great Grape Boycott: A National Triumph

Gandhi taught that the boycott is the most nearly perfect instrument of non-violent change, allowing masses of people to participate actively in a cause...Even if people cannot picket with us or contribute money or food, they can take part in our struggle by not buying certain products. It is a simple sacrifice to make. – Cesar Chavez¹⁷

Long before and long after the victories and failures of the NCL to bring the suffering of the industrial textile worker to the consciousness of the American public, a large group of workers faded in and out of anonymity whose relative social marginality and profound powerlessness was comparable to and in most cases exceeded that of the female textile worker of the Progressive Era. Surprisingly, during the period in American history that brought about profound changes in the plights of American industrial workers in terms of their right to organize, public and governmental unwillingness to accept poor working conditions and the expansion of the American Federation of Labor, along with the passage of the National Labor Relations Act, the agricultural workers of California were somehow left out of this “New Deal.” The condition of the agricultural worker in California was that of “irregular work, constant movement, low wages, squalid working and living conditions, social isolation, emotional deprivation, and individual powerlessness so profound as to make occupational advancement a virtual impossibility.”¹⁸ These conditions would not be effectively publicized and reformed until the late 1960s and 1970s by the emergence of Cesar Chavez, his United Farm Workers Organizing Committee (UFWOC), and the movement known as *La Causa*. From 1967 to 1970, the UFWOC and its allies in universities and union halls around the country staged the largest

¹⁷ Meister and Loftis, 140.

¹⁸ Daniel, 64

boycott in US history, forcing a recognition of their rights to collectively bargain and in the process won unprecedented contracts with staunch anti-union table grape growers.

Historical and Institutional Marginality

The story of how California farm workers came to be so utterly marginalized and subsequently exploited by the California agricultural industry dates back prior to the 18th Century when the colonial landholding policies of Spain and Mexico prevailed in the Southwest region. These policies helped create large monopolistic tracks of land, which in the 19th Century conflicted with the prevailing Jeffersonian ideology of an agrarian utopia of small family farms. This large farming system though was too institutionalized and by the mid 19th Century far too profitable to be reformed. With the colonizing of California by eager gold miners, the uniquely Californian pioneering and profit-seeking spirit emerged and took root in the agricultural sector as well. Large farmers took to the task of farming the same desire for the rapid acquisition of wealth as the miners to their gold mining. In fact, many white miners who prospered early enough, purchased large plots of land to take up farming.¹⁹ It was in these early post-bellum years through the end of the 19th century that the Californian phenomenon of the “bonanza farmer” and the “farm factory” was born.²⁰ Somewhere in this booming industry, the humanity of the farm laborer was lost, or in fact, never existed. The history of the peoples who have worked in the fruit and vegetable fields of California reads like a litany of America’s marginalized groups.

The agribusinessmen who controlled the large California farms from the 1850s until the 1920s were constantly lacking the quantity and the quality of labor they felt they

¹⁹ Saxton, 14.

²⁰ Daniel, 19

needed. They were not able to attract the white labor they desired and even admitted that prevailing working conditions in their farms were unsuitable for whites. In the 1850s, Native Americans were rounded up under the guise of vagrancy laws and forced to work on California farms. While Native American labor was in short supply, Chinese laborers expelled from racially segregated mining camps offered an acceptable alternative. While these groups offered extremely cheap labor, many of the agribusinessmen, in displaying their true feelings regarding those who labor for them, realized the obvious advantages of the Southern plantation system and called for the importation of black slave labor from the South.²¹ Although this idea was soon scrapped due to the majority anti-slave sentiment in California, the large influx of Chinese labor after the completion of the first transcontinental railroad in 1870 soon satisfied the owners. In fact, a spokesman for the owners stated his dream that the Chinese farm worker “be to California what the African has been to the South.”²² Yet, white working class sentiment was hard set against the Chinese worker and the newly formed Workingmen's Party successfully lobbied for an anti-employment article in the 1878 convention to update California's Constitution.²³ Although federal courts invalidated the overtly racist articles in the Constitution, in 1882, when the Chinese population in the state had exceeded 100,000, the Chinese Exclusion Act was successfully passed at the federal level, prohibiting further Chinese immigration. Two years later, during the depression of 1884, a subsequent law called for the deportation of many of California's laboring Chinese.²⁴

²¹ Daniel, 24-25

²² Daniel, 27

²³ Saxton, 128.

²⁴ Meister and Loftis, 7

It was not until the 1920's when agribusiness in California would find its most "naturally suited" and readily available workforce in the newly arrived immigrants who crossed the border between California and Mexico, both legally and illegally. A relatively small demographic in California in 1910, Mexicans numbered only about 8000 of California's residents. By the late 1920's though, due in large part to the wave of immigration produced by the Mexican Revolution of 1910 and the labor shortage brought on by World War I, the number of Mexican residents in California jumped to over 350,000.²⁵ According to the farm owners, the Mexicans, as well as the frequently employed Filipino immigrants, were "naturally suited to agricultural work by reason of their relatively small physical stature, ability to tolerate hot weather, native stoicism and innate lack of ambition."²⁶ The farm owners' conceptualization of their laborers was a static one, lasting from the early 19th century even up to the 1970's, based on both the desire to maximize profit and a constant racial prejudice.

Obstacles to Organization

The important step into employee-labor relations that the Federal Government took under President Woodrow Wilson through the US Commission on Industrial Relations (USCIR), and the subsequent leap taken by the Roosevelt administration to regulate labor conditions in America, explicitly left out agricultural workers. The USCIR only examined the farm worker issue briefly after tensions between the IWW and local police exploded in Wheatland, California in 1913 resulting in four deaths.²⁷ Two decades later, in the passage of the historic National Labor Relations Act (NLRA) on July 5, 1935, an article explicitly stated that the rights contained in the legislation "shall not include any

²⁵ Meister and Loftis, 27.

²⁶ Daniel, 63

²⁷ Adams, 195-198.

individual employed as an agricultural laborer.” Subsequent exclusion from protection in the Social Security Act and the Fair Labor Standards Act cemented the position of agricultural laborers as the permanently powerless labor force in the United States. The same year that John Steinbeck published his highly influential novel, The Grapes of Wrath, dealing with the plight of California’s farm workers, the CIO’s UCAAWA made the decision to abandon their three-year effort to organize farm workers. President Donald Henderson in 1939 stated that theirs was “more than just a trade union organizational problem.” Rather, it was “a fundamental, deep-lying, widespread social problem, that goes right to the roots of our whole social system here.” The CIO, citing a need to preserve finances and the deleterious effect of the bracero program, effectively resigned and relegated the plight of the farm workers to the federal government and the “public conscience.”²⁸

One problem with farm workers was that they offered little opportunity for stable or substantial dues payment to an outside labor organization attempting to organize a sustained campaign. Their exclusion from the protections of the NLRA made organizing farm workers even more difficult. During the long history of labor’s attempts to organize farm workers in America, all organizing drives had ended up in the red and without prospects for even long term financial sustainability. Farm workers were migratory, spoke little English, tended to be distrustful of whites, and were often illegal immigrants from Mexico. Many of the workers, though, were legally brought across the border through the implementation of the *bracero* program. A special California agriculture exemption from immigration law, the *bracero* program allowed farm owners to contract Mexican laborers for a period, workers who were forced to return to Mexico at the

²⁸ Daniel, 281 and Ruiz, 54-57.

expiration of their contract. At its peak, the *bracero* program, assiduously lobbied for by farm owners and constantly fought against by labor, imported nearly 500,000 cheap, un-organizable laborers to the United States in a single year.²⁹

Such constraining factors, when combined with frequent “red scares” and the staunch anti-union determination and well-planned organization of farm owners in California, made the organization of farm workers seemingly impossible. Yet in the history of the unsuccessful campaigns by the Communist Party, the IWW, the UCAPAWA of the CIO, and the AWOC and NFLU both of the AFL-CIO what becomes just as obvious as the challenges posed to the organizers is the glaring and repeated errors organizers were to make throughout the twentieth century that resulted in the continued exclusion of farm workers from the benefits of organization. Such lack of organization in turn led to the perpetuation of the poor working conditions, temporary employment, and low wages that kept workers on the margin of society.

