

US LEAP

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Issue #2



Fighting for worker justice in the global economy

Obama Revival of Bush Free Trade Agenda Meets Opposition and Stalls

The Obama Administration's efforts this spring to jump-start pending Free Trade Agreements (FTAs) left over from the Bush Administration met strong resistance in May from a key congressional group opposed to a continuation of Bush trade policies. The

backlash persuaded the Administration to back off an attempt to quickly approve the Panama FTA that would have also paved the way for a quicker vote on the Colombia FTA.

In mid-April, new U.S. Trade Representative (USTR) Ron Kirk stated

that the Obama Administration wanted to push forward on the Panama agreement as well as the Colombia agreement. Anti-free trade activists, led by the Citizens Trade

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Multiple Reports Document Rise in Violence Against Trade Unionists in Guatemala

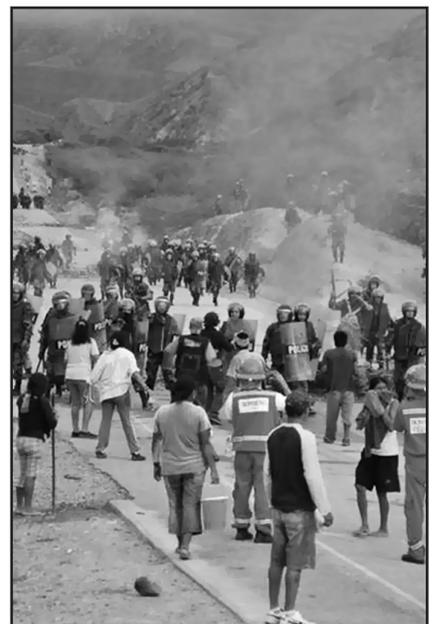
Three reports released in May and June document the rise of violence against trade unionists in Guatemala and the continuing wide-spread denial of worker rights since the passage of the Central American Free Trade Agreement (CAFTA). Among other findings, Guatemala was the second most violent country in Latin America to be a trade unionist in 2008, trailing only Colombia. Violence against trade unionists in Guatemala has surged since the passage of CAFTA.

The three reports are *The Struggle for Worker Rights in Guatemala*, released June 15, 2009 by the AFL-CIO's Solidarity Center, the International Trade Union Confederation's (ITUC) *Annual Survey of Violations of Trade Union Rights* released on June 10, and

DR-CAFTA and Worker's Rights: Moving from Paper to Practice, released in May 2009 by the Washington Office on Latin America (WOLA). (The studies are available on-line at each organization's respective website.)

The reports set the stage for a review by the Obama Administration of a worker rights complaint filed last year by the AFL-CIO and five Guatemalan trade unions. In January, the outgoing Bush Administration essentially kicked the complaint to the new administration, which is supposed to revisit it in July to assess what steps Guatemala has taken on key issues, including impunity, and, if the steps are deemed insufficient (which they are), to "escalate" pressure, using what little is provided under CAFTA.

According to the ITUC's 2008 Annual Survey, "the situation [in Guatemala] has worsened for trade unionists. *cont. on page 7*



At least 25 indigenous people were killed in early June by Peruvian armed forces breaking up a peaceful protest against new laws passed in April that opened up the Amazonian rainforest to outside investors. The laws were purportedly passed to comply with the US-Peru Free Trade Agreement that went into force earlier this year. At press time, Peru's Congress had temporarily suspended the law. (photo credit: Thomas Quiryren, Ben Powless, www.rabble.ca)

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*Some organizations listed for
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Trade Agenda Stalls

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Campaign, Public Citizen, members of the Alliance for Responsible Trade (ART, of which USLEAP is a member), the Sierra Club, and others quickly mobilized grassroots opposition to the Panama FTA.

For a few weeks, it appeared Congress would take up the Panama agreement this summer, but after a letter signed by 55 members of Congress advocating a complete renegotiation of the agreement, the Administration shelved the quick schedule. The letter demonstrated to the Obama Administration that moving the current Panama FTA forward would yield a bitter fight splitting the Democratic party at a time the Administration needs party cohesion on a host of higher priority issues, including healthcare reform.

Despite the Administration's backing down for now on Panama, USTR's clear commitment to passing both the Panama and Colombia FTAs indicates that votes are only a matter of when, not if, although a vote on the Colombia FTA does not seem likely before the end of the year. In April, the Obama Administration said it wanted to discuss "benchmarks" with the Colombian government to measuring progress on violence against trade unionists and accompanying impunity, but as of mid-June, discussions had not begun.

