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# Consumer Tactics as 'Weapons'

## Black lists, union labels, and the American Federation of Labor

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*Abstract.* This article examines the role consumer tactics played in the American Federation of Labor's (AFL) strategy of business unionism. In particular, it explains how the AFL used its consumer tactics to try to mobilize the purchasing power of union members and their families to fight for higher wages and shorter working hours. The historical data collected for this article demonstrates that the AFL was not ignorant of the relationship between production and consumption, or the worker and the consumer. I discuss how the AFL used its consumer tactics to try to build solidarity across its affiliated trade unions and provide a way for the wives, daughters, and mothers of union men to become involved in the labor movement through consumption. I argue that these consumer tactics need to be fully acknowledged, as they were pivotal in some of the most contentious struggles between the AFL and business at the turn of the 20th century.

### *Key words*

American standard of living • history of consumption • Progressive era • purchasing power • trade unions • working class

**THE AMERICAN FEDERATION OF LABOR'S (AFL)** strategy of business unionism has been singled out as a distinguishing factor in the history of organized labor in the United States. Compared to trade unions in Britain, Germany, and France, organized labor in the United States turned away from achieving its goals, such as higher wages and shorter working days, through political action in the arena of the state (Hattam, 1993; Dubofsky, 1994; Mink, 1986; Robertson, 2000). Constrained by the power of the state, particularly the judiciary, as well as the power of employers, the AFL adopted the position that 'economic power [was] the basis upon which may be developed power in other fields' (Gompers, 1925: 286–7). While the AFL did support protective labor legislation for females and children and legislation to restrict Chinese immigration, it did not consider legislation a legitimate route for elevating the economic power of skilled, craft workers. This was particularly the case during the formative years of the AFL, when the organization was under the leadership of Samuel Gompers. Gompers's advocacy of 'pure and simple' business unionism located the struggle of organized labor on the shop floor, decisively away from the interference of the state.

Although much has been written regarding the various tactics of business unionism, including collective bargaining and strikes, the consumer tactics that the AFL created in promoting business unionism have been neglected (exceptions include Frank, 1994; Glickman, 1997). While the boycott is mentioned generally as a tactic of business unionism, an elaboration of precisely how it fitted into the AFL's overall strategy is omitted. This is particularly surprising considering the amount of attention that the AFL devoted to promoting its two consumer boycott tactics, the 'We Don't Patronize' list and the union label, from the late 19th to early 20th centuries (Laidler, 1913; Spedden, 1910; Wolman, 1916). The neglect of these consumer tactics is also interesting considering that the AFL encountered two of its most problematic conflicts with business and the judiciary regarding the publication of its 'We Don't Patronize' list. Glickman (1997) provides an excellent account of how organized labor constructed a working-class consciousness through the union label, particularly how consumers were viewed as 'employers' when making purchasing decisions and how the union label campaign brought women consumers directly into the labor movement. However, Glickman does not discuss in detail exactly how the union label fitted into the AFL's overall strategy of business unionism, especially how the union label was implemented by the organization, nor does he address the consumer tactic of the 'We Don't Patronize' list. By studying the union label and the 'We Don't Patronize' list in tandem, one can understand the important differences between the two consumer tactics, especially how the latter contributed to the animosity among the AFL, small businesses, and the judiciary.

There is little doubt that the strike was the primary labor weapon of the AFL during this time period; however, boycotts were used to support strikes and some members of the AFL suggested that boycotts were 'safer' than strikes because workers could fight for their demands without losing their paychecks. In this article I explore the AFL's understanding of the economic power of consumers and explain how the 'We Don't Patronize' list and the union label fit into the 'pure and simple' ideology of the AFL. I discuss why the AFL advocated consumer tactics in its struggle to improve workplace issues, such as higher wages and shorter working hours, as well as how it tried to mobilize its members through these tactics. Finally, I demonstrate how business and the state responded to the AFL's consumer tactics, including one of the AFL's gravest defeats: becoming defined by the state as a 'trust.'

## **THE ECONOMIC POWER OF THE CONSUMER**

The 'consumerist turn' (Glickman, 1997) of the labor movement during the Progressive era is hardly surprising considering that Americans of this time period witnessed the rise of mass consumption, from the introduction of cheap, standardized goods to the creation of the modern department store (Benson, 1986; Fox and Lears, 1983; Glickman, 1999; Leach, 1993; McGovern, 1993; Strasser, 1989; Trachtenberg, 1980). Even the current marketing practice of targeting specific consumer groups was established during this time when, Charles McGovern (1993: 14) argues, advertisers changed their practices from a 'loosely placed "general publicity" on behalf of products', to the practice 'of identifying markets for specific goods and creating demand for them through means of public communications'. Interestingly, not only did many of the means of consumption that are now commonplace emerge during the Progressive era; so did several of the theories of consumption that are debated today, most notably Thorstein Veblen's theory of conspicuous consumption (Horowitz, 1985). While Veblen overwhelmingly viewed consumption as a social problem that encouraged wasting money and time, other social economists of the time, including George Gunton and Simon Patten, theorized that consumption had the potential to promote the general welfare and wealth of society by enhancing the moral character and living standards of the working class.