Failure and Foreshadowing

An organizing drive begun in 1946 by the AFL affiliate, National Farm Labor Union (NFLU), typified the kind of obstacles and failures farm worker organizing had historically faced, yet also offered a promising foreshadowing of the successful campaign by the UFW and Cesar Chavez that was to come. Begun in a severely anti-labor political climate that saw the passage of the Taft-Hartley Act and the restrictions codified therein, the NFLU campaign faced the difficult challenges of red baiting, lukewarm financial support by the AFL, well-organized and financed resistance by the Associated Farmers, and a most formidable challenge in the *bracero* program, which served the growers as a constant pool of strikebreakers. Grown out of the Southern Tenant Farmers Union and

²⁹ London and Anderson, 10.

initially headed by two experienced Socialist labor leaders, H.L. Mitchell and Henry Hasiwar, the NFLU concentrated on first organizing the more permanent Anglo workers and also consolidating the frequent, unplanned strikes into mass collective actions, supported a priori by the AFL heads. Such a strategy was quickly put to the test in June of 1947 as the NFLU struck the Zaninovich grape fields in response to the firing of all workers suspected of being union members. The NFLU at that time had no Spanish speaking organizer and the strike ultimately failed due to the large number of Mexican workers who simply kept working after the Anglo workers walked out.³⁰

The next and most formidable challenge for the NFLU began in October of the same year in the form of a massive strike against the DiGiorgio ranch, the largest in the Central Valley, employing nearly 2500 workers. Once again, the ensuing defeat in the DiGiorgio strike, which lasted over a year, taught Mitchell and Hasiwar that more pre-strike organization was needed and an emphasis on enlisting the migrant Spanish-speaking workers was essential. The DiGiorgio strike also briefly displayed the potential power of the boycott as the NFLU and its allies, the Teamsters, Winery Workers, Retail Clerks, and Butchers Union resorted to boycotts of all DiGiorgio foods when months of picketing had only resulted in sparse media coverage. The strike was well supported by the California Federation of Labor, but the political and financial influence of the DiGiorgio corporation, which was able to recruit bracero strikebreakers (despite their use during strikes being illegal) and take out full page ads in the *Los Angeles Times*, forced the NFLU to put external pressure on the growers in the form of a boycott.

Realizing the potential damage of a sympathy boycott, Robert DiGiorgio quickly hired lawyers to file suit against the secondary boycott and eventually won an injunction

³⁰ Jenkins, 90-92.

by a National Labor Relations Act (NLRA) examiner. A counter suit brought to the National Labor Relations Board (NLRB) was not resolved for nine months: so delayed that there was no longer sufficient support for the boycott.³¹ By November 1948 the strike had effectively collapsed, but received the final blow when DiGiorgio filed a multi-million dollar suit against the union for libel in the form of a documentary. The film, "Poverty in the Midst of Plenty," produced and donated by the Hollywood Film Council, and sold to religious and labor groups, detailed the working conditions in the DiGiorgio fields. Yielding to overwhelming pressure and realizing the waning support of the AFL, the NFLU decided to settle with DiGiorgio and destroy all copies of the video. The final picket against the company was brought down shortly thereafter.³²

While the NFLU was doomed by the political climate of the late 1940s and the successful counter measures of the DiGiorgio Company, the organizing strategy of the NFLU also accounted for much of their defeat. Some scholars point to the fact that the workers had not built their own local, therefore leaving the union unable to sustain itself with the absence of Hasiwar. Also cited is the passive support offered by the AFL, whose "quarter-million dollars was a pitiful sum when pitted against DiGiorgio's millions."³³ DiGiorgio spent their millions well in a propaganda campaign against the "outside agitators," and successfully petitioned Congress to investigate the NFLU for un-American activities. While neither the California Senate nor the US House Un-American Activities Committee found any useful evidence against the union, red baiting would continue to be a commonly employed tactic by the growers during the following decade in the farm worker movement. Yet in response, the farm workers would soon draw on past failures

³¹ Jenkins, 99-100.

³² Jenkins, 100.

³³ Meister and Loftis, 79.

to form the kind of grass roots, organized, inclusive union that previously had proved elusive to labor organizers. The DiGiorgio boycott also debuted a powerful weapon in the hands of the farm workers. By 1970, a markedly different political climate and a more organized effort led by a charismatic movement leader would indeed prove that the agribusiness industry was susceptible to the pressures of the consumer.

The Emergence of a Social Movement

It was obvious from the beginning that Cesar Chavez had learned from his predecessors and set out to create a new kind of union. The young Chavez, early in the process of creating the National Farm Workers Association (NFWA), the precursor to the UFW, rejected a \$50,000 outside grant at a time when the union was counting on every \$3.50 monthly due to make ends meet.³⁴ Chavez had decided that creating a union able to withstand the fierce pressures farm worker organizing faced first required intense sacrifice from the workers. While the workers were struggling to survive on the little they were paid, and Chavez insisted that no amount of money could ever defeat the growers, the workers had to sacrifice to be devoted to the union and the union's resources must be their own. Furthermore, Chavez realized the need for everyone to sacrifice, requiring himself and all around him to work tirelessly on the union for no more than \$5 per week.³⁵ Chavez's idea was to build a union "from the ground up" in response to the past failures of the AFL and CIO. His first act in organizing evidenced his desire to create a union founded on the needs and wishes of the workers themselves. In 1962, Chavez and a small group of organizers traveled the San Joaquin Valley, distributing thousands of questionnaires to workers, asking what exactly the workers needed. Chavez though,

³⁴ Meister and Loftis, 121.

³⁵ Meister and Loftis, 137.

already knew the answers to the questionnaire, having been raised as a migrant worker in the fields of Southwestern America.

What Chavez already knew and what the questionnaire reinforced was that providing for the necessities of the farm worker required more than just union organization. Chavez first set about to create institutions such as a credit union, a cooperative for auto parts, and a burial insurance program to meet the basic pressing needs of the workers. By 1964, Chavez, his brother Manuel, and fellow organizers Dolores Huerta and Gilbert Padilla had signed up nearly 1000 families in seven counties and changed the name to the *National Farm Worker Association*. Despite Chavez's assertion that the union should not strike anywhere until it was strong enough to maintain the strike, in 1965 the NFWA led a housing rent strike against a farm labor center in Tulare County that had just been condemned by the Health Department. The rent had been raised nearly 50 percent to finance new construction and the 95 families living in the windowless, condemned shacks, looked to the NFWA for support. Responding by enlisting local civil rights activists along with progressive religious organizations such as Migrant Ministry, the NFWA led a series of demonstrations and provided legal support for the families, who in three months won their battle with the Housing Authority.³⁶ The NFWA was able to prove early on that altering the marginalized position of farm workers would require a sustained, determined battle on many fronts. Chavez and his organizers also proved they were willing to fight this kind of battle.

