Human Rights, Foreign Workers, and American Unions: A Conversation with Charles Kernaghan

by Gregory DeFreitas

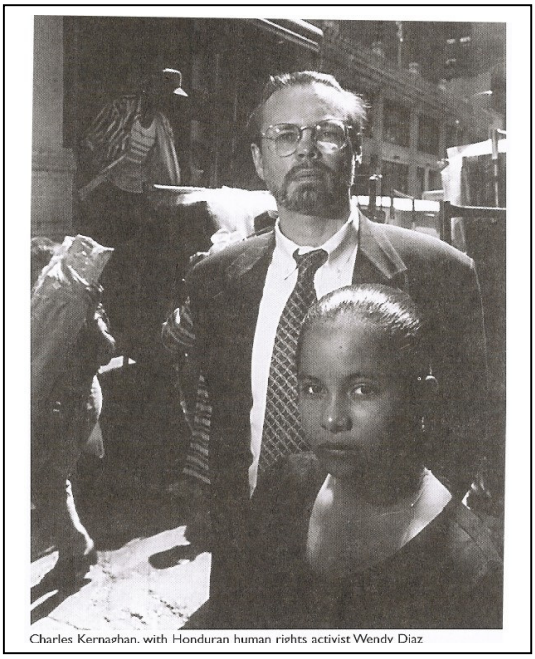
Charles Kernaghan has been dubbed "the labor movement's mouse that roared" by the *New York Times*. Since 1990, he has led the National Labor Committee. Based in Manhattan, the NLC is an independent, non-profit human rights organization that has been at the forefront of recent efforts to challenge the poor wages, working conditions, and labor rights in the foreign factories of a number of prominent U.S. corporations. Among the most publicized of these have been: its 1992 report revealing the millions of U.S. tax dollars financing the flight of U.S. corporations abroad; its 1996 expose of child labor and sweatshop abuses in Honduran factories producing Kathie Lee Gifford's clothing line for Wal-Mart; and its current national campaigns for fully independent monitoring of U.S. corporations' factory conditions in Central America, the Caribbean, and Asia.

Educated at Loyola University (Chicago) and the New School for Social Research, he has taught at Duquesnes University and at SUNY's Harry Van Arsdale Labor College. He also worked as a cab driver, photographer, carpenter, and shop steward (Carpenters' Union Local 608).

Last December, following a talk at Hofstra University, he spoke with Gregory DeFreitas.

Q: How was the National Labor Committee begun?

CK: Well, the National Labor Committee was actually founded back in 1980, long before I was on the scene. The National Labor Committee was started by the Machinists Union's President, William Wippsinger, Jack Scheinkman from the Clothing and Textile Workers Union, and Doug Fraser from the Auto Workers Union. It was the first time there had been a democratic debate in the AFL-CIO over foreign policy. These unions and the staff around them broke with the AFL-CIO over South Africa, Central America, and the Caribbean. They didn't want to side with the Contras. The AFL-CIO was raising money for the Contras and supporting the military in Guatemala and El Salvador. The National Labor Committee really started out as a group inside the AFL-CIO that opposed the AFL-CIO being a rubber stamp for the State Department. The AFL-CIO at the time took $33 million a year from the U.S. government, mostly from USAID. Obviously, every single cent of foreign affairs money for the AFL-CIO came from the State Department, which is why the AFL-CIO supported the Vietnam War, supported the invasion of the Dominican Republic, supported the coup in Guatemala – you name it. This was the first break. So what happened was after the peace accords were signed in Central America, after years of US policy supporting the war and the military and the deaths of trade unionists and nuns and priests and peasants, at that point we had the choice to shut the committee down. I had joined the committee in 1987, and many people said to us, "Congratulations! You won. You helped change the AFL-CIO, you have the peace accords in Central America." They said, "Let's shut the committee down and just hold on to the stationery and if we ever need it again we will resurrect it." What we decided to do was take the committee and make it an independent human rights group, one that focused on worker's rights issues.



Charles Kernaghan, with Honduran human rights activist Wendy Diaz

Q: How did you initially get involved with the National Labor Committee?

CK: What I was, was a professional student. I went to school at the New School for Social Research and I studied psychology and I got a Master's Degree in Psychology. Then I went to study Phenomenology at Duquesnes University in Pittsburgh and I taught Psychology there. Then I ended up studying Anthropology, and it dawned on me that I was petrified that I would actually graduate and have to work. Not "work" work; I didn't want to teach. I didn't want to come right out of graduate school and end up teaching. I wanted to have some experiences.