It is still unclear whether the Administration is considering a set of benchmarks that must be met as a precondition for a vote or, much worse, benchmarks to be met after a FTA is

approved. In any case, progress on violence and impunity are insufficient for consideration of a FTA with Colombia, where basic labor law is flawed and frequently unenforced.

Given the Administration's support, passage of the Colombia FTA is considered a virtual certainty. While USLEAP and other worker rights advocates will continue to oppose the FTA and support a new trade agenda that provides protections for workers, farmers, the environment, and consumers, the time to push for advances on violence, impunity and labor law reform in Colombia is now, prior to a FTA vote after which leverage will be sharply diminished.

The Administration has cast these pending agreements as "old business," to be cleared away before beginning work on a new trade agenda, but worker rights advocates like USLEAP and others who back a major change in trade policy are increasingly skeptical that the Obama Administration is prepared to take such steps. The political prospects for renegotiating NAFTA (the North American Free Trade Agreement) or CAFTA (the Central American Free Trade Agreement) are slim to none in the near term.

On the positive side, there are reports that the Administration is exploring a path to restore trade benefits for **Bolivia** that were suspended in the later days of the Bush Administration, ostensibly for failure to curb the drug trade but widely considered retribution against the Evo Morales government. Bolivian trade unions support restoration of the benefits under the Andean trade preference program. □

USLEAP

The U.S. Labor Education in the Americas Project is an independent non-profit organization that supports the basic rights of workers in Latin America, especially those who are employed directly or indirectly by U.S. companies. USLEAP is funded by individuals, foundations, trade unions, and religious groups. This newsletter is published four times a year. A minimum (tax-deductible) contribution of \$35 a year is requested; \$10 for students/low income.

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Banana Unions Demand Changes with Fair Trade

After a decade of unsatisfactory engagement with the organization that controls Fair Trade certification and labels in Europe and North America, Latin American banana unions have given a deadline and an ultimatum demanding progress on negotiating an agreement to long-standing concerns. Following a meeting of its executive committee in March, the Coordination of Latin American Banana Worker Unions (COLSIBA) wrote the Fair Labelling Organizations (FLO) summarizing specific and general concerns with Fair Trade certification of banana plantations and cooperatives in Latin America. FLO represents 19 Fair Trade organizations, including Transfair USA; COLSIBA represents most of the unionized banana workers in Latin America.

COLSIBA's letter proposes a negotiated agreement and asks for a response by this summer. COLSIBA noted that despite Fair Trade's avowed commitment to freedom of association, "not a single new trade union has been born as a result of FLO's [Fair Trade] initiative" since the mid-1990s. Unionized plantations typically provide higher pay and benefits than non-union plantations, while also providing their workers a voice at work.

COLSIBA simultaneously expressed opposition to an agreement signed this spring between Transfair USA and Dole to begin marketing Dole Fair Trade bananas in the U.S. Dole is currently the number one corporate campaign target for COLSIBA. The agreement was signed shortly before a lawsuit was filed against Dole alleging payments to paramilitary groups in Colombia and collaboration in assassinations of trade unionists (page 5).

The growth of Fair Trade to include bananas and other commodities produced on plantations has been highly controversial among the trade union movement and worker rights advocates, as well as within the Fair Trade movement itself. The controversy is based

on the challenges and even appropriateness of taking the original Fair Trade model that was designed for disadvantaged small-scale producers and cooperatives and applying it to large-scale producers with hired labor.

Labor concerns about Fair Trade are not limited to the banana sector: the Fair Trade certification of two flower plantations in Colombia has been denounced by Untraflores, the leading flower worker union in the country, rendering it impossible for USLEAP to support Fair Trade flowers from Colombia. In the apparel sector, an effort by Transfair USA to initiate a pilot project around Fair Trade clothing has also met stiff resistance from the global apparel union, the International Textile, Garment, and Leather Workers Federation, and anti-sweatshop groups, including USLEAP.