Boycott!

The NFWA had their first experience with the boycott during an early strike they were essentially pressed into calling with the mostly Filipino-led Agricultural Workers

³⁶ Meister and Loftis, 124-125.

Organizing Committee (AWOC). The Filipino workers walked off their jobs in the Delano region in September of 1965 and soon requested support from the Mexican-American workers of the NFWA. Chavez knew they were not prepared to strike; yet without the support of the Mexican-Americans, the minority Filipino workers would surely lose. Five days after the request was made, on Mexican Independence Day, with only \$87 in the union's treasury, the members of the NFWA unanimously voted to strike.³⁷

The strike however, proved Chavez's assertion that the NFWA was not strong enough yet to sustain a prolonged strike, especially counting only 1100 workers as members. Growers used their influence in the community to bring injunctions on the picketing workers, reducing their number and in some cases prohibiting the use of certain words to persuade strikebreakers, once arresting a minister for reciting Jack London's "Definition of a Strikebreaker."³⁸ As in past strikes, the growers were also able to draw upon a constant supply of strikebreakers recruited from Mexico and the Southwest that was even escorted through pickets by local police. With worker power limited, the NFWA made a decisive turn to what Chavez labeled the "last nonviolent alternative;" the boycott. The boycott of two highly visible producers, Schenley Industries and the DiGiorgio Corporation, introduced an elaborate nation-wide framework of boycott teams in thirteen US cities composed of farm workers, students, religious volunteers, and organized labor. This boycott structure served three-fold benefits of uniting outside supporters in the common goal, gaining well-needed publicity to the movement, and

³⁷ Meister and Loftis, 130.

³⁸ Meister and Loftis, 137.

forcing intense “profit pressure” on the companies. The same successful structure would later be employed in the famous Great Grape Boycott of 1968-1970.

While the NFWA, now the AFL-CIO-affiliated UFWOC, won precious contracts in the wine grape industry, their results seemed small due to the non-labor intensive structure of the industry and affecting only about 2 percent of California’s farm workers. Chavez soon set his sights on the table grape growers, who numbered more and who employed far more workers. The UFWOC, fresh off its victory over DiGiorgio, realized the importance of the grape industry to California. The largest of these growers was the Giumarra Corporation, which on its own employed 2000 to 3000 workers. After two months of organizing, on August 3, 1967, the union called a strike in which nearly 800 of the 1200 day-workers walked off the job.³⁹

The Giumarra Corporation however, was ready for the strike and as the day progressed, busloads of workers from Los Angeles were brought in to the vineyards. Giumarra quickly received injunctions limiting pickets to five people, setting the distance between pickets as 50 feet, and prohibiting the use of bullhorns. Soon after, workers arrived from Texas, and Mexicans with green cards easily crossed picket lines. The UFWOC, drawing on their victory over DiGiorgio, decided to reorganize their nationwide boycott efforts. This time, the boycott would not only focus on Giumarra, but because the brand name of grapes were difficult to identify and because Giumarra used over 150 other labels to ship their grapes, the boycott would use the grape itself as a symbol of the struggles of the California farm worker. Began in January 1968, the Great

³⁹ Jenkins, 163.

Grape Boycott would soon make the grape one of the most infamous symbols in the United States.⁴⁰

The first step in the boycott campaign was a 3000-mile bus ride to New York City. Dolores Huerta led striking workers on the journey, which stopped along the way to establish boycott committees in towns across the country. By the end of the campaign, the UFW had strikers and their families and full time volunteers working in over 400 communities in the United States and Canada.⁴¹ Using the striking workers at the boycott centers across the Midwest and East was consistent with Chavez's philosophy of worker empowerment but also served a tactical advantage. The striking workers brought determination, legitimacy and immediacy to a struggle going on far from where the real battle was taking place.

Seven months into the strike and a month after the reorganized boycott efforts, Chavez realized the necessity of galvanizing public support and reaffirming the principles of non-violence. On February 15, 1968, Chavez began what was to be a 25-day fast as "penitence for the dissension and talk of violence in the union."⁴² Garnering strong Catholic support from the start, Chavez soon attracted national attention as he weakly hobbled into a county courthouse to face contempt charges brought by Giumarra. The UFW organized hundreds of farm workers to line the 200-yard entrance of the courthouse in silent, prayerful rows. The movement gained further publicity when Robert Kennedy, at the outset of his Presidential campaign, agreed to attend the mass at which Chavez finally ended his fast.

⁴⁰ Meister and Loftis, 151.

⁴¹ Meister and Loftis, 152.

⁴² Jenkins, 165.

The UFW, capitalizing on its regained publicity, enlisted a new core of volunteers for the boycott centers while convincing numerous civic and religious organizations to endorse the boycott. The new cadre of volunteers included radical students, rank-and-file labor members, ministers, civil rights activists, and housewives. The coalition also included a diverse group of liberal politicians, trade union officials, Black Power advocates, and religious leaders. One reason that scholars believe the farm workers' cause engendered such unity among diverse groups was because they were "visibly and excessively exploited."⁴³ Other reasons include the resurgence of racial pride in the late 1960s, the inclusiveness of the movement known as La Causa, that much like the anti-globalization movement, became a banner under which all causes of justice were lumped, and the violent and well publicized tactics of the growers.⁴⁴ It was precisely this unity which made the boycott over 90% effective in New York City. The important alliance created by the UFWOC propelled and sustained the boycott, and during the summer of 1968 alone, sales of California table grapes declined by \$2.5 million.⁴⁵

Tactics by UFW supporters were numerous. Hot cargo actions, such as a diverted shipments of grapes by the truck-driving Teamsters, or a two-week misplacement of perishable grapes by warehousemen, combined with sympathy strikes by the Butcher Workmens Union and the Retail Clerks, displayed the solid backing of organized labor. The primary boycott against grapes soon gave way to a secondary boycott against the supermarket chains that carried scab grapes. Mass pickets organized outside Safeway stores for months straight, convincing shoppers to go elsewhere for their groceries. Some supporters executed the "shop-in" whereby an unassuming housewife would enter a store,

⁴³ Levy, The New Left and Labor in the 1960s, 131.

⁴⁴ Levy, 133.

⁴⁵ Meister and Loftis, 155.

fill her cart, and make the “discovery” of non-union grapes when she was about to check out. The housewife immediately created a scene so all others in the store knew about the situation of the oppressed California farm worker.⁴⁶

In response, growers and supermarkets hired public relations firms to advertise the grape as “the forbidden fruit” and conservative politicians like California Governor Ronald Reagan and Presidential candidate Richard Nixon endorsed both grape consumption and legislation banning the boycott.⁴⁷ The UFWOC only stepped up their pressure by expanding their strikes to Arizona and filing suits against growers for illegal immigration practices. By June of 1969, a handful of growers decided to negotiate with the union, but when the farm workers’ terms weren’t completely satisfied, they decided to hold out until all the growers were forced to bargain. That summer, boycott teams closed ranks and produced a drop in grape shipments by over 33 percent. When the price of the grape soon fell below cost, the growers began to realize the inevitable: the farm workers had won. In February of 1970, forty growers from the Coachella Valley asked for negotiation with the union; the same union it refused to recognize over the past 8 years. The new contract realized a 25-cent raise, a union hiring hall, grievance procedures, limits on pesticide use, rehiring of the strikers, contributions to the union’s health fund and a successor clause.⁴⁸

With the UFWOC victory over the Coachella Valley growers, consumer support was put behind the newly unionized labels and the Delano growers, the lone holdouts soon found almost no market for their non-union grapes. The last twenty-six Delano growers finally conceded to talks on July 15. Thanks to the tough negotiating of Dolores

⁴⁶ Jenkins, 169.