So I dropped out, and drove around Pittsburgh looking for a place to live and ended up finding this little town of Ohiopile of 47 people. It was on the border of W. Virginia, Maryland and Pennsylvania. It was beautiful and I knocked on people's doors and found someone who would let me live in the town. At first they were all extremely nervous. Maybe they at first thought I was a nut, then they thought I was going to work on the road crew. I found a house where I could live there for $6 a week. It was this beautiful old house and so I retired very young. I sat in the backyard and read and read and read. I dragged a picnic table into the woods and tried to learn to write. I stayed there for eight months and then came back and decided to become a photographer, which was what I always liked. So, I set up a dark room in my apartment and taught myself photography. And of course, you couldn't make a single cent, so I did construction work, drove a cab, moved furniture, that sort of thing for a number of years. Actually, as I look back upon it, it taught me how to do the work more than anything else. The two things that taught me were that and photography. How do you make a picture have sound, emotion and feeling? That struggle taught me how to write press releases and everything else and how to write reports. Working in construction for a number of years taught me everything about how real people live and what they think and what stuff means to them. When I was going through it, to me, it was torture. I did construction work for four years and sometimes I just felt like I was dying, like I was trapped in a dead end. In retrospect, these were the most valuable experiences of my life.

So, in this jumping around in photography, working to make enough money to go back to the photography, I was asked to go to Central America on an international peace march. -- the first international peace march. It was largely religious people from the United States and from Europe. A former missionary from California, Blaise Fontaine, asked me if I would go on this march, so I went as a photographer. I remember what Jean-Paul Sartre said: that when you go out of the motherland, like to the colonies, you begin to see your own country like you had never seen it before. When I went to El Salvador and we were in this peace march, I was assigned to a trade unionist who was under death threats because he had joined the peace march. In the period I was assigned to protect him, through

a translator he told me the whole story of the union. How six people had been killed by the death squads. He took me to the prison where kids of the union leaders were imprisoned just because the union leaders signed a contract. These children described to me how they had been tortured. They had burn marks on their arms still from the electroshock treatment. They would put them in tubs of urine and excrement and hold them under until the point that they were almost drowned and then drag them out and give them electroshocks.

All across El Salvador, coffee workers told me that when they were picked up by the military they would be stripped naked and the military would hang them from a tree with a metal belt on and apply electroshocks and they would fly around in circles, out of control. They had a special torture: they would put a bag over your head called a *capucha* with lime in it. The bag would only be over your head for a little while before you passed out. But because of the lime, before you passed out you would see bright flashes of color and then they would pour acid on you to wake you up.

By the time I got out of there, and I was only there a very brief period of time, I came right back to my apartment and I started to organize from that very second. I remember getting off the plane and being so tired. But I didn't take a day off or anything. I just sat at my desk and started writing about the experience. I was really naïve. This was 1985 and I lived in New York. I came back from El Salvador, Honduras, Nicaragua, and I came back to New York and I started writing stuff up. I actually thought to myself, "who should I work with? " There were only two groups in the country that had any power left: the religious movement and the labor unions. So I decided to work with the labor people because a lot of people were talking about the rights of peasants, political rights. But no one was talking about what was happening to the unions. So I just started and I ran a campaign out of my apartment. I had no money and my parents were splitting their social security checks with me to help run this little campaign.

Q: Were your parents from a union background or a religious background?

CK: They were a working-class family from Brooklyn. They were very religious, very devoted to education. Not political at all. We didn't even have newspapers in our house. They had a deep sense of justice. My parents always took in foster kids so they wouldn't have to stay in a hospital while waiting for homes. My mother had about 20 kids in a row, where they would live with us for a year before they were fully adopted. So they supported this stuff.

Q: So this is where you joined the National Labor Committee?

CK: Out of that I began to meet different people. I worked out of my apartment for a year and half. Eventually, I ran into Local 111 of the Teamsters, and they gave me an office in their local downtown and from their I ran into the Clothing and Textile Worker's Union. Rev. Dave Tyson, who founded the National Labor Committee, was the director then and in 1988 he asked me to join the Labor Committee. He is a Presbyterian but he was working at the time for the Amalgamated Clothing and Textile Union, running their union label department. That is where the National Labor Committee was housed. He asked me to come on board, then he left to take over his own parish, and I became Director of the Committee. It was at that point, in 1990 when the peace accords were signed, that we took the Committee completely independent. Now on our Board of Directors our President is a Jesuit priest, and our board reflects academics, labor people, attorneys, women's groups.

