

Spanier sends letter to students about anti-sweatshop initiatives  
Thursday, February 21, 2008

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*Concerns about sweatshop-produced collegiate apparel and fair treatment of garment workers have been voiced on university campuses – including Penn State -- by some students. Penn State has been involved since the initial stages of the movement to eliminate sweatshop labor in the production of merchandise bearing the University's marks and symbols. The University has been an early adopter and an active participant in a number of oversight initiatives.*

*What follows is a note written to those students by Penn State President Graham Spanier explaining the complexities of the issue.*

Dear Students:

I continue to receive requests for meetings to follow up on earlier conversations about the problems surrounding apparel manufacturing. Since I don't believe that a meeting on this topic would be fruitful or satisfying for those involved, I thought it important that I reach out and provide in writing information that I believe would be most helpful in understanding the complexity of the matter from the University's perspective, as well as an update on our continued efforts.

While I generally commend passion demonstrated by students for important causes, I must tell you that I am disappointed in the disruptive manner in which some students have decided to gain publicity for themselves and this issue. I'm also disappointed in your choice to ignore emerging developments, the efforts of our University, and the realities of laws, cultures, collective bargaining, anti-trust concerns, and productive national and international efforts.

I realize it might be possible that you do not have all the information that is available, so I'd like to share with you what we know to date on the issue of workers in the apparel industry, the Designated Supplier Program, and Penn State's approach. I would prefer that we be on the same page.

In a Jan. 22 e-mail from Scott Nova, executive director of the Worker Rights Consortium, Penn State was told that the U.S. Department of Justice has refused to provide antitrust clearance for the Designated Supplier Program, versions of which have been under discussion by the WRC. As you may know, the Designated Suppliers Program does not and has never existed in practice. It is only a concept that has been promoted. Specific plans have been considered over the years, discussions that have been attended regularly by a representative of the Penn State administration.

Mr. Nova wrote: "As you know, the WRC has requested that the Antitrust Division of the U.S. Department of Justice issue a favorable Business Review Letter for the Designated Suppliers Program (DSP). We have now learned from the Department of Justice that they will not provide the antitrust clearance we have requested. We are, therefore, withdrawing our Business Review request at this time. We are entitled to re-submit it in the future, with or without any changes to the program. Given the Justice Department's more positive approach to these issues in the past, we have good reason to expect that a future Administration would be very likely to look more favorably on the DSP. We thus hope that the barrier will prove to be temporary. Even so, DSP implementation will not be possible before early to mid-2009."

As you know, Penn State delayed joining the DSP in part because we believed it could be in violation of federal anti-trust laws. For more than two years, Penn State students who are part of the USAS have "demanded" that the University commit to the DSP despite widespread concerns about the possibility the University would be party to anti-trust violations of federal law.

The Justice Department's refusal to provide the DSP with a favorable review letter does nothing to advance the possibility of the DSP coming to fruition. The Justice Department has indicated that it is concerned about the "living wage" concept and the potential for an unfair boycott of apparel licensees.

We have other concerns about the DSP as well that may or may not be solved in the future. These include a range of issues, not the least of which is whether U.S. institutions should be imposing their values and practices on those of another nation or people, and whether American approaches to collective bargaining and employment should be imposed on other countries and their citizens.

At this time, it appears the DSP is a moot point – put on hold by the WRC until another administration agrees to take up the request.

More recently, students and the Worker Rights Consortium also waged a protest against the New Era Cap factory in Mobile, Ala., a leading headwear manufacturer that produces collegiate hats. The USAS accused the manufacturing facility of gender and racial discrimination and demanded that colleges and universities withdraw their support. The company was in the middle of labor negotiations and we deemed it appropriate to let the National Labor Relations Board, employees, collective bargaining officials, and others directly involved work through their due process. Representatives of many of the groups involved had indeed requested that we stay out of it until they had a chance to resolve matters on their own. Meanwhile, several Penn State students hounded us to take rash, punitive and unilateral actions against the company and its workers, something that would have been premature.

Due process has occurred. Penn State officials actively followed the allegations at New Era and communicated regularly with the company. New Era Cap has now reached a collective bargaining agreement with the Teamsters union, which has withdrawn all complaints it filed. In a letter dated Feb. 14, Teamsters President James Hoffa asked the WRC to immediately cease its activities and investigations into the New Era facility; it asked the United Students Against Sweatshops to cease all activities that might damage New Era's business; it also requested that "any college or university that has suspended its license with New Era or that is considering doing so ... immediately reinstate (the) license and take no further action" against the company.

The Teamsters president also said that union members believe New Era's practices "comply with the codes of conduct of both the Fair Labor Association and the WRC."

I have said in the past that we have given a substantial level of attention over the last decade to the issue of labor practices and the manufacture of collegiate apparel. We plan to continue to monitor this issue along with our colleagues across the nation, but we cannot continue to discuss issues that do not move us forward.

For the future, Penn State plans to remain very involved in the discussions about improving working conditions where Penn State licensed merchandise is manufactured and to work closely with the Fair Labor Association and Worker Rights Consortium as we monitor progress and address particular issues at any given factory.

In closing, I want to touch again on the behavior that has been displayed to gain attention for your cause. Even though we have communicated with members of your group on numerous occasions and have spent a tremendous amount of time on these issues, you and others have displayed an enormous level of disrespect for those working on the very issues you wish to resolve. The tactics your group has enlisted are rude and inappropriate. I would ask that you cease your frequent visits to my office and communicate, if needed, through more customary channels of mail or e-mail.

Graham B. Spanier  
President  
Penn State