⁴⁷ Jenkins, 170 and Meister and Loftis, 156.

⁴⁸ Jenkins, 171.

Huerta, who would file workers into the negotiating room to reject growers terms, Giumarra and the growers were forced to sign a contract raising pay from \$1.65 to \$2.05 over two years, the piece rate was increased 5 cents, and another 12 cents an hour financed unprecedented health and insurance benefits for the workers.⁴⁹ The three year long campaign had ended in an historic victory for the farm workers.

The UFWOC victory was a revolutionary one, granting not only economic and health benefits to farm workers, but the right to press grievances, while forcing growers to hire workers from a union hall. Chavez, Huerta and the UFWOC had pioneered a system uniting diverse causes and people for the benefit of the marginalized farm workers. Central in this system was the alliance which gave the farm workers the manpower, financial resources, and publicity to launch a successful consumer campaign. More importantly, Chavez and Huerta kept the workers involved in every step of the process, from the strike votes, to the boycott committees, to actual negotiation. The alliance that created La Causa had not only won, but the farm workers played an integral role in that victory. The combined contribution of consumer activists, labor leaders, politicians and farm workers to put sustained pressure on the profits of non-union table grapes instituted a new and exciting chapter in the history of consumer activism. The UFWOC and their allies proved that with the help of the consuming public, even the marginalized farm worker could sit at a negotiating table with multi-million dollar corporations.

⁴⁹ Meister and Loftis, 163.

Chapter 3

Today's Consumer Movement

On December 14, 2000, a US Department of Labor report detailed the working conditions at an apparel factory in American Samoa that produced clothes for JC Penney Wal-Mart, Target and Sears. The report described workers of the factory, 90 percent of which were female, as “walking skeletons.”⁵⁰ The workers were primarily Vietnamese, recruited a year earlier from their homeland by promises of gainful employment in the United States. Many paid an initial fee of six thousand dollars to have the privilege of passage to and employment in America. The workers though, arrived not in mainland America, but in American Samoa. In her testimony in front of the US House International Relations Committee, Ms. Vi, a former worker at the Daewoosa factory, related her experience of working from 7 a.m. until 2 a.m. seven days a week. Ms. Vi was paid close to \$1 per hour and was fed so little, (a diet of cabbage leaves and potatoes cooked in water) she went from weighing 113 pounds to only 78. The workers slept in guarded barracks, 36 women to a room, where they constantly faced the sexual impositions of their male superiors.⁵¹

The National Labor Committee (NLC) first broke the story of the slave-like conditions imposed on the workers in American Samoa in a report entitled “Made in the U.S.A.?” The NLC’s detailed report, describing extreme acts of violence perpetrated against the Vietnamese workers, as well as the condition of indentured servitude by which the workers were contractually obligated, produced broad media coverage and prompted

⁵⁰ *NY Times*, “Beatings and Other Abuses Cited at Samoan Apparel Plant That Supplied U.S. Retailers,” Steven Greenhouse, 2/06/01

⁵¹ House of Representatives International Relations Committee Hearing on Implementation of Trafficking Victims Protection Act, November 28, 2001.

investigation by the US Department of Labor. As a result of the NLC's campaign, the factory was closed, the owner arrested for violation of US anti-slavery statutes, and 166 workers granted safe haven in the United States. While J.C. Penney as well as Wall-Mart, Target, and Sears did not claim any responsibility for the labor violations at the factory in American Samoa, at the urging of the NLC, J.C. Penney eventually paid workers \$350,000 in back wages.⁵² Pressured and publicly censured, the companies canceled all contracts with the New York-based supplier who contracted-out production to the American Samoan factory location and the Korean company, Daewoosa.

Toward a Flexible, Globalized Economy

We have, in the last decade, been witness to a reemergence of the 1900s sweatshop, now globalized, institutionalized, and in many cases, legalized. The story described above is only dissimilar from the recent barrage of publicized abuses in the apparel industry by virtue of its positive conclusion. Such a barrage of publicized abuses, however frighteningly, is simply the tip of an iceberg, a harbinger of a global industry rife with labor exploitation. The current globalized, flexiblized labor market has ensured a "race to the bottom" by the major clothing retailers in an effort to secure the cheapest, most powerless labor force in the most acquiescent and capital-supporting political environments. Corporations such as Wal-Mart, whose annual sales of \$138 billion exceed the annual GNP of 155 of the 192 countries of the world, are in a position to shop around the world to reduce labor costs. In 1991, an advertisement aimed at US corporations appeared in a prominent trade journal with a picture of a young woman and text that read: "Rosa Martinez produces apparel for US markets on her sewing machine in El Salvador.

⁵² NLC report: <http://www.nlcnet.org/Samoa/updates.htm#032601>

You can hire her for 33 cents an hour.”⁵³ As a result of US demand for cheap labor, governments of less developed countries, in competition with each other to attract capital, reduce labor standards, do not enforce current labor laws or minimum wages, and strongly fight worker unionism.

Many things have changed in both the textile industry and the global economy since the days of Florence Kelley. New Deal legislation, which granted the rights of industrial workers to organize, and the subsequent organization of a broad sector of the industry helped effectively end the working conditions and wages that characterized the industry at the turn of the 20th Century. By the 1970’s however, the sweatshop began to reemerge, and by 1998, a US Department of Labor survey found that 61 percent of the garment factories in Los Angeles alone were operating under sweatshop conditions.⁵⁴ However, by the late nineties, due to what has been considered the restructuring of global capitalism, the location of the majority of textile production had shifted out of the US and to the poorest countries of Central America, the Caribbean, and Asia. More than 60 percent of the garments sold in the US are now imported.⁵⁵

To understand why production has moved overseas, is first necessary to highlight the changes that have led to the restructuring of global capitalism, modifications in the apparel industry and in turn, how such changes have led to the proliferation of the modern sweatshop. One can first point to an agreement signed under the auspices of the General Agreement on Tariffs and Trade (GATT) in 1973, called the Multi Fiber Arrangement (MFA). This elaborate set of bilateral agreements dealing with import quotas and trade routes was formed to help direct a freer flow of trade from developing countries to

⁵³ Kernaghan, “Paying to Lose our Jobs” in Ross, 79.

⁵⁴ Bonacich, 7.

⁵⁵ Ross, 15.

markets in the West.⁵⁶ Rules established by GATT, subsequent free-trade agreements facilitated by the World Trade Organization (WTO), along with regional trading blocks such as the North American Free Trade Agreement (NAFTA), have contributed to the increasing flow of production capital overseas and the increasing importation of the fruits of that capital in Western markets.

Around the time the MFA was signed, the US apparel industry began to suffer from the first strong wave of Asian competition. This led to a severe emphasis on automating an industry historically reluctant to mechanization. Having increased automation from 6 percent in the 1960s to 40 percent by the late 1980s, managers also dramatically increased production speed.⁵⁷ While more automation helped increase overall productivity, the apparel industry has and continues to be a labor-intensive industry. Startup and machinery costs are fixed, prices of material are relatively stable, and in a competitive industry, the variable cost of labor can make the difference between success and failure. In an effort to reduce labor costs and gain advantage in the industry, apparel producers supported free trade agreements in the WTO and began to move production overseas in search of cheap labor.