This positive understanding of consumption as a means for social change, particularly the economic power of the consumer to use his or her purchasing power as a way to change unfair work conditions or sway public policy, shaped consumer consciousness during the Progressive era.<sup>1</sup> 'It was during the Progressive era,' states Hofstadter, 'that the urban consumer first stepped forward as a serious and self-conscious factor in American social politics' (1955: 171). Cohen (2003) refers to this time period as the 'first-wave consumer movement', and though her work primarily deals with consumption from the Depression to the 1960s, the origins of what she calls the 'citizen consumer' were clearly established during the Progressive era. Citizen consumers, or consumers who 'take on the political responsibility we usually associate with citizens to consider the general good of the nation through their consumption' (Cohen, 2001: 204), aptly characterize middle- and upper-class

Progressive reform organizations, such as the National Consumers' League (NCL). While the NCL did employ consumer tactics quite similar to the AFL, including a 'white list' and 'white label', it eventually moved away from trying to mobilize the economic power of consumers in the marketplace to mobilizing the political power of consumers in the arena of the state (Sklar, 1998; Storrs, 2000).

The AFL embraced the Progressive understanding of the economic power of the consumer and constructed a unique working-class consumer consciousness around it. Although there is little doubt that trade unionists of the AFL identified themselves as workers first and consumers second, there was a concerted effort during the Progressive era to get workers to realize that their actions as consumers directly effected their employment conditions.

According to Gompers:

the organized wage-worker moves by two cardinal, moral principles. The first is his right, if he is a free man, to dispose of his labor power as he wills. The second is his right, if he is not a slave, to dispose of his purchasing power as he chooses. (1920: 215)

Union workers and their families could use their economic power as consumers to fight for shorter working hours and higher wages through their wallets and pocketbooks. The interests of organized labor were always at the forefront of the AFL's understanding of the economic power of consumption in contrast to the interests of consumers. The consumer's search for the greatest quantity of goods at the lowest prices was antithetical to the AFL's agenda. Cheap goods were often produced by the unskilled labor of children, women, and immigrants in sweatshops, which drove down the wages of organized male workers. In the words of one AFL member, 'the principle that a dollar expended in the maintenance of fair labor is worth more in the end than a dollar saved at the bargain counter' (Macarthur, 1904: 575).

The AFL recognized that the power of union consumers was linked to its struggles for fair wages and an 8-hour workday. The AFL reasoned that a worker's income should depend upon his expenditures – an inversion of the 'hollow' classical 'iron law of wages'. One article in the *American Federationist* made this relationship between consumption and wages explicit:

What determines more potentially the consuming power of the workers than the wages they receive in return for labor performed? . . . The old theory that the selling price of an article shall determine the wages paid to the workman is hollow, shallow and unnatural. The order must be reversed and the first consideration in the selling price of an article must be a fair wage to labor. Wages must dominate prices, not prices dominate wages. (Gompers, 1904: 41)

The AFL argued that manufacturers were neglecting to bring consumption into the equation of production. On more than one occasion, Gompers expressed the folly of businesses that increased the prices of their products without increasing the wages of their workers. This was not a solution to low profits because it hindered the consuming power of the workers, resulting in glutted markets and eventually 'industrial stagnation'. Gompers captured the irrationality of such practices in the annual AFL convention report of 1893:

Production, production, production, faster, greater, was the impulse, the thought and motive of the capitalist class. That in the end the great body of workers comprise those who must of necessity consume the production was given no consideration whatever by our 'Captains of Industry.' As a result, the great storehouses are glutted with the very articles required by the people, without their ability – or rather their opportunity – to consume them. (Gompers, 1920: 85)

The business focus on production at the expense of consumption would never, according to the AFL, expand the material wealth of the nation. In effect, it was retrogressive and blocked the progress of civilization by stultifying the American standard of living. After all, 'if cheap labor meant progress, advancement, and civilization, then China would today be at the head of the nations of the world,' claimed Gompers. An American workman could not 'be expected to eat dogs and rats and live on rice . . . he wants a better room and a better house' (*American Federationist*, 1902: 709). Of course, to enjoy an American standard of living union workers needed higher wages.

According to the AFL, a living wage was determined by one's standard of living, or the capacity of a worker to consume at the social level of his peers. Thus, a living wage was not equivalent

to the concept of the minimum wage as understood by the state. The AFL was critical of the budget studies conducted by government agencies, particularly the various state bureaus of labor statistics, because they did not take into account the standard of living. Instead, most of these studies focused on the minimum amount of income a worker needed to earn in order to support his family at a nominal level of existence. For example, in 1894 the AFL criticized a budget study by the Iowa Commission of Labor Statistics, which concluded that a worker only needed to earn \$12 per week, or \$624 per year, in order to support his family. After taking into account the cost of basic necessities, which amounted to \$567.84 annually, this left the family only \$56.16 for other types of expenditures to provide a comfortable standard of living. In a reply to this study, one AFL member argued:

Is there any workingman amongst us who does not want to see his family *comfortable* at least? Who would not like to have carpets on the floors, curtains on the windows, or pictures on the wall? No home should be without these, or some of them, at least. Yet in the foregoing statistics not one dollar has been allowed for anything of the sort. (Weimer, 1894: 218–19)

The connection between wages and the standard of living was not unique to the AFL's philosophy. Social economists of the time also acknowledged that the 'desire for a higher standard of living decides the minimum pay demanded by trade unions and operates to increase earnings' (Streightoff, 1910: 11). George Gunton (1897) argued that employers who tried to reap higher profits by keeping wages low and raising the prices of their goods would suffer a loss in sales. Gunton proposed in a pamphlet that he wrote for the AFL that '*the standard of living is the economic law of wages*' (Gunton, 1899: 11, emphasis in original). Like his mentor, Ira Steward, Gunton believed that workers 'would improve their condition not by saving but by spending' (Horowitz, 1985: 42). The AFL did not expect that workers could immediately attain the standard of living of middle- or upper-class families, but it did believe that workers could cultivate their tastes and increase their wants if they worked fewer hours. Thus, leisure was a key variable in raising a worker's standard of living, which in turn would increase his wages.