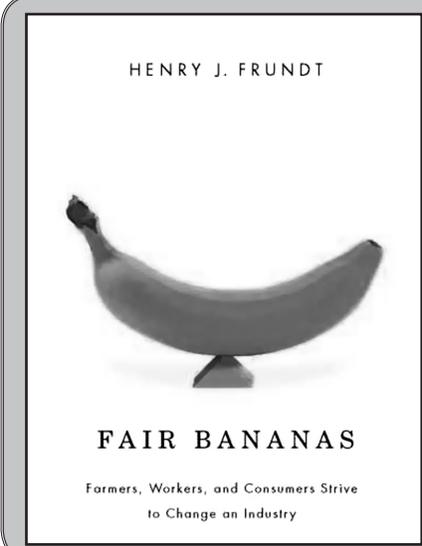
For years, trade unions and worker rights advocates have quietly engaged with FLO and its member bodies, like Transfair USA, to address union concerns and to explore a strategic alliance, as reflected in an agreement signed between COLSIBA and Transfair USA in 2005. With respect to the agricultural sector, discussions between FLO and unions at the global level have been led by the International Union of Food-

workers. However, concrete progress has been slow even as Fair Trade has expanded to new product areas.

Social certification and labels that seek to assure consumers that a product is produced under acceptable conditions of work is a growing business, with concerns not limited to the Fair Trade label.

In the agricultural sector, the chief competition for social labelling comes from Rainforest Alliance with its green frog label. While prominent in Europe for a number of years, Rainforest Alliance has begun to enter the U.S. market and currently certifies flowers for, among others, Costco. Untraflores has reviewed the list of certified flower plantations in Colombia and says that working conditions and respect for basic rights are no better than most plantations in the sector. Rainforest Alliance readily admits that its specialty is environmental issues even as it certifies more and more products as also compliant with labor standards.

USLEAP has been accompanying the labor side in the process with Fair Trade for a number of years, hopeful that a strategic alliance between Fair Trade and the labor movement can be developed to benefit both workers and small producers. Nevertheless, the lack of progress to date threatens to lead to a public confrontation that neither side seeks. □



HENRY J. FRUNDT

FAIR BANANAS

Farmers, Workers, and Consumers Strive to Change an Industry

USLEAP board member Henry Frundt, a leading U.S. academic on labor unions in Central America, has written a thoughtful book on the potential alliance between Fair Trade and banana workers, just published as *Fair Bananas! Farmers, Workers, and Consumers Strive to Change an Industry*, by the University of Arizona Press.

Flower Updates

One More Contract Won

Colombian flower workers affiliated to the independent union organization UNTRAFLORES won their fourth collective bargaining agreement in less than 24 months when the ASOPAPAGAYO union signed its first collective agreement with the company Agrícola Papagayo on April 23, 2009 after months of negotiations.

Less than a year ago, ASOPAPAGAYO (then known as SINTRAPAPAGAYO) was struggling to win official governmental recognition as a union with ongoing setbacks in their registration efforts.

In what union leaders have called a political win, ASOPAPAGAYO has achieved an agreement that includes not only increased annual raises, food subsidies and other benefits, but also retroactive pay for the benefits that were denied to union members throughout the negotiation process.

At press time, one of the four workers fired for union activity had been reinstated. The union expects the other three workers to be reinstated also. □

Brief, Successful Strike Followed by Plantation Closing

On May 6th, 2009, workers from the newly formed union SINTRAFLORES, also a member of UNTRAFLORES, went on strike because their employers had not paid their salaries or benefits. The next day, on May 7th, the companies paid workers' salaries, and workers agreed to an extended wait for the payment of their benefits.

The partial victory was short-lived. In June, the companies took steps to close. SINTRAFLORES is now seeking to negotiate fair severance pay packages for the workers who will soon be unemployed. □

A Mother's Day Tour



Amanda Camacho cuts between 350-400 flowers per hour and earns \$8/day in Colombia. A dozen flowers at a supermarket chain in the US cost \$12.99 (photo credit: Lupita Aguila)

This spring, USLEAP hosted its 2009 Mother's Day worker tour, "A Mother's Day Story," featuring Amanda Camacho, a Colombian flower worker and union leader. Ms. Camacho toured various cities in the U.S. to raise awareness about labor rights violations in the cut-flower industry, especially the excessively extended workdays in high-selling seasons like Mother's Day.

Ms. Camacho is the president of the ASOPAPAGAYO union that recently negotiated a collective bargaining agreement (see story above). A single mother of two adolescent boys, she has worked at the same flower plantation, Agrícola Papagayo, for the last 14 years. Throughout the tour, Amanda recounted her experience as a flower worker, picking and cutting 350 flowers per hour for \$8 a day, and her efforts to improve conditions by organizing a union with her coworkers.