With overseas production came the important system of subcontracting, or contracting out. Andrew Ross describes this system, whereby contracting firms play the middleman for large retailers by locating or establishing production outlets in small factories around the world, as an aggressive principle of all post-fordist production.⁵⁸ The subcontracting production model can be seen as a pyramid, with the large number of workers at the bottom, paid the least and answerable to all. The large retailer sits at the

⁵⁶ Ross, 19.

⁵⁷ Ross, 22.

⁵⁸ Ross, 15`

top of the pyramid, receiving \$50 for every \$100 dress sold, and is not directly nor legally responsible for the treatment of its workers.⁵⁹ Those in the middle of the pyramid, the handful of subcontractors, shop for the cheapest labor and are directly and legally responsible for the payment and treatment of the workers. In this schema, the subcontractor acts as a “buffer, shock absorber, and shield” between workers and retailers.⁶⁰ As evidenced in the Daewoosa case, the retailers, J.C. Penney, Wal-Mart, Sears, and Target, blamed their subcontractor for the abuse of the Vietnamese workers, disavowed any knowledge of the situation, and were not held legally responsible. Only through intense consumer pressure did J.C. Penney accede to pay damages, (which was however, explained as a charitable donation.)

The Role of Labor

Comprising the overwhelming majority of those at the bottom of the production pyramid are women. In the apparel factories of the United States, these women are poor immigrants from Asia, Central America or the Caribbean, living in the industrial centers of America’s largest cities: Los Angeles, Chicago, Houston and New York. Outside the United States, the sweatshop worker is the poor, emigrant woman in Asia, Central America, or the Caribbean. Of course, what makes the apparel industry unique is the low amount of capital needed to begin production. Because of the relatively low startup cost, small sweatshops come and go, whenever there is demand and wherever there is a supply of poor laborers. Thus, sweatshops can exist in both small town and big city, developed country and underdeveloped country. In 1995 in El Monte, California, immigrant women from Thailand were found in a dilapidated, suburban apartment complex, held against

⁵⁹ Bonacich, 2.

⁶⁰ Louie, 4.

their will, sewing garments for far below minimum wage.⁶¹ Some women had been there for nearly seven years. Yet wherever the location, the lone constant of exploitation in the apparel industry is an uncompromising reliance on poor, female labor. The industry's comparative advantage is what Feminist scholars have labeled, "the feminization of labor."⁶² The practice of exploiting the labor of poor women, while certainly not new, has been increasingly institutionalized in the apparel industry.

While multilateral free trade agreements, changes in the apparel industry, the proliferation of the subcontracting system, and the feminization of labor have all contributed to the reemergence of the sweatshop in America and its use on a global scale, the steady decline in union influence in the American political forum over the past fifty years must also be seen as a significant contributor. In 1946, 37 percent of the American workforce was unionized. By 1995, that number had fallen to less than 15 percent.⁶³ While much of the decrease in union membership is due to the de-industrialization of America and the de-centralization of production in most developed nations, it is also a result of restrictive, anti-labor federal policies stemming from the Taft-Hartley Act in 1947 to the Reagan revolution and the President's firing of air traffic controllers in 1981. American unions, weakened by anti-labor political acts were less able to watch guard domestic sweatshop conditions and powerless to stop agreements which deregulated the flow of capital and trade, such as NAFTA. The passage of NAFTA in 1994, without any significant protection for American workers, has led to an even further weakening in American organized labor, as unions are powerless to stop companies from relocating to less costly locations across the Texas-Mexico border. Both the reemergence of domestic

⁶¹ Bonacich, 2.

⁶² Louie, 12.

⁶³ Bonacich, 7.

sweatshop conditions, as well as the proliferation of foreign sweatshops can be attributed, at least partly, to the fall of organized labor during the second half of the 20th Century.

Inception of a Movement

The evolution of a globalized capitalist economy has created a situation in which capital has become so flexible, that workers who struggle to organize are not just fired, beaten or jailed like before, but also abandoned. Manufacturers and retailers are quickly able to move production to evade any pressure mounted by organized workers. Yet, there are certain benefits for activists in the process of globalization. Namely, it can bring the consumer and the producer face to face. As Edna Bonacich and Richard Appelbaum explain, “globalization enables manufacturers to shift their production sites to avoid militant workers, but they cannot so easily avoid militant consumers.”⁶⁴ The most effective response thus far to sweatshop abuses in the United States and around the world has been to expose those abuses to the consuming public. Consumer groups, students, labor rights organizations, and the workers themselves have engaged in a battle to publicize the ugly side of the fashion industry. In order to win over the American consumer by influencing the highly vulnerable public image of large retailers and their products, such groups have forced at least some concession by US retailers of their complicity in the sweatshop system and their responsibility for their workers.

A 1995 survey by researchers at Marymount University found that 80 percent of consumers would avoid retailers that sold clothing made in sweatshops. That same percentage of consumers would be willing to pay an extra dollar on a \$20 item of clothing to ensure that it was not made under sweatshop conditions.⁶⁵ The flexible production

⁶⁴ Bonacich, 297.

⁶⁵ Bonacich, 298.

system used by retailers is designed to get consumers what they want. Activists have decided to focus their efforts on getting consumers not to want sweated goods. Rather than the usual method of workers organizing at the point of production, because sweatshop workers currently have little option to organize, a concerted effort has been made to attack this system at the point of consumption, where it is most vulnerable.

The birth of the “antisweatshop movement” (with little reverence to Florence Kelley and the NCL) is hard to pinpoint exactly. While the National Labor Committee (NLC), a non-profit organization now led by Charles Kernaghan, “dedicated to promoting and defending the rights of workers” was established in 1981, it concentrated primarily around US foreign policy in Latin America and the civil war in El Salvador.⁶⁶ The NLC did not begin to focus on issues of textile workers until the early 1990s. Likewise, the group now known as Sweatshop Watch, didn’t begin organizing until 1992 and did not formally mobilize until 1995 to provide support for workers discovered in the El Monte sweatshop. And it was not until 1996 that college students at Michigan and Wisconsin, soon to be followed by Duke and Georgetown, began their involvement in the antisweatshop movement.

While student support of *La Causa* in the late 1960s was clearly evident and effectual, students served a supporting role of soliciting donations, staging rallies to increase awareness of the issue, and even acting as volunteers at the boycott centers.⁶⁷ Student activism dissipated after the US pullout from Vietnam, but quickly resurfaced during the anti-apartheid movement of the early 1980’s. Aware of the large financial investments of the modern university, students used the university’s power as a consumer

⁶⁶ NCL website, <http://www.nlcnet.org/History.htm>

⁶⁷ Levy, 129.

against the financial power of the South African government. The divestment campaign that hit university campuses in the 1980's provided an integral example for the student activists who would form the vanguard of the antisweatshop movement over a decade later.