The AFL's fight for a living wage was intricately linked to its fight for an eight-hour workday. Ira Steward was one of the first labor advocates to propose that the solution to low wages was a shorter workday. In his essay 'A Reduction of Hours, an Increase in Wages',

published in 1865, Steward argued that 'more leisure will create motives and temptations for the most ordinary laborer to insist upon higher wages' (Glickman, 1997: 102–3). The advancement of labor in America rested upon its ability to consume, and the purchasing power of labor depended upon more leisure. Gunton suggested that leisure was the basis of expanding the social opportunities of the working class because it would allow the worker to enlarge his 'field of experience by making more frequent and varied social intercourse'. This increased exposure to 'new and more complex social relations', claimed Gunton, would 'awaken and develop new tastes and desires for more social comforts'. Observing how the middle and upper classes live, the working class 'would naturally begin to desire more wholesome and better appointed homes, more literature, [and] entertainment' (Gunton, 1899: 12–14). Gompers seemed to fully support the beliefs of Steward and Gunton, claiming that:

increased leisure brings forth a desire, a taste, a demand for a book, a paper, a magazine, either of which creates a further demand . . . leisure forces the worker's attention to the clothing of his wife and children, it compels the worker to be in the streets at the time when people are best dressed, he and his must be clad near an approach to the average or be regarded as social inferiors. (1897: 24)

It was evident to the AFL that the state was going to secure neither shorter working days for male workers nor a living wage. Therefore, the AFL struggled for these labor rights on the shop floor using the tactic of the strike and at the store counter using the tactic of the boycott.

## **LISTS AND LABELS: BOYCOTTS AND BUSINESS UNIONISM**

The boycott occupies not simply an important site of the struggle for organized labor in the USA; it also provides a provocative point from which to study the relationship between production and consumption, workers and consumers. The AFL understood this relationship, recognizing that workers could use their purchasing power as consumers to help improve their working conditions on the shop floor. In other words, the AFL constructed that act of consumption as more than, in the words of Adam Smith, 'the end of production', but as a means to change production (Smith, 1937). Workers could use consumption as a means to change production by either withholding their purchasing power from firms that discriminated against organized labor or directing their purchasing

power toward firms that met the demands of organized labor. The AFL devised tactics to capture both of these forms of consumption: the 'We Don't Patronize' list to withhold union patronage and the union label to encourage the purchasing of union-made products.

The 'We Don't Patronize' list was first published in 1894 in the AFL's monthly journal, the *American Federationist* (AF). The list was a register of manufacturers who refused to implement AFL wage and hours standards and openly discriminated against union labor. Union workers were striking at many of the firms that were on the list, which turned the list into an economic weapon to strengthen the power of the strike (Burnett, 1891: 172; Wolman, 1916: 22). Retail establishments and firms that conducted business with manufacturers unfair to union labor were also placed on the list. This practice turned the 'We Don't Patronize' list into a 'secondary' boycott, intended to 'induce or persuade third parties to cease business relations with those against whom there is a grievance' (Laidler, 1913: 64).

The 'We Don't Patronize' list was considered a 'positive' boycott as it was meant to prohibit workers from purchasing goods from the firms on it, similar to the black lists used by employers to discriminate against union workers (Laidler, 1913: 60). Although it was classified as a positive boycott, the list carried the negative connotations of the employers' black lists. The refusal to buy products manufactured by firms unfair to union labor was viewed just as destructive as the refusal of employers to hire union workers. Indeed, the practice of boycotting during the Gilded Age and Progressive era was generally viewed as a tool of coercion or intimidation by 'combinations' or trusts, whether they be initiated by organized labor or employers (Burnett, 1891: 164; Laidler, 1913: 17; Wolman, 1916: 11). The AFL attempted to minimize the adverse associations identified with the boycott by taking strict precautions that no firm was placed on the 'We Don't Patronize' list unfairly. Speaking at the 1897 annual convention, Gompers stated that 'in no case has a concern been placed upon the "We Don't Patronize" list until it has had the opportunity to be heard in its own defense' (Gompers, 1920). However, so many firms were being placed on the list every month that the AFL decided at its convention in 1900 to drop all firms from the list, claiming that the sheer number of firms was bringing the list 'into a state of impotency' (*American Federationist*, 1901: 166).

The AFL did not discontinue its 'We Don't Patronize' list and allowed its affiliated trade unions to request renewals of firms that they were boycotting. This was primarily an attempt by the AFL to coordinate, thus exert more control over, local boycotts. It was also a way to legitimize the list as a more judicious tactic. The AFL began to require its affiliates to first try to settle its disputes with firms privately, and more amicably. For example, the AFL stated that 'in our judgement questions of this character can and should be more justly discussed through correspondence than to air such matters through the press, even though they be our official publications' (Lorwin, 1933: 48). Before a requested firm was placed on the 'We Don't Patronize' list, the AFL required that trade unions provide the Executive Council with a full statement of its grievances against the firm and explain what efforts had been made to resolve these grievances. The Executive Council then decided if the trade union had acted in good faith and made 'every effort to amicably adjust the matter' with the firm in question. If this was found to be the case, the Executive Council approved the firm to be placed on the list (*American Federationist*, 1904: 161). Trade unions with firms on the list were required to report on the efforts being made to resolve the grievances that had led to the boycott every three months; failure to do so resulted in the firm being dropped from the list (*American Federationist*, 1907a: 352). Along with these stricter criteria, the AFL decided to limit the number of firms that individual trade unions could place on the list at any given time. International unions were limited to three listings and local unions to only one. Not surprisingly, these stricter regulations decreased the number of boycotts approved by the AFL every year. While 81 boycotts were endorsed between 1902–3, only 21 were approved from 1905–6. However, the number of firms on the list did increase after 1906 at the height of the AFL's struggle with business and the state over the legality of this tactic (Laidler, 1913: 112–13).