Q: So the Jesuits are involved, and you said earlier that the Unitarian Church on Long Island is heavily involved and a major funder?

CK: We work really closely with religious people.

Q: What are the other major churches?

CK: On our board is the head of the Women's Division of the Methodist Church. They have really long titles like the United Methodist General Board of Global Ministries Women's Division. We work really closely with the Presbyterians. The Methodist fund us, the Presbyterians fund us, Unitarians funds us. We also work with the United Church of Christ. We work very closely with the Jesuits and we are beginning to receive a lot of small donations

from Catholic nuns all over the country. We work closely with Rev. Peter Laarman [*of Judson Church in lower Manhattan*]. He is one of our heroes; he is the intellectual. We respect him immensely.

Q: Now UNITE became heavily involved in what you said was the Union Label Campaign. But could you explain why the National Labor Committee was not part of a "Made in America" drive? How is it that UNITE has remained a great supporter of your work? Does that create some tension?

CK: Oh, yeah. We fight every day. It is an interesting relationship. Our cash budget, which is now starting to grow a tiny bit, last fiscal year was something like $312,000. Of that, labor contributions were only 13%. So in some ways we are fiercely independent. Much more of our money comes from small foundations. It is not just the churches. We get money from ARCA foundation, New World Foundation, General Services Fund -- little ones. The big ones won't touch us. And now we are trying to build a membership base. But we're largely independently funded.

One of the tough points here is that we're working in solidarity with workers in Central America. Suppose the union up here has a campaign, like the one they had against Leslie Fay at one point. That company was going to pull the work out of Pennsylvania and take it offshore. Well, all of a sudden we could join forces with the campaign in Guatemala and Honduras around Leslie Fay production there. But when the union up here wins what it needs for its workers, it needs to stop the campaign. It has to prove to the boss, to the company that if you play ball with us and you treat our union workers with dignity and respect, we will call off the campaign. That leaves workers in Central America out on a limb and left to hang. So there will always be those kinds of tensions between different types of groups. Our mission is much different than theirs. Their mission is to organize workers in the United States and to defend their workers' jobs and to defend dignity and decent working conditions. Our mission is to reach the American people on how U.S. companies behave offshore and to bring people into the struggle to hold companies accountable. It overlaps and we have a close relationship with UNITE. But, we struggle against each other. It is a very independent relationship. There is a fight a day over strategy, over tactics.

No one has ever told us what to do because we would never listen anyway. We have a very strong relationship with UNITE and I would like to use it as a model for our relationship with the rest of the AFL-CIO. We have a very good relationship with UAW. They are one of the unions that has opened their locals to us. We can speak at any single UAW local in the country. No other union has given us that. That shows enormous respect and courage because that is saying you can go out and talk to our members in our locals. So we keep close relationships with the unions. Very close with UNITE, UAW, Steel Workers, and with Food and Commercial Workers a little bit now because of the Wal-Mart campaign. But, the real thrust of where the committee is going is toward people in local communities, toward people in parishes. The secret weapon of our committee is the nuns. We probably have every single nun in the country, every order on our mailing list. It's like pressing a button; they're relentless. The companies hate them more than anything else.

Q: How did you, as a small group in 1990-91, decide to take on a giant like Wal-Mart?

CK: When we did the "60 Minutes" story around USAID, it was a mistake. I always say I went into this work by mistake. And almost everything we have done is by mistake. So much of the work is luck. It's not that it is not hard work. I work seven days a week, and you are constantly thinking of strategy and you are constantly pushing and pushing. But, you are dependent upon other people making mistakes and you are dependent upon luck. That's one of the advantages to moving very fast. When we made that video, "Zoned for Slavery," the fact is that we got into the factory because they thought we owned the factory. We had no intention of getting in. We thought we were going to film a confrontation on the outside. When we got into the free trade zone, we saw a sign there: "For Employees Only." We went in, and there was an armed guard who let us in because he saw the other armed guard saying it was okay to let us in. We filmed for 15 minutes when the management grabbed us. It was a Korean factory. When they grabbed us they were going to take the film away from us, but we kept the cameras rolling for the audio part and they were cursing at us something fierce in Korean. We had a translator translate it when we got back. What they wanted to do was take the film away from us and they had guns, pistols. But by chance the sound person who was on our team, the only person hired, he was 6' 8" and he had long curly hair and a bandana around his neck and he looked crazy and had the big boom stick in his hand. The Koreans were saying that they didn't think they could shoot him.