Public awareness of overseas sweatshop practices became widespread after the highly publicized 1996 NLC report alleging that workers in a Honduras sweatshop sewed Kathie Lee Gifford's Wal-Mart clothing. The NLC backed up its claims by sponsoring a speaking tour of fifteen-year-old Wendy Diaz, who had worked the past two years for 31 cents an hour, sewing clothes with Gifford's name on them.⁶⁸ While college students were surely aware of the antisweatshop movement, few had any idea how it could be appropriated to the university context. Soon-to-be campus activist leaders, Tico Almeida from Duke University and Laura McSpedon from Georgetown University were both approached about a college antisweatshop campaign from progressive elements within organized labor. McSpedon was approached in 1997 while participating at the AFL-CIO's Union Summer program by Ginny Coughlin, who worked on the Stop Sweatshops campaign for the Union of Needletrades, Industrial and Textile Employees (UNITE). And through an internship with UNITE during the summer of 1997, it was Almeida and others who created the first campus antisweatshop organizing manual. Campuses, long dormant since the anti-apartheid movement, sprung to life in 1997 and 1998, launching campaigns against collegiate apparel giants, Nike and Reebok. Early in the fall of 1997, Almeida organized an antisweatshop group at Duke and by November had pressured the university to adopt a code of conduct for those factories that produced apparel bearing the Duke

⁶⁸ Krupat, "From War Zone to Free Trade Zone," in Ross, 60.

logo. The code of conduct campaign soon spread to other campuses, along with a national campaign against Guess? jeans.⁶⁹

The national college campaign took off the next fall at Georgetown University, the University of North Carolina, Michigan, California, and Wisconsin. The target of student activism was the \$2.5 billion collegiate apparel industry and the Collegiate Licensing Company (CLC), a subcontractor which outsourced the production of collegiate apparel.⁷⁰ As UNITE toured college campuses with workers who had sewn Duke, UNC, and Georgetown logos, but were fired for trying to organize a union, students, faced with incontrovertible proof of the university's involvement, set their sights on forcing the CLC to adopt a strong, enforceable code of conduct that factories would be held to. The basic rights pressed for by the students were the right to organize, full public disclosure of factory locations, and independent monitoring of the factories. By January 1999, the CLC responded to growing student activism and implemented a code of conduct. Yet, the CLC code required only occasional self-monitoring of factory locations and had no provisions calling for disclosure, freedom of association or collective bargaining.

The individual campus movements, which had been loosely associated during 1997 and 1998, institutionalized and codified their organization during the summer of 1998 when the United Students Against Sweatshops (USAS) was formed. During a three-day conference in New York City in July, attended by over 30 schools, co-founders, Laura McSpedon from Georgetown, Tico Almeida of Duke and Dan Hennifeld, a student at

⁶⁹ The source for much of the information on the progression of the student antisweatshop movement, events on college campuses, student opinions and concerns from 1998 until 2002 comes from the author's personal involvement in the movement and therefore will not be cited. Additional source information is taken from an interview with Laura McSpedon, now campus outreach coordinator for Jobs with Justice, and the Georgetown Solidarity Committee history, written by member Andrew Milmore and found at www.georgetownsolidarity.org.

⁷⁰ Bonacich, 304.

Harvard, helped draft a constitution and organize a framework by which the organization would operate. The goals of the newly formed USAS were “to provide coordination and communication between the many campus campaigns and to coordinate student participation and action around the national, intercollegiate debate around Codes of Conduct and monitoring systems.”⁷¹ Only one year later, USAS groups had formed on over one hundred college campuses.

Once on their campuses, student groups focused primarily on the issues of full disclosure, living wages for workers, and special protection for women’s rights, using the faulty CLC code as a foil. In January and February of 1999, protest rallies, teach-ins, flyerings, and organized debates were common at Georgetown University, whose administration was on the CLC task force charged to draft the code. Despite overwhelming support from students and faculty, they were ultimately unable to force a “no” vote on the CLC code.⁷² On February 5, however, following the lead from students at Duke University only days earlier, a group of twenty-six students took over the president’s office at Georgetown. Following an 85-hour sit-in and intense negotiating from both administration officials and student leaders, they agreed that the university would not sign the CLC code and would in fact require all manufacturers to provide the locations of their factories or face cancellation of their contract.⁷³ Following similar protests at Duke, University of Wisconsin-Madison, Harvard and Princeton, on March 11, 1999, Nike made the announcement that they would release the names and locations of all

⁷¹ USAS website: <http://www.usasnet.org/who/history.shtml>

⁷² *The Georgetown Hoya* “Support for Protest Signals Bright Future for GU Activism” February 9, 1999.

⁷³ *The Georgetown Hoya* “Compromise Reached,” February 9, 1999.

the factories that produce apparel for the universities that demanded such information.⁷⁴ Most universities agreed to form committees to study the issue of university licensing, and more specifically, to weigh in on the ensuing debate over how such factories would be monitored once their locations had been revealed.⁷⁵

WRC and FLA

Responding to students, activists, religious and labor leaders, and public opinion, President Clinton formed a sweatshop task force in August 1996, which would later be named the Apparel Industry Partnership (AIP.) The group consisted of twenty-three members, including the National Consumers' League, UNITE, the Interfaith Center for Corporate Responsibility (ICCR), the Department of Labor, human rights groups, as well as corporate representatives. In November of 1998, they decided to form a non-profit organization to monitor conditions in the apparel industry, and in January of 1999, announced the formation of the Fair Labor Association (FLA). Yet corporate influence reigned over the constitution making procedure and when the agreement was announced, conspicuously absent was the backing of both unions, the ICCR, and a number of NGOs who decided to withdraw support for the FLA.⁷⁶ Mark Levinson, director of research for UNITE, told the *NY Times* that "the agreement allows companies to produce in countries that systematically deny workers rights and it allows them to do that without requiring them to say anything to protect rights in those countries."⁷⁷

⁷⁴ *The Georgetown Hoya* "Nike Releases Locations of Georgetown Apparel Factories" Oct. 8, 1999. For a full list of Nike factories producing Georgetown Apparel, see http://www.nikebiz.com/labor/fact_gt.shtml.

⁷⁵ *The Georgetown Hoya*, "Licensing Implementation Committee To Be Given Official Commission," April 4, 1999.

⁷⁶ Bonacich, 244.

⁷⁷ Schoenberger, 224.

Students at universities became even more critical of the FLA after nearly fifty administrations signed on, having received personal invitations from President Clinton. Among student concerns were the absence of independent monitoring provisions, living wage stipulations and any sign that information would be released to the public.⁷⁸ The pullout of UNITE and other groups, however, was with the knowledge that an alternative to the FLA was currently in progress by the newly formed USAS. The 1999 founding of the Workers Rights Consortium (WRC) involved not only students, but also human rights groups from around the world, labor organizations, and most importantly, the opinion of textile workers themselves. Members of the governing board included representatives from the AFL-CIO, UNITE, Brotherhood of Asian Trade Unions, Collective of Honduran Women, Harvard University, Sweatshop Watch, Columbia Law School, Federation of Apparel Leather and Textile Workers of Nicaragua, and US Representative George Miller. Since its founding, over 90 universities have affiliated with the WRC. Notably absent though, is any corporate support for the organization.

“The First Victory of the Globalized Era”

On September 27, 2001, for the first time in the history of the textile industry in Mexico, an independent, democratic union at the Kukdong factory in Puebla, Mexico was won.⁷⁹ The fight for a union at Kukdong waged for over a year, initiated by the workers themselves at the factory and then carried on by USAS, their respective collegiate chapters, and the WRC. The battle began on January 3, 2001, when five workers at the Kukdong factory, that produces clothes for NIKE, were fired for pressing workers' grievances and attempting to organize workers in opposition to the company union. Six

⁷⁸ The Georgetown Hoya, “GSC Urges GU to Quit Fair Labor Association,” Oct. 22, 1999.