The union label escaped many of the negative connotations associated with the 'We Don't Patronize' list because it was considered a 'negative' or 'indirect' boycott (Laidler, 1913: 60; Wolman, 1916: 14). Rather than asking workers to withhold their patronage from firms, it is recommended that they buy products made with union labor. While the 'We Don't Patronize' list was viewed as destructive, the union label was considered constructive. As one commentator wrote in the *North American Review*, 'the label builds up the fair employer's trade instead of tearing down the unfair man's business, as did the boycott. The union label is

constructive, not destructive' (Kelly, 1897: 36). A leaflet published by the Social Reform Club of New York praised the union label as a tool of progress, claiming that 'the label has resulted from that steady constructive effort toward improvement which is carried on by wage earners' and that 'it has great interest for everyone who loves fair play, self-help, and equal chances for all' (Brooks, 1898: 207).<sup>2</sup>

Interestingly, the origins of the union label were not quite so constructive. The first label was issued in 1875 by the Cigar Makers' Association of the Pacific Coast in an attempt to protect skilled craft jobs from unskilled Chinese competition. Threatened by the low wages and low standard of living acceptable to Chinese workers, the Association used racist, anti-immigration sentiments to appeal to white cigar consumers. This first label, which was white in color, was pasted upon cigar boxes that contained union-made cigars. It stated that 'the cigars contained in this box are made by WHITE MEN' and it was only issued to manufacturers who employed white cigar makers. The Association continued to use this white union label until it was replaced by the Cigar Makers' International Union (CMIU) label in 1884. Anti-immigration sentiments continued to be used to appeal to white consumers with the CMIU label, although the connection to immigrant labor was more directly connected to the quality of workmanship and cleanliness of working conditions. The CMIU label stated that cigars 'had been made by a first class workman, a member of the Cigar Makers' International Union of America, an organization opposed to inferior rat shop, coolie, prison, or filthy tenement-house workmanship' (Spedden, 1910: 10–15). While the issue of an American standard of living for union workers was certainly represented in this label – CMIU members would not find it acceptable to live in 'filthy' tenement houses – the focus on quality and cleanliness of cigars signaled a recognition that the interests of consumers were also important. If union demands or anti-immigration sentiments would not appeal to consumers, perhaps the safety of the products they consumed would. According to Spedden, from 1880 to 1890 the union label was used 'not as a means of appeal to unionists to support other unionists, but as a means of appeal to the public against conditions that were generally discountenanced – tenement-houses, sweat-shop, and prison labor' (Spedden, 1910: 17).

Maintaining its position on trade union autonomy, the AFL allowed each of its affiliates to design its own unique union label.

Thus, union labels differed in shape, size, color, and even texture; some union labels were stamped, others engraved or sewn onto products. In 1895 the AFL prepared a bill for a uniform label and also resolved to investigate the matter of creating a universal label at its 1899 convention, but the Executive Council decided against enforcing a universal label on its affiliates. Therefore, at any given time there existed a large variety of union labels being used across the country, resulting both in difficulty of obtaining trademarks to protect each label and counterfeiting. The AFL was successful at obtaining trade-marks for many union labels at the state level, which meant that trade unions could sue manufacturers and merchants who used or sold counterfeit labels. This success of procuring trademarks for union labels was significant because it forced states to recognize trade unions as legal entities. According to Willard, 'in granting protection to union labels of associations of workingmen, the different states have recognized their right of property. . . and in doing so have legalized the status of such associations or combinations' (Willard, 1895: 157–8). Surprisingly, this was one judiciary issue where the AFL did not face immediate hostility. In fact, trade unions encountered an easier time in court than manufacturers did in terms of protecting trademarks. While 'manufacturers had a long fight before they could induce the courts to recognize their right to a trademark' the 'very first attempt on the part of the workmen to get that protection was granted' (Cohen, 1900: 377).

By the mid-1890s, the AFL started to employ the union label as a means to organize non-union workers and to direct union-earned dollars toward union-labeled products. The AFL touted the union label as the 'one practical means of universal self-protection [on] which workers can unite' (*American Federationist*, 1895: 9). Gompers claimed at the 1899 convention that:

the union label has not only been the means of organizing large numbers of non-unionists, but better than all, it has stimulated and strengthened unity and fraternity among the organized workers of the different trades and callings. (Gompers, 1920: 177)

While consumers sympathetic to the union cause, like members of the NCL, were welcome to purchase union-labeled goods (see Gompers 1896: 144), the AFL simply did not have the resources to recruit actively middle- and upper-class consumers. The AFL reasoned that these consumers were not driven by the 'desire for cheapness' because they understood that cheap goods were often

produced by child labor, exploited female workers or in unclean sweatshops (Hall, 1905: 71–2). Even Brooks recognized that reform-minded consumers would not be likely to purchase the working-class goods that displayed the union label (Brooks, 1898, 1899). John Morrison, a consultant for the AFL's Union Label Committee contacted in 1908 on how to advertise the label better, expressed this point. Morrison claimed that 'no matter how much you advertise to appeal to the general public, who are not in any way connected with the labor movement, they will not ask for the label' (1908: 630). Thus, the AFL did not need to waste its time and energy enlisting their purchasing power to support union-labeled goods. Instead, it could concentrate on mobilizing its current and potential members. 'It is to this desire,' according to John Mitchell, President of the United Mine Workers of America, 'to enlist the workingman as a consumer in support for his demand as a producer that we owe the union label' (Mitchell, 1903: 293).