They were saying they could handle the rest. "We can't get the big guy." And, so, they let us out of the factory with the film because they were afraid of this guy.

We went back to New York with the film. We walked out of the place. We should have never gotten into the place. Once in, we should have never gotten out with the film. Once back in New York, I got a call from Senator Metzenbaum. This was in 1994, before he retired, and he asked us to come to hearings. We sent him excerpts of the video, and he sent them to President Clinton. Clinton's cabinet people watched the video and confused us with the AFL-CIO. They thought we were going to take ads out on television to attack the GATT enabling legislation. So what happened was that Clinton took the GATT legislation out of Congress and took a pen and drew a line through $160 million a year in tariff breaks that U.S. companies were going to get for producing in Central America and the Caribbean. He figured if he took $160 million away of increased tariff breaks from the U.S. companies in Central America and the Caribbean, then we would stop attacking the GATT enabling legislation because we wouldn't be able to use that footage. Companies overnight lost $160 million a year and the thing was a mistake from beginning to end. We were not the AFL-CIO. We couldn't take an ad out in a college newspaper, let alone television commercials. Our work has been like that from the very beginning.

Q: Do you think your work on these exposes contributed to the labor protections, though very weak ones, in NAFTA?

CK: Absolutely. We were screwed. But, Clinton used all of our material. I wrote this little pamphlet called " Paying to Lose Our Jobs, which accompanied the "60 Minutes" program. Press people told me when candidate Clinton was running, they said: "You should see this, he is on the plane and is reading your report aloud to all the reporters. And everybody is laughing and he is saying, 'Get a load of this. They gave them this tax break and this…'" It got to the point where they used our material so much that I had to get a mattress put into my office. Because the Clinton campaign people would call me and would say: "Clinton has gone to Michigan and he wants to go to a factory that has been shut down and has moved offshore with money from George Bush, from AID." We would have to go through plant closing records to look for a factory that closed, went offshore and relocated. They would call me at 2 – 3a.m. "Clinton wants to be tomorrow at 10 a.m. at a factory. Can you locate the factory?" They sent lawyers down to our office to make sure we weren't nuts. They went through our files and everything and they wanted to spend a day with us. They would have debates, him and Gore, and they would want me to fax them like 180 pages of faxes before the debate would go on. This is in the 1992 Presidential Campaign.

I went to Washington to give a talk. I get done with the talk and I'm leaving Washington. My credit card was used up and I'm trying to get on the shuttle to go back to New York and they won't take my credit card. I call the office and Barbara [*Barbara Briggs, of the NLC staff*] says to me that Clinton wants the whole report faxed to him. He didn't take it to Louisville or something like that and he is getting ready to do a debate. And I had the materials that he wanted with me and I'm stuck in Washington, unable to get to New York and the debate is several hours away. I'm begging them to clear the credit card. I ended up getting my sister to help clear the card. It's all been a mad dash like that. The Clinton Campaign used our stuff. Al Gore was on the Donahue program and he had my report folded up and was reading from it. But after that, after the election, they went right over to the NAFTA agreement and negotiated those weak side bars. It was nothing we would ever accept and we were immensely disappointed.

Q: Do you think that there is any hope, given how weak they have been shown to be, to reverse that?

CK: Yes. I don't even think that historically. What I think is that none of these things are written in stone. NAFTA was meant to write in stone investment that was already flowing across the border. It was going to nail down what the reality and the practice already was. But the more we talk about this issue to the American people, the more the American people start turning against this stuff. I remember two years ago that the Bank of Boston did a poll about free trade for their corporate clients and they found out that 72% of the American people did not want anymore free trade agreements and, if there were going to be more free trade agreements, they wanted labor rights, human rights and environmental rights right in the guts of the agreement. And the Bank of Boston told its corporate clients: "You better dig deep into your pocket and you better start re-educating the American people to the fact that free trade is in their self-interest." More and more, you are seeing that the companies are losing control over the whole debate. I

don't see anything written in stone. I think that if this whole movement continues around worker's rights and a living wage and corporate disclosure, I think we can bring a lot of this stuff up for re-negotiation.

> ***"We saw our role as bringing the American people into this debate over sweatshops and child labor and what role should the American companies be held accountable to, what is a fair wage. And then we went a few steps further."***

Q: Are you encouraged by the fact that so many unions and the AFL leadership came out to criticize the Nike/Reebok/Liz Claiborne agreement on this and attacked the lack of a living wage?