The three-week national tour kicked off in Chicago with a speaking event at the University of Chicago, interviews with In These Times and National Public Radio's Worldview, and participa-

tion in the May Day march for immigration rights. Cleveland, Ohio was the next stop in the tour where the InterReligious Task Force on Central America (IRTF) hosted Ms. Camacho. Ms. Camacho, USLEAP Program Coordinator Lupita Aguila, and IRTF also met with Mr. Kevin Priest, president of one of the largest flower distribution centers in the country, the Cleveland Plant & Flower Company, to discuss various issues within the Colombian flower sector.

Back in Chicago, Ms. Camacho and Ms. Aguila led a panel discussion at a local coffee house with women worker leaders from the United Electrical Workers (UE) and Restaurant Opportunities United (ROC) focusing on women organizing in their workplace.

The joint tour continued to the East Coast with visits to New York City, Washington D.C. and Southern and Central Florida, coordinated by partner organizations International Labor Rights Forum, Jobs with Justice South Florida, United Food and Commercial Workers Local 1500, and SEIU Local 32BJ. □

Largest Latin American Banana Union Wins New Contract

On May 20th, SINTRAINAGRO, the National Union of Agro-industrial workers representing 17,000 banana workers in the Urabá region and Magdalena department, agreed to a collective bargaining agreement with the group of banana companies, AUGURA, owning the 296 banana plantations in the area after a 13-day strike.

The final agreement included a 8% pay increase of 2,010 Colombian pesos, or approximately \$1US more per day per worker at current exchange rates, and 125,000 Colombian pesos, or approximately \$63 US in back pay. The

companies also agreed to pay mandatory health and pension contributions and to bring up to date those they had not paid in the past, and to increase support for housing, educational and recreational programs. The union complained that the companies were initially not willing to negotiate because they wanted to shift work from permanent workers to subcontracted workers, a way of avoiding paying appropriate salaries and benefits that destabilizes workers lives and, eventually, kills the union.

An analysis by the National Unionist School (ENS), Colombia's leading

NGO on labor issues, noted that this case shows how the power of collective bargaining can share the wealth of powerful industries, such as bananas, with the workers that make their profits possible, and therefore contribute to the social development of the region (see the ENS analysis in Spanish at <http://www.viva.org.co/cajavirtual/svc0159/index%20-%20pagina%208.html>).

SINTRAINAGRO is the largest banana union in Latin America and the largest private sector union in Colombia. □

Lawsuit: Dole Funded Paramilitaries to Kill Banana Workers

In April, a wrongful death lawsuit was filed against Dole Food Co. on behalf of 73 murdered trade unionists and farmers in the banana-growing region of north Colombia accusing the company of funding paramilitaries to carry out assassinations and terror tactics in order to protect its banana operations.

The lawsuit, filed in California courts, charges that the United Self-Defense Forces of Colombia (AUC) paramilitaries received regular payments for more than a decade from Dole in exchange for "security services."

These violent services allegedly included "driving small farmers from their land to allow Dole to plant bananas; driving leftist guerillas out of the banana zones, and in the process murdering thousands of innocent people, including relatives of the 73 plaintiffs; keeping unions out of Dole's banana plantations by murdering union leaders and using terror tactics to discourage workers from joining unions or from negotiating collective bargaining agreements with Dole."

In a statement released the day after

the suit, Dole "categorically rejects the baseless allegations," stating "this lawsuit is irresponsible and the allegations are blatantly false."

Dole Food Co. is one of the top two banana companies in the world and is now the second multinational banana company sued for its alleged ties to paramilitary groups.

In 2007, Chiquita agreed to pay a fine of \$25 million for violating a 2001 U.S. law prohibiting payments to terrorist groups. □

New Action Resources for Flower Work!

We are excited to announce the addition of three vital resources to the USLEAP Flower Campaign. These resources strengthen your ability to educate the public about the struggle of flower workers in Colombia and how to take action!

"Gendered Injustice" - An educational booklet highlighting the struggle of women flower workers in Colombia. Available electronically at www.usleap.org. Hard copies available for \$5*.



"Women Flower Workers in Colombia and YOU!" - A bilingual brochure (Spanish-English) and great organizing tool. Available electronically in our online Flower Toolkit or available in bulk at \$5 for 25 copies*.