While the AFL used the union label to identify its members as both workers and consumers, it also used this tactic to mobilize the purchasing power of the wives, daughters, sisters, and mothers of union workers. It became increasingly evident that the strength of the union label rested upon the cooperation of these women, who spent 'union dollars' to maintain working-class households. The AFL passed a resolution at its 1896 convention, stating that it was its members' 'duty to see that their wives and families patronized union products'. The Woman Union Label League (WULL) was established in 1899 as an educational organization to inform union wives and families on what kinds of products were made by the different trade unions. It also instructed them on what various union labels looked like and where they were located on different types of goods. WULL was promoted as a means to get union wives to understand that shopping was a collective, rather than individual, practice as these women could 'ill afford to consider individual economy or individual convenience when spending the money earned by union men' (Williamson, 1906: 171). Through participating in WULL, union wives could finally 'feel a corporate interest in the labor movement as a whole' and 'become conscious of their power as women and their influence as members of an organization'. According to Mamie Brettell, President and General Organizer of WULL, it was critical that union wives become 'enlisted in the settlement of the burning questions of our times, with which men have been struggling against fearful odds, too often without sympathy in the home' (Brettell, 1905: 276). The AFL viewed the high morals of womankind as a powerful force to

mobilize in its struggle for social justice, particularly as a way to promote the constructive attributes of the union label. According to one union member, the union label was 'peculiarly adapted to the nature of that factor which typifies the highest morality and controls the purchasing power of every community, to wit, the mistress of the household' (Macarthur, 1904: 575). Enlisting women as union-spenders could reveal the humanity of the labor movement, even though it did, as Glickman (1997: 109) correctly points out, place a large burden on working-class women to manage the household budget efficiently and to conscientiously buy union labeled goods.

The AFL advocated its union label to union members and their families as a potential substitute for the strike. The numerous injunctions that the AFL encountered made the strike a costly tactic both in terms of securing money for workers on strike and legal fees for fighting these injunctions in court. The low job security associated with the strike made it a sacrifice that many AFL members did not eagerly embrace. The union label was viewed as a powerful weapon that trade unionists could use to fight employers in the economic realm, while keeping their jobs and avoiding court injunctions. One AFL member claimed that 'the union label is powerful because it accomplishes by peaceful means, with absolute certainty and little cost, that which the strike and boycott seek to accomplish, always at great cost and sacrifice and often without apparent results' (Macarthur, 1904: 573). This view of the union label was shared by another AFL member, who argued that:

the battles of the label are won without blood. It is more powerful than strikes and picketing; and its potency as a warning to tyrannical employers surpasses a union treasury congested with surplus funds . . . No injunctions can reach it, no militia of Pinkertons dare touch it, no pen will revile it, no pulpit assail it. (Shevlin, 1904: 577)

Local trade unionists of the Denver Union Label League (DULL) also viewed the union label as safer and more economical than strikes. 'While the striker's place may be filled,' argued one DULL member, 'there is no substitute for the label' (*Denver Union Label League*, 1906).

## **BUSINESSES ORGANIZE TO FIGHT CONSUMER TACTICS**

The tactics that the AFL employed to mobilize consumers did not go unnoticed by business or the state. Indeed, contentious

relationships developed between these actors over the ways in which the AFL employed its consumer tactics. Although these relationships did not turn into violent conflicts, they did involve power struggles over the control of production and consumption. Manufacturers attacked the AFL on the publication of its 'We Don't Patronize' list, claiming that this tactic was coercive and interfered with their individual rights to produce and sell goods. They organized their own associations to try to combat this boycott tactic. The battles between business and the AFL would be resolved, not in the marketplace, but in the arena of the judiciary. For the AFL, the unfortunate result of this struggle was that its 'We Don't Patronize' list was declared unconstitutional. The AFL was forced to give up this consumer tactic and as a result made the decision to concentrate its consumer mobilizing efforts on its remaining tactic, the union label.

Business responded to the AFL's boycott tactics by organizing into associations (see Forbath, 1999). One of the first examples of this occurred in 1886 when the Brewers' Association agreed that if one of its members was subjected to a labor boycott, they would all cease selling their products. This would leave consumers without any substitute for beer on the market, which they hoped would force consumers to stand up against any beer boycott and shape consumer opinion against organized labor (Wolman, 1916: 39). The National Association of Manufacturers (NAM) was organized in 1895 to promote free trade, but as Gompers stated, 'starting in 1902 [it] began its campaign to deprive organized labor of its primary rights – the right to work or withhold their labor power . . . and the right to buy from whom they choose' (Gompers, 1920: 50). Another business organization, the American Anti-Boycott Association (AABA), was formed in 1902 as a direct result of the AFL success at mobilizing union purchasing power through its 'We Don't Patronize' list. NAM and the AABA controlled significant resources, not just in terms of money, but in terms of power through political alliances. Members of both organizations used these resources to take the AFL to court over boycotts that were destroying their businesses.

Stereotypes invoked to describe manufacturers during the Progressive era are often 'big business', 'monopolies', or 'trusts', but small and mid- sized firms also existed, struggling to survive in the marketplace. These 'proprietary capitalists' (Ernst, 1989) were untouched by the managerial revolution and were victims of big business, organized labor, and state regulations. Big

business could afford to obey government regulations and possessed the capital to either fight with, or concede to, the demands of organized labor. Small and mid-sized firms lacked the finances to do either, and the competition from big business often drove them into bankruptcy. These proprietary capitalists best characterized the majority of AABA members. Most, if not all AABA members, were particularly hostile to the AFL; they refused to unionize their shops because it meant they would be forced to surrender their 'right of managerial authority' to their employees (Ernst, 1989: 138). This refusal to recognize the right of workers to unionize made the businesses of AABA members particularly vulnerable to attacks from the AFL, who fought the AABA through its 'We Don't Patronize' list.