⁷⁹ USAS website - <http://www.usasnet.org/campaigns/kukdongpr.doc>

days later, a majority of the workforce at Kukdong initiated a work stoppage in order to force the rehiring of the fired workers. Violent police action stopped the strike and a large number of the workers were subsequently barred from reentering the factory. The workers who were eventually reinstated were forced to sign loyalty contracts to the company union and lost their seniority benefits. One week later, on January 18th, workers filed a formal, written complaint to the WRC. An ensuing investigation by the WRC revealed numerous violations of the Nike code of conduct, the WRC code of conduct and of local labor laws.⁸⁰ Such violations included wages lower than the Mexican minimum wage, physical and verbal harassment by management, and a restriction of the workers' right to freedom of association.⁸¹

Following the WRC investigation, (its very first since its inception,) and the publishing of its report, USAS chapters around the country began calling for their universities to pressure NIKE to address the described violations. After seven months of intense consumer pressure, NIKE intervened in the process; forcing the Kukdong management to reinstate all workers, allow elections for an independent union, and end harassment and abuse of their workers. After the collective bargaining agreement was signed, USAS, Global Exchange, Sweatshop Watch, and participating universities organized a speaking tour of Kukdong workers and Mexican labor allies. During the forum, Huberto Nuñez, an economics professor at the University of Puebla, Mexico, described the historic nature of the event as “the first victory of the globalized era.”⁸² He continued by explaining the new power that globalization has given to consumers. In the recent situation, students and universities were able to find out quickly about the

⁸⁰ For the WRC code of conduct, see Appendix A.

⁸¹ For the full WRC factory inspection report, see <http://www.workersrights.org/freports.asp>

⁸² Huberto Nuñez, speech at Georgetown University, November 28, 2001

conditions in the factory, respond effectively by publicizing the conditions to a mass audience over the internet and then use their power as consumers and NIKE's fragile marketing image to pressure the retail giant to take responsibility for the violations in the Mexican factory.

On March 14, 2001 on its official website, NIKE publicized and lauded its intervention in the Kukdong "labor dispute" in an article entitled, "NIKE Develops Remediation Plan for Kukdong."⁸³ Through concerted action by the Kukdong workers, concurrent support and action by the WRC and USAS, and ultimately through pressure by consumers and universities acting as consumers, the student antisweatshop movement was able to claim its first tangible victory in helping to improve the lives of textile workers. Through the efforts of many, the workers at Kukdong won an independent union, the WRC claimed a victory in its first case, and even NIKE was able to congratulate itself on its newly installed remediation plan.

⁸³ http://www.nikebiz.com/media/n_kukdong6.shtml

Epilogue

In 1886, a *NY Times* editorial claimed that “the boycott is a foreign institution...It is one of alien origin, and is set up here by persons who have not the faintest conception of what American citizenship is.”⁸⁴ In some ironic way, the *NY Times* was correct in its labeling of the boycott and those who employ it. Through America’s 20th Century, the boycott has proven an effective method by which foreign-born workers have shifted the balance of power from large factories, farms or corporations to the consumer and the worker. The *NY Times* was also correct in its assertion that those who set up the boycott have no conception of what American citizenship is. Those who have been forced to resort to methods of consumer organizing have historically been the members of society so oppressed, so excluded from the rights that define American citizenship, that any conception of that citizenship must have been perverted by their experience.

Four years later, in 1890, Arthur Hadley, the president of Yale University and professor of economics wrote:

As years go on, I am more and more impressed with the idea that economic reform is likely to come through the agency of the consumer rather than from any other source. I think the Consumers’ League is taking a very important step in the direction of such reform.⁸⁵

Judging by the gains made by the NCL and the inception of such Federal programs in the 1990’s as the Department of Labor’s Fashion Trendsetters List, essentially a contemporary white list, it is hard to overemphasize the effect the NCL had on the apparel industry and American labor history. Even as recently as 1996, although in a drastically altered form from a century ago, the National Consumers’ League continues

⁸⁴ Friedman, 247.

⁸⁵ Strasser, 25.

its socially active presence by serving as lead organization on President Clinton's antisweatshop task force.⁸⁶

Yet, no scholarship can claim that consumer activism has been a panacea for exploited labor. What has been consistently effective in combating labor exploitation, either due to low wages or working conditions, has been worker organization. Legal measures won by the NCL provided only an impermanent and charitable minimum wage for women textile workers. New Deal legislation can be seen as eliminating sweatshop conditions only insofar as it allowed unions to form in the garment industry. From 1931 to 1933, membership in the International Ladies Garment Union (ILGWU) and the American Clothing Workers Association (ACWA) increased from 40,000 to 300,000. It was primarily through the organizing effort and collective bargaining of the workers themselves that ended the conditions in the textile mills. Similarly, the recent victory at Kukdong for a government-recognized, independent union ends the workers' dependence on mercurial outside forces and gives the workers the power and agency to shape their own fortunes.

As Florence Kelley stated in 1898: "Education of consumers by workers presupposes that the workers themselves are organized and educated. Since the sweatshop victims lack this kind of education almost completely...there is not much hope that this method can be used in the near future."⁸⁷ Unfortunately, Kelley's words ring true more than a century after they were spoken. Workers both in the United States and around the world are denied education as children, forced instead into the textile mills or fruit picking fields, and as such, are grossly unaware of their rights as workers. Even worse,

⁸⁶ Storrs, 2.

⁸⁷ Kelley, 110.

some workers understand their rights and are unable to act on them, under fear of being fired, beaten or killed.

Fortunately, by the 21st century, a growing number of human rights organizations, labor groups, students and most importantly, consumers, have forced companies take a responsibility for the treatment of their workers. Companies have been forced to write codes of conduct, to write stronger and more ethical codes, to then translate those codes into the language of their workers, and then finally to accept an independent union by their workers. The achievements and legacy of the National Consumers' League continues even today, while victories by the United Farm Workers and the textile workers at Kukdong, Mexico, all serve as powerful examples of the social change that can occur through the power of the consumer. While it seems that the potential for positive change through consumer activism has only been touched on, viewing the enormous victories of the past century and also the enormous suffering of the past century, one must hope that in the years to come, consumer activism will have finally outlived its purpose.

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WRC Code of Conduct

I. Introduction

- A. The Universities participating in the Worker Rights Consortium are each committed to conducting their business affairs in a socially responsible and ethical manner consistent with their respective educational, research and/or service missions, and to protecting and preserving the global environment.
- B. While the Consortium and the Member Institutions believe that Licensees share this commitment, the Consortium and the Member Institutions have adopted the following Code of Conduct (the “Code”) which requires that all Licensees, at a minimum, adhere to the principles set forth in the Code.
- C. Throughout the Code the term “Licensee” shall include all persons or entities which have entered into a written “License Agreement” with the University manufacture “Licensed Articles” (as that term is defined in the License Agreement) bearing the names, trademarks and/or images of one or more Member Institutions. The term “Licensee” shall for purposes of the Code, and unless otherwise specified in the Code, encompass all of Licensees’ contractors, subcontractors or manufacturers which produce, assemble or package finished Licensed Articles for the consumer.

II. Notice

- A. The principles set forth in the Code shall apply to all Licensees.
- B. As a condition of being permitted to produce and/or sell Licensed Articles, Licensees must comply with the Code. Licensees are required to adhere to the Code within six (6) months of notification of the Code and as required in applicable license agreements.