Flower Workers and Economic Justice Toolkit - Available on our website, slam-packed with actions to make a real difference in support of flower workers in Colombia! The toolkit includes a sample petition and sample letters to the flower industry and to the editor.

*Copies of our flower booklet or bilingual brochure can be purchased by calling our offices at 773.262.6502 or by sending a written request along with your payment to: USLEAP, PO Box 268-290, Chicago, IL 60626. □

More Trade Unionists Murdered in Colombia In 2008 Than Rest of World Combined

According to an annual survey released in June by the International Trade Union Confederation (ITUC), Colombia not only led the world in number of trade unionists murdered but accounted for nearly 65% of all such assassinations worldwide in 2008. *The Annual Survey of Violations of Trade Union Rights for 2008* reported that at least 76 union members were murdered worldwide last year, 49 in Colombia, a 25% increase from the 2007 level of 39.



"No more state-sponsored crimes"

The ITUC report also indicates that there has been no decrease in assassination attempts, disappearances and death threats against Colombian union members. Progress on impunity continues to be extremely limited with the resolution of a minimal number of sentences in 2008. The majority of the resolved cases have come out of a special Justice and Peace process with the demobilized paramilitaries rather than the government's regular prosecutorial and judicial process, despite the dedication of three judges and a number of special investigators assigned to cases of violence against unionists.

Unfortunately, this deadly trend continues in 2009. As of June 11, 2009, 20 Colombian unionists have reportedly been murdered so far this year. There have been more than 500 union mem-

bers murdered under President Uribe's administration. □

Yessika Hoyos Wins Rights Award; Finds Herself Under Illegal Surveillance

Shortly after being named the 2008 recipient of the AFL-CIO's George Meany-Lane Kirkland Human Rights award, Yessika Hoyos Morales learned that her office, the Lawyers Collective Jose Alvear Restrepo (CAJAR), has been subject to illegal and chilling surveillance by the DAS, the Department of Administrative Security, one of the Colombian intelligence agencies.

As reported in the Spring 2009 newsletter, Colombian President Alvaro Uribe verbally attacked Ms. Hoyos on national TV in February after she testified in Washington, DC about violence and impunity in Colombia, highlighting the case of her father who was murdered in 2001.

The first report from a deeper investigation into the reports of DAS wire-tapping shows that DAS has for years been illegally intercepting communications, gathering information, and keeping surveillance on persons and organizations the institution considers to be "enemies" of the government. One of those organizations is CAJAR, where Ms. Hoyos currently works as a lawyer and human rights defender.

The approximately 1,000-page initial DAS report on the Collective details information about its members and their activities and includes copies of legal documents. More appalling is the precise information gathered about the families and children of the members in

the Collective, including photographs of their children's schools (inside and out). This report shows that the DAS carried out this surveillance with specific intentions to disturb the work of these groups and individuals, and the phrase "How to sabotage?" appears repeatedly throughout the document.

Though clearly troubled with this situation, Ms. Hoyos was recently in Canada to testify regarding the human rights situation in Colombia as part of a group working to block the passage of a proposed Canada-Colombia Free Trade Agreement. □

Obama Aid Package Slight Improvement

In May 2009, the Obama administration's State Department released a "Summary and Highlights" document for its 2010 foreign assistance request for Colombia.

Though the administration has proposed a \$50 million cut on counternarcotics aid and increased funds for social and economic development programs, more than half of the Colombia aid package will continue to fund the Colombian Army. This does not include the additional funding that the Defense Department also allocates to Colombia.

Overall, the trends reflect a decrease of overall aid, less funding for military efforts, especially aerial fumigations, and creating a more equal balance between economic and social aid and military funding. Total funding would drop from \$540 million to \$509 million, while economic aid would increase from \$236.5 million to \$240.7 million and military aid would decrease from \$304 million to \$265 million. This somewhat better balance reflects the intense efforts by many organizations to advocate for less military funding given the Colombian armed forces' horrific history of human rights abuses. □

Maquila Updates

Pressure Mounts Against Russell Athletics' Honduran Plant Closing

Pressure is mounting on Russell Athletics to negotiate a satisfactory response with the union at its shuttered plant in Honduras as more colleges and universities terminate their licenses in response to findings that the January 30, 2009 closing was in part an anti-union decision. A campaign led by the United Students Against Sweatshops (USAS) has prompted nearly 50 colleges and universities to terminate licenses for collegiate apparel, representing a loss of millions of dollars of business for Russell, a division of Fruit of the Loom, owned by billionaire Warren Buffett's Berkshire Hathaway. Investigations by the Worker Rights Consortium (WRC) and the company-backed Fair Labor Association (FLA) found that the closing was in part motivated by anti-union retaliation.