Interestingly, both the AABA and the AFL used a similar discourse of 'freedom' and 'individual rights' to support their respective positions on the boycott issue. According to the platform of the AABA:

The boycott must be regarded as that un-American and reprehensible practice of organized labor whereby the products of a given manufacturer or any individual are held up to denunciation, contempt, and proscription under a spirit of blackmail . . . Such a practice is foreign to principles of fair dealing and equity which we love to regard as the spirit of our nation. (Wolman, 1916: 40)

While the AABA promoted the individual rights of employers to conduct business freely, without interference from labor, the AFL paralleled this ideology through promoting the individual rights of employees to spend their money freely. Gompers declared in his 1893 testimony before the Industrial Commission that:

men have a right to do business, but this is one-half of the truth. The men with whom business is done have the right to withdraw and transfer their custom. This is the other half, which is always ignored in anti-boycott arguments . . . workmen have a right to say that they will not patronize those who are unfriendly to them and those who support their adversaries. (Gompers, 1920: 209)

The AFL challenged the AABA's position that boycotting was a 'foreign' practice, or 'un-American'. Gompers claimed that the boycott was the quintessential American tactic to fight for freedom, and compared the AFL's use of the boycott to the colonial nonimportation movement during the American

Revolution of boycotting British products. Gompers argued that 'all students of American history know that the Boston "tea party" was an American boycott against British merchants and British government' (Gompers, 1907c: 875–80). He also suggested that citizens refer to a recent book by Woodrow Wilson called *History of the American People* that discussed the patriotic impulse of the nonimportation movement, and then 'let each ask himself whether labor's boycott of to-day is unpatriotic, un-American.'

As much as the AABA asserted its members' rights to freely conduct trade and control the workforce, it eventually had to seek recourse against AFL boycotts in the state arena. Considering the AABA's ideology, the turn to state intervention was uncharacteristic of small business at the time. While many monopoly enterprises supported state regulations because they could afford to implement safety standards and economically benefited from the state incurring the responsibility of protecting consumers, small businesses with local markets suffered. Federally mandated trade regulations did not apply to intra-state commerce, only to interstate trade. Thus, only small and mid-sized firms that were able to build a nationwide market for their products could use federal trade regulations to their advantage. Interstate commerce laws were particularly significant when one AABA member, Dietrich Loewe, commenced an attack against the AFL's 'We Don't Patronize' list. This was because the list was disseminated nationally and, therefore, constituted a nationwide boycott.

Loewe, a co-founder of the AABA and owner of a hat factory in Danbury, CT, prepared a case that tested the legality of the AFL's 'We Don't Patronize' list after the United Hatters of America (UHA), an AFL affiliate, decided to issue a boycott against his products. The boycott was a result of Loewe's refusal to unionize his factories, or operate a 'closed shop'. Wages were also an issue as the UHA claimed that workers earned almost twice as much in closed shops (\$22–\$24 per week for an 8-hour day) compared to \$13 per day for 12–15-hour days in open, or non-union shops. The UHA presented the reasons for its boycott to the Executive Council of the AFL, which approved the boycott and published Loewe's firm on its 'We Don't Patronize' list. While this action would have probably been enough to incite Loewe, the fact that the AFL also asked retailers to participate in this boycott constituted nothing less than 'blackmail' to the AABA. Involving retailers meant that the AFL was not only conducting a primary boycott in which its own members were requested to withhold their patronage, but also a secondary

boycott in which individuals outside of the labor movement were asked, or in some cases prevented, from purchasing Loewe's products. The secondary boycott against Loewe was indeed coercive. A shipping clerk at Loewe's factory was employed by the AFL to report the locations of where Loewe's goods were being shipped and to what retailers. The AFL used this information to persuade personally these retailers not to conduct business with Loewe (Laidler, 1913: 152; Robertson, 2000: 112).

The AFL's ability to mobilize the purchasing power of its members was successful and the boycott on Loewe proved quite effective. Before the boycott was issued in 1901, Loewe's net profits were reported to be \$27,000; his profits decreased to \$17,000 only one year after the boycott, and fell to \$15,000 as the boycott continued into 1903. When Loewe finally filed a lawsuit against the UHA on 31 August 1903, he claimed his company had suffered a net loss of \$88,000 due to the boycott (Laidler, 1913: 152–3). Loewe argued in his lawsuit that the UHA boycott violated the Sherman Anti-Trust Act of 1890, which deemed business practices that interfered with interstate trade illegal. The Sherman Act was initially passed to protect consumers from price-fixing and other coercive practices of monopoly industries. In fact, under the Sherman Act, business combinations or trusts were considered illegal associations. According to Senator John Sherman:

the object of this bill . . . is to declare unlawful trusts and combinations in restraint of trade and production . . . This bill does not seek to cripple combinations of capital and labor, the formation of partnerships or of corporations, but only to prevent and control combinations made with a view to prevent competition, or for the restraint of trade, or to increase the profits of the producer at the cost of the consumer. (Kolko, 1963: 61–2)

The Sherman Act was rarely applied in practice towards business. In fact, it 'posed an incomparably greater threat to labor than capital' because the federal government had to bring suits against capital in order to enforce the Sherman Act, but capital or business could bring suits against labor 'without any government action at all' (Sklar, 1988: 224–5). While many people understood the AFL as a labor monopoly or trust, it was not until Loewe filed his lawsuit that the state began to consider the AFL a combination. According to Gompers, this was a ridiculous stretch of the

imagination because a trust, by definition, had to monopolize and control the production and distribution of a material product. Labor was not a material commodity, therefore the AFL should not have been considered a trust because 'there can not be a trust in something which is not yet produced' (Gompers, 1908b). Thus, in order for Loewe to win his case he had to first prove to the court that the AFL was a trust, and hence subject to the terms of the Sherman Act.