III. Standards

- A. Licensees agree to operate work places and contract with companies whose work places adhere to the standards and practices described below. The University prefers that Licensees exceed these standards.
- B. Legal Compliance: Licensees must comply with all applicable legal requirements of the country(ies) of manufacture in conducting business related to or involving the production or sale of Licensed Articles. Where there are differences or conflicts with the Code and the laws of the country(ies) of manufacture, the higher standard shall prevail, subject to the considerations stated in Section VI.
- C. Employment Standards: Licensees shall comply with the following standards:
 - 1. *Wages and Benefits*: Licensees recognize that wages are essential to meeting employees’ basic needs. Licensees shall pay employees, as a floor, wages and benefits which comply with all applicable laws and regulations, and which provide for essential needs and

establish a dignified living wage for workers and their families. [A living wage is a “take home” or “net” wage, earned during a country’s legal maximum work week, but not more than 48 hours. A living wage provides for the basic needs (housing, energy, nutrition, clothing, health care, education, potable water, childcare, transportation and savings) of an average family unit of employees in the garment manufacturing employment sector of the country divided by the average number of adult wage earners in the family unit of employees in the garment manufacturing employment sector of the country.]

2. *Working Hours*: Hourly and/or quota-based wage employees shall (i) not be required to work more than the lesser of (a) 48 hours per week or (b) the limits on regular hours allowed by the law of the country of manufacture, and (ii) be entitled to at least one day off in every seven day period, as well as holidays and vacations.
3. *Overtime Compensation*: All overtime hours must be worked voluntarily by employees. In addition to their compensation for regular hours of work, hourly and/or quota-based wage employees shall be compensated for overtime hours at such a premium rate as is legally required in the country of manufacture or, in those countries where such laws do not exist, at a rate at least one and one-half their regular hourly compensation rate.
4. *Child Labor*: Licensees shall not employ any person at an age younger than 15 (or 14, where, consistent with International Labor Organization practices for developing countries, the law of the country of manufacture allows such exception). Where the age for completing compulsory education is higher than the standard for the minimum age of employment stated above, the higher age for completing compulsory education shall apply to this section. Licensees agree to consult with governmental, human rights, and nongovernmental organizations, and to take reasonable steps as evaluated by the University to minimize the negative impact on children released from employment as a result of implementation or enforcement of the Code.
5. *Forced Labor*: There shall not be any use of forced prison labor, indentured labor, bonded labor or other forced labor.
6. *Health and Safety*: Licensees shall provide a safe and healthy working environment to prevent accidents and injury to health arising out of, linked with, or occurring in the course of work or as a result of the operation of Licensee facilities. In addition, Licensees must comply with the following provisions:
 - a. The Licensee shall ensure that its direct operations and those of any subcontractors comply with all workplace safety and health regulations established by the national government where the production facility is located, or with Title 29 CFR of the Federal Code of Regulations, enforced by Federal OSHA (Occupational Safety and Health Administration), whichever regulation is more health protective for a given hazard.
 - b. The Licensee shall ensure that its direct operations and subcontractors comply with all health and safety conventions of the International Labor Organization (ILO) ratified and adopted by the country in which the production facility is located.
7. *Nondiscrimination*: No person shall be subject to any discrimination in employment, including hiring, salary, benefits, advancement, discipline, termination or retirement, on

the basis of gender, race, religion, age, disability, sexual orientation, nationality, political opinion, or social or ethnic origin.

8. *Harassment or Abuse*: Every employee shall be treated with dignity and respect. No employee shall be subject to any physical, sexual, psychological, or verbal harassment or abuse. Licensees will not use or tolerate any form of corporal punishment.
9. *Freedom of Association and Collective Bargaining*: Licensees shall recognize and respect the right of employees to freedom of association and collective bargaining. No employee shall be subject to harassment, intimidation or retaliation in their efforts to freely associate or bargain collectively. Licensees shall not cooperate with governmental agencies and other organizations that use the power of the State to prevent workers from organizing a union of their choice. Licensees shall allow union organizers free access to employees. Licensees shall recognize the union of the employees' choice.

10. *Women's Rights*

- a. Women workers will receive equal remuneration, including benefits; equal treatment; equal evaluation of the quality of their work; and equal opportunity to fill all positions open to male workers.
- b. Pregnancy tests will not be a condition of employment, nor will they be demanded of employees.
- c. Workers who take maternity leave will not face dismissal nor threat of dismissal, loss of seniority or deduction of wages, and will be able to return to their former employment at the same rate of pay and benefits.
- d. Workers will not be forced or pressured to use contraception.
- e. Workers will not be exposed to hazards, including glues and solvents, that may endanger their safety, including their reproductive health.
- f. Licensees shall provide appropriate services and accommodation to women workers in connection with pregnancy.

IV. Compliance and Disclosure: Licensees (for themselves and on behalf of their contractors, subcontractors, or manufacturers) shall disclose to the Worker Rights Consortium, the University, and the public the information set forth in Sections A, B, and C below.

- A. Upon execution and renewal of the License Agreement and upon the selection of any new manufacturing facility which produces Licensed Articles, the company names, contacts, addresses, phone numbers, e-mail addresses, and nature of the business association for all such facilities which produce Licensed Articles;
- B. at least sixty (60) days prior to the end of each contract year of the License Agreement, written assurance that (i) Licensees are in compliance with the Code and/or (ii) licensees are taking reasonable steps to remedy non-compliance in facilities found not to be in compliance with the code;

C. at least sixty (60) days prior to the end of each contract year of the License Agreement, a summary of those steps taken to remedy material violations, and/or difficulties encountered, during the preceding year in implementing and enforcing the Code at all of Licensees' facilities which produce Licensed Articles.

V. Verification: It shall be the responsibility of Licensees (for themselves and on behalf of their contractors, subcontractors, or manufacturers) to ensure their compliance with the Code. The WRC and its Member Institutions will undertake efforts to determine and clearly define the obligations associated with the development of adequate methods and training for independent external monitoring, as guided by the principles in the founding document of the Consortium.

VI. Labor Standards Environment: In countries where law or practice conflicts with these labor standards, Licensees agree to consult with governmental, human rights, labor and business organizations and to take effective actions as evaluated by the University to achieve full compliance with each of these standards. Licensees further agree to refrain from any actions that would diminish the protections of these labor standards. In addition to all other rights under the Licensing Agreement, the University reserves the right to refuse renewal of Licensing Agreements for goods made in countries where:

- A. progress toward implementation of the employment standards in the Code is no longer being made; and
- B. compliance with the employment standards in the Code is deemed impossible. The University shall make such determinations based upon examination of reports from governmental, human rights, labor and business organizations and after consultation with the relevant Licensees.

VII. Remediation: Remedies herein apply to violations which occur after the Effective Date of the Code.

- A. If a Licensee has failed to self-correct a violation of the Code, the University will consult with the Licensee (for itself and on behalf of its contractors, subcontractors, or manufacturers) to determine appropriate corrective action.
- B. The remedy will, at a minimum, include requiring the licensee to take all steps necessary to correct such violations including, without limitation:
 - 1. Paying all applicable back wages found due to workers who manufactured the licensed articles.
 - 2. Reinstatement of any worker found to have been unlawfully dismissed.
- C. If agreement on corrective action is not reached, and/or the action does not result in correction of the violation within a specified reasonable time period, the University reserves the right to
 - 1. require that the Licensee terminate its relationship with any contractor, subcontractor, or manufacturer that continues to conduct its business in violation of the Code, and/or
 - 2. terminate its relationship with any Licensee that continues to conduct its business in violation of the Code.