The FLA board will review whether Russell has taken adequate remediation steps in June. The Ma-

quila Solidarity Network (MSN) and Clean Clothes Campaign (CCC) wrote the FLA board in early June noting that Russell had failed to engage in dialogue with the union, had issued a May Day letter slamming its critics and misrepresenting FLA findings, and that there is considerable evidence that Russell has failed to implement previous recommendations, that were already considered inadequate by the union that is demanding a reopening of the factory. The WRC then released two new reports in mid-June, available on the WRC website, showing that Russell has moved to institute anti-union solidarity associations at six factories and that workers interviewed at four factories say most do not believe the company provides their right to organize.

In April, USLEAP cosigned a letter with USAS, MSN, and Sweatfree Communities to a variety of Russell customers. Sears agreed to a meet-

ing with USAS to discuss the situation and JC Penney responded that it had already terminated business with Russell, for other reasons.

Elsewhere in the region, **Levi's** pulled out of a unionized plant in the **Dominican Republic**, FM1, despite objections from unions and NGOs, including USLEAP, but the union was subsequently able to negotiate a contract, albeit for a reduced workforce. **Hanesbrands** continues to be heavily criticized for several plant closings, failure to pay legally required severance, and anti-union measures in Central America while there has been some, yet inadequate improvement in labor issues at the TOS Dominicana factory in the **Dominican Republic** where the union won a contract in August 2008.

Guatemala...

continued from front page

Anti-union violence is constant, with assassinations, threats, harassment, shootings at people's homes, raids and attacks on union offices, and assaults and harassment of trade union leaders and their families." Thirty-eight labor and campesino activists have been assassinated in the past few years, with nine unionists murdered in 2008, with virtually no one arrested and prosecuted for these murders, according to the ITUC.

The AFL-CIO Report

In his foreword to the AFL-CIO's Guatemala report, AFL-CIO President John Sweeney recounted the long history of repression against workers in Guatemala and the continuing climate of violence, the need for labor law reform,

the prevalence of ethnic and gender discrimination, and child labor violations.

The AFL-CIO report (written largely by USLEAP) is an in-depth review of the obstacles Guatemalan workers face in seeking to exercise their basic rights, accompanied by a set of detailed policy recommendations to address these obstacles. The report also provides strong evidence that U.S. policy and leverage for supporting worker rights in Guatemala have weakened significantly with the passage of CAFTA.

WOLA's Findings

WOLA's three-year study on the impact of the Central America Free Trade Agreement, which also covers the Dominican Republic (DR-CAFTA), is the most comprehensive critique of worker rights in the region since CAFTA was

passed. It reveals that labor conditions in these countries have not improved and violations have not diminished despite promises by governments prior to the CAFTA vote to improve respect for labor rights and the millions of dollars subsequently invested by the U.S.

The study focuses specifically on the lack of progress in addressing repression against union leaders, illegal plant closings, gender discrimination, child labor, and impunity, and noted especially the assassination of union leaders in Guatemala. The study also found that governments have been "unable or unwilling" to approve labor law reforms. WOLA has called on the Obama Administration to renegotiate CAFTA and strengthen worker protections and to apply lessons learned from the CAFTA experience to pending agreements with Colombia and Panama. □

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Colombia Delegation Opportunity October 31—November 8

*“Solidarity Across Borders:
U.S. and Colombian Workers Resisting
Injustice and Violence”*

Travel to Colombia with Witness for Peace to meet Colombian union leaders and workers, hear about the effects of violence on workers, understand the pending U.S.-Colombia trade deal, study the political and economic roots of Colombia’s conflict, and learn about the role of U.S. policy in Colombia’s conflict. Cost: \$1,200, plus international airfare. This fee covers all food, lodging, interpreting, co-ordination, and transportation in Colombia. Application requires \$150 down-payment. Call us (Dan or Ken) for fund-raising suggestions. Application deadline: September 30, 2009. For more information please contact: Dan O’Donnell, Midwest Regional Manager, Carpenters Industrial Council, United Brotherhood of Carpenters at 920-420-5197 and dannydosplatos@yahoo.com or Ken Crowley at 202-547-6112 and ken@witnessforpeace.org

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