The stakes in this case, known as *Loewe v. Lawlor* or the Danbury Hatters' Case, were high for the AFL. If Loewe, with the backing of the AABA, could convince the court that the AFL was a trust and subject to the Sherman Act, it would mean more than the prohibition of its boycott tactic; it would ultimately rule the AFL an illegal organization. In effect, it would mean that under the court of law the AFL was a combination no different than for-profit business monopolies like Standard Oil. Furthermore, a winning decision for Loewe could financially damage the AFL because under Section 7 of the Sherman Act, Loewe was entitled to collect three times the amount of profits he lost due to the boycott as well as the cost of his attorney fees (Gompers, 1908b: 181; Laidler, 1913: 153–4).

Due to a number of delays, *Loewe v. Lawlor* was not heard before the Supreme Court of the United States until 13 October 1909. Between the years of 1903 and 1909, Loewe claimed that he had lost approximately \$74,000 in profits from the continued AFL boycott. This meant that including his attorney fees he was entitled to collect \$232,240 when the Supreme Court ruled in his favor. The decision by the Supreme Court in this case was unanimous – the AFL constituted a trust and its boycott against Loewe was illegal under the Sherman Act. According to this ruling, the AFL was not only prohibited from boycotting products, but also from striking, signing union contracts and, ultimately, from existing at all (Sklar, 1998: 223–4). Perhaps the most significant implication of this court decision was that labor was now understood as a commodity by the state.

The AFL would have to wait until the Clayton Act was passed in 1914 to gain exemption from the Sherman Act. From the AFL's perspective the Clayton Act was hailed to be its 'magna charta', as it asserted that labor was, in fact, not a commodity (see Gompers, 1925: 284–99; Robertson, 2000: 191–4). Daniel Davenport, the General Counsel of the AABA, stated that the Clayton Act 'makes

few changes in the existing laws relating to labor unions . . . and those are of slight practical importance' (Wolman, 1916: 9). The AABA assisted in shaping the language of the Clayton Act, and even though the AFL claimed it to be a great victory for organized labor, it still did not overturn *Loewe v. Lawlor*. The AFL was still prohibited from organizing nationwide boycotts.

NAM also challenged the AFL over the legality of its boycott practices, including the publication of its 'We Don't Patronize' list. NAM made no secret about its hostility toward organized labor, and in 1907 began a 3-year fundraising campaign to raise \$500,000 annually in its fight against unions. Weary of the financial power of NAM, the AFL referred to this money as a 'war fund' (Gompers, 1907b: 785). One of the most trenchant battles in the 'war' between NAM and the AFL arose when James Van Cleave, owner of the Buck Stove and Range Company and the President of NAM, refused to recognize union workers' demand for a shorter workday. The AFL responded by issuing a boycott against Van Cleave's products and placing the Buck Stove and Range Company on its 'We Don't Patronize' list. Van Cleave, with the organizational and financial backing of NAM, filed an injunction against the AFL for these actions. Justice Ashley Gould of the Supreme Court in the District of Columbia, granted the injunction on 18 December 1907. This injunction made it illegal for the AFL to declare 'or threaten any boycott against the compliant' or 'distribute through the mail, or in any other manner any copies . . . which . . . refer to the name of the compliant, its business, or its product in the "We Don't Patronize", or the "Unfair" list of the defendants' (Gould, 1908: 114). Refusal to abide by this injunction would be punishable by fines and prison time.

Gould's issuance of this injunction set off a series of tirades by the AFL against the judiciary system, NAM, and Van Cleave. According to the AFL, this injunction was by far the most damaging attack that it had encountered because it infringed upon two 'fundamental liberties': the freedom of speech and the freedom of the press (Gompers, 1908a: 98). Not only was the AFL silenced from 'declaring' boycotts, it was also without voice in the form of printing a boycott through its 'We Don't Patronize' list. Van Cleave claimed that the AFL was coercing its members to withdraw their patronage from his products, which the AFL denied. According to Gompers:

the members of organized labor are themselves not *obliged*

to refrain from dealing with the firms on the 'We Don't Patronize' list . . . the information is given them. There is no compulsion. They are entirely free to use their own judgement. (1908a: 102)

The AFL further denied that it had unfairly interfered with Van Cleave's business, as Justice Gould assumed. The AFL informed its members that Van Cleave was hostile to organized labor by refusing to recognize union hours and wages – a fact that Van Cleave was proud to admit. Gompers wondered why, then, Van Cleave was so opposed to his company appearing on the AFL's 'We Don't Patronize' list –

if Mr. Van Cleave's opposition to the union shop is a matter of honest and conscientious conviction we should think he would writhe in pain under an injunction which prevents the publication of the fact. (Gompers, 1908a: 101)

Indeed, if firms opposed to organized labor truly believed that the consuming public was behind their position, they should take pride when the AFL acknowledged them on its 'We Don't Patronize' list – it was the 'best possible advertisement'(Gompers, 1908a: 100).

The AFL argued that what was truly coercive was the injunction granted to Van Cleave, not its own boycott tactic. Individuals should be free to exercise the right to buy or not to buy, avowed Gompers and 'no manufacturer, no retailer, has any vested right in the purchasing power of an individual or of the community, no court can confer upon him that right' (Gompers, 1908a: 103). Before Van Cleave was granted his injunction, the AFL printed the following:

Until a law is passed making it compulsory upon labor men to buy Van Cleave's stoves we need not buy them, we won't buy them, and we will persuade other fair-minded, sympathetic friends to co-operate with us and leave the blamed things alone. 'Go to – with your injunctions.' (*American Federationist*, 1907b: 792)

Furthermore, the AFL argued that Van Cleave, and other manufacturers who claimed that union boycotts restricted free trade should be mindful of their hypocrisy of using state injunctions to protect their products – a practice that indeed interfered with interstate commerce. In other words, it was

business that infringed upon the rights of purchasers, not the union.