CK: Yes. Not enough, but they did. The AFL-CIO under Sweeney, of course, is a different AFL-CIO. The "New Voices" came in. I've said this a bunch of times. For us it is like night and day. Years ago, if I went into the AFL-CIO, they would throw a net over us and put us into the basement somewhere. I went into the AFL-CIO for the first time after Sweeney was elected and did a press conference with him. In the old days they would have literally locked us up. There is an openness now within the AFL-CIO to work with human rights groups, women's groups, student's groups. There is a willingness now that was never there before. They were inbred. They were terrified of women's groups, coalitions, things like that. So I think we are going to see the good stuff happen more frequently but it takes a long time to take that union structure and turn it around. They haven't been in office that long. I expect things to change considerably.

Q: Last year, the U.S. Congress passed the Bernie Sanders Amendment, banning imports of goods made using child labor. It's amazing that it only happened a year ago. Already some unions, like the Teamsters, have used that to highlight the alleged use of child labor in some Brazilian juice factories. The ILO has made the campaign against child labor a major issue worldwide. It really has gotten an extraordinary amount of attention lately. Do you see that and the Sanders Law as very complementary to what you are doing?

CK: Yes, absolutely. I think Sanders is brilliant. He is among the top people in Congress that we frequently consult with. We are very interested in what his perspective is. He has been an enormous help. He is one of the people that you really can call and get good advice on how to move things politically. What is and what is not possible. For an independent with a so-called small base, he has a great sense of strategy. Of course he is also a human being and not a politician. We released our China Report with him and many people told us that he wasn't high enough to do this. We had a press conference at the Capitol and we released our China Report with Bernie Sanders and Nancy Pelosi. And the media were beating themselves to death to get into the room. The press room was so mobbed, yet the press experts were telling us that: "You don't deal with Sanders. You don't deal with people like that." He's great.

That kind of legislation is, of course, 100% parallel with what we are trying to do. We've taken a little tiny niche which would be popular campaigns. What was missing from this whole equation was everyday people. Real people's voices were not being heard. Obviously, people in the United States are not at the table to discuss what kind of an economy we are going to be or what kind of a society we are going to become. We saw our role as bringing the American people into this debate over sweat shops and child labor and what role should the American companies be held accountable to, what is a fair wage. And then we went a few steps further. We can win people's hearts and minds over the issues of child labor and starvation wages, but then we could go one step further. We could say we lost all these hundreds of thousands of apparel jobs and manufacturing jobs in the U.S. Of course, when you come back to a job, you come back to less benefits and lower wages. But suppose your job relates to exports and you

will be exporting to Haiti. How is someone there -- making $0.28 an hour, raising her children on sugar water because she can't afford to buy milk – how is that person going to be able to buy anything made by the United States? People start putting the whole picture together. Then we say, in the United States, 10% of the retail price of a garment is labor. The markup in the United States is 100% when it goes from the manufacturer to retail, what happens when it goes offshore? The companies reduce the cost of labor to almost nothing. From 10% to almost 4/10 of a percent. So they wipe out the cost of labor and what happens to the markup? The markup becomes 600, 700, 1000%.

I think the most important thing is to write the stuff in a language that real people can understand. That's why we use a lot of anecdotes and props and things like that. I believe that people can be brought into the issue. I think they want to be brought into the issue. I think they want to do the right thing. No one has ever given them the chance before. No one has gone out there with the material in a way they could understand and understand the impact on their own lives. Therefore, I think that this issue of worker's rights, as marginalized as it is now, can become one of the most important human rights. Because it is not only morally the right thing to do, it is also your own job that is at stake.

Q: Do you see much chance that this might emerge as an important issue in the year 2000 elections? Or do you think the politicians have moved away from it now and it is more a matter of the people?

CK: Yes. I think it is in the hands of a social movement. The politicians have moved away. Especially with the economy doing relatively well -- not for working people and certainly not people working for Wal-Mart and that sort of thing. Certainly, though, there is this image that the economy is holding down inflation, low unemployment, plenty of money is around, average wages have gone up. Of course, the average wage means absolutely nothing, but average wages have gone up. People have been bamboozled and people who have been marginalized from the debate have been marginalized in the mainstream media. I think the struggle for the future is really out there, in the community. I'm not so interested in solidarity groups anymore. Sitting around talking to the converted, talking to each other. I think we need to take the movement right out there. Right into union locals and synagogues and parishes. Right into high schools, grammar schools and universities. The most important thing is right in the heart of the community and that is where I think this movement can become a national movement. But we have to get out there to talk to real people in real communities.

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