The Buck Stove and Range Case injunction coincided with the ruling in the Hatters' case on 3 February 1908, at which time the AFL decided to discontinue its 'We Don't Patronize' list. Gompers regretfully informed all affiliated unions that since the AFL was now subject to the Sherman Anti-Trust Act, thus liable for monetary fines and imprisonment, continuing the list was simply too perilous. He cautioned against individual trade unions publishing any boycott announcements, as 'personal willingness to bear penalty would avail to nothing in this instance to spare the other men of labor and our organization from the penalties decreed to them by the Supreme Court' (*American Federationist*, 1908: 195). While Gompers stated that the AFL had to obey the court's decision, he admitted that he felt 'most deeply that never in the history of our country has there been so serious an invasion of the rights and liberties of our people' (*American Federationist*, 1908: 195).

Considering the numerous injunctions that the AFL had faced in the past regarding the right to strike, it is important to note that it was actually the right to purchase or consume that came to define one of the most contentious relationships between organized labor, business, and the state at this point in history. Although the AFL was forced to relinquish the publication of its 'We Don't Patronize' list, this action did not impede the AFL's effort to mobilize consumers with its union label tactic. Unlike the 'We Don't Patronize' list, the union label was not considered a boycott by the state because it recommended, rather than prohibited, products for consumers to purchase. Thus, the Sherman Anti-Trust Act did not apply to the union label because it did not interfere with interstate trade in a negative manner.

After the Supreme Court's decision in *Loewe v. Lawlor* and Justice Gould's injunction in the Buck Stove and Range case, the AFL decided to strengthen its efforts to promote the union label as a mobilizing tactic. In response to the outcome of the Loewe case, James Lynch, President of the International Typographical Union, asked:

Does not this decision bring clearly to the front the value of the union label? Should it not impress on the organized workingmen of the country that through the label they have a weapon for use against their enemies and oppressors that can not be touched by lawyers or courts?

. . . I do advise that redoubled effort should be put forth for the patronage of union-labeled products. (Lynch, 1908: 166)

Thus, rather than relinquish its efforts to mobilize consumers at the point of purchase after the loss of its 'We Don't Patronize' list, the Executive Council decided to establish a Union Label Department in 1908 to more effectively mobilize the purchasing power of its constituency through the union label. By 1908, 68 of the 117 national trade unions affiliated with the AFL were using a union label, about 47 percent of the aggregate membership of the AFL (Spedden, 1910: 22).

## CONCLUSION

The AFL continued its union label campaign into the 1920s, but by the 1930s it was no longer an important component of its strategy of business unionism. As Glickman (1997: 128) rightly points out, by the 1930s there was a general cultural shift away from 'consumerism as activism' toward 'consumerism as public policy'. The beginnings of the 'second-wave consumer movement' (Cohen, 2003), coordinated by business and the federal government to enact consumer safety and protection policies, was already underway during the later years of the Progressive era. The work of the NCL provides a telling example of this transition from the first to the second wave of consumerism. The central activity of city and state consumers' leagues, organized into the NCL in 1899, was the construction of white lists and labels. However, the importance of these consumer tactics began to fade when the NCL began work to help get the Pure Food and Drug Act of 1906 passed and secure a labor law to limit the hours for female workers in the case of *Muller v. Oregon* in 1908 (Dirks, 1996; Storrs, 2000). The commitment of the NCL to public policy over its consumer tactics is best captured in its decision to end its white label campaign in 1918. According to NCL documents, it was becoming increasingly difficult to ensure that manufacturers who were awarded the label were meeting its labor standards. When the AFL initiated a strike against a Boston manufacturer who was awarded the NCL label, it became evident to the NCL that consumer tactics would be best left in the hands of organized labor and that labor laws, not individual consumers, could best regulate working conditions (NCL, 1918a, 1918b). The economic power of the consumer at

the point of purchase gradually gave way to the political power of the consumer as a citizen.

The AFL did adhere to its ideology of the economic power of the consumer longer than Progressive reform organizations like the NCL. One may surmise that this was partly a reflection of the AFL's distrust of the state and its reluctance during the time to engage in political action. However, it was also a reflection of the failure of the state to fully recognize the significance of consumption in terms other than consumer protection and safety. As Glickman (1997: 155) and Cohen (2003: 20) emphasize, this changed during the New Deal, when the state began to view consumption as a means to bring the nation out of the Great Depression. The purchasing power of the consumer became a central component of public policy during the 1930s, co-opting much of the activism that informed the working-class consumer consciousness of the Progressive era. However, as recent studies (Cohen, 2003; Frank, 1999; Friedman, 1999; Glickman, 2001, 2004) demonstrate, consumer activism in the USA did not entirely disappear after the New Deal. From the bus boycotts during the Civil Rights era to current environmental boycotts against eating Chilean sea bass, consumers have continued to exercise their economic power to try to change society.

## Notes

1. It is important to note that 'American consumer activism' existed prior to the Progressive era (see Breen, 2004; Frank, 1999; Glickman, 2004).
2. Brooks became the President of the NCL when it was established in 1899. The League created its own label, which was placed on white goods produced under fair working conditions. For more on the League see Sklar (1998). The constructive nature of the union label was not shared by all; see Nichols (1897).

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