



Campaign to Stop Killer Coke

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Arthur Tannenbaum
Chairman
Public Affairs Committee
University Senate
New York University

Dear Mr. Tannenbaum:

Thank you for offering to pass along information to those making the decision on whether to bring Coca-Cola back to the NYU campus. Lifting the ban at NYU would, in my opinion, be an outrageous move. Any suggestion that Coca-Cola has agreed to an independent investigation is completely false and only the latest in a series of public relations scams intended to deceive college officials, students and the public.

Since March 2006, The Coca-Cola Company and its Director of Global Labor Relations, Ed Potter, have repeatedly lied about the United Nations International Labor Organization's commitment to do an investigation of Coke's past and present labor practices in Colombia, including the systematic intimidation, kidnapping, torture and murder of union leaders in efforts to crush their union, SINALTRAINAL. The basis for these allegations is well-documented in pending lawsuits filed in 2001 and 2006 charging that Coca-Cola bottlers in Colombia "contracted with or otherwise directed paramilitary security forces that utilized extreme violence and murdered, tortured, unlawfully detained or otherwise silenced trade union leaders."

In an April 10, 2006 letter to the University of Michigan, then-President of Coca-Cola North America Donald Knauss wrote: "On March 24, the ILO agreed to conduct the investigation and evaluation and is beginning the process of finalizing its scope, protocol and timing... Questions concerning the ILO investigation and evaluation should be directed to Ms. Sally Paxton, Executive Director, Social Dialogue (telephone: 011-41-22-799-6332)."

The process to which Mr. Knauss referred was "to investigate and evaluate past and present labor relations and workers rights practices of the Coca-Cola bottling operations in Colombia." But the ILO itself contradicts Coke's assertion that it is conducting such an investigation.

On April 12, 2006, the ILO's Sally Paxton told me in a telephone conversation that if the ILO did anything, it would only be an "assessment of current working conditions," not of past labor relations practices. She adamantly rejected the use of the term "investigation," adding that there wouldn't even be an "assessment" of the Atlanta-based parent company. In subsequent phone conversations with me in 2006 and 2007, high-level ILO officials confirmed her interpretation.

Even if the ILO were doing an investigation into Coke's past and present labor practices in Colombia, it could hardly be considered independent or unbiased. None other than Ed Potter himself is a longstanding member of the ILO's Applications of Conventions and Recommendations Committee. For more than 15 years, he has been the head spokesperson for the entire Employers' Group, a powerful

group within the ILO that enables him to promote the interests of big business and Coca-Cola, in particular.

It's also no secret that the ILO's very structure favors corporate interests. The ILO is made up of 28 representatives of governments, 14 from employers and 14 from labor. Labor observers and advocates who are familiar with the ILO make it clear that it's heavily skewed against workers, since most government representatives align themselves with the employers.

Consider what happened at the ILO meeting in Geneva this past June: *The Sydney (Australia) Morning Herald* (6/6/07) reported: "Employers led by a Coca-Cola executive [Ed Potter] stopped the International Labour Organisation examining violations of workplace rights in Colombia..." Potter seems to have gone out of his way to shield Colombia and Coca-Cola from any real scrutiny at a time when the Uribe government and multinational corporations, including Coca-Cola, are facing increased scrutiny for their ties to paramilitary death squads that prey on workers and their unions. Australian and U.S. labor representatives who attended the ILO Geneva conference have confirmed the accuracy of the *Morning Herald's* reporting.

The non-profit, non-partisan Center for Media and Democracy wrote on the same day: "After the International Labour Organisation included Australia on a list of 25 countries of concern for their labour standards, the Australian government lashed out. The Minister for Workplace Relations, Joe Hockey, claimed that the Australian Council of Trade Unions (ACTU) had lobbied to have Australia included at the expense of listing Colombia, where many labor officials have been assassinated.

"However, the ACTU's international officer, Alison Tate, said that while the international unions had Colombia at the top of their list, it was effectively vetoed by the representatives from the International Organisation of Employers (IOE). Tate told *The Sydney Morning Herald* that the IOE representative in the negotiations was The Coca-Cola Company's Director of Global Labour relations, Ed Potter..."

On April 10, 2007, the *Michigan Daily* reported that all the deadlines for an independent investigation in Colombia set by the University of Michigan for March 2007 were missed by The Coca-Cola Co. These deadlines could not have been met, in any case, since as of the present, no actual investigation has ever occurred.

In 2005, Mr. Potter was involved in the creation of a "Commission" consisting of representatives of major universities and prominent worker rights advocacy organizations, including the Worker Rights Consortium, that sought to develop a methodology for evaluating how or whether Coca-Cola's Colombian bottlers worked with paramilitary death squads. When the commission asserted its independence expelling Mr. Potter in order to be truly independent, Coca-Cola began backing away from the idea and creating reasons to delay and obstruct any meaningful investigation.

Finally, Mr. Potter insisted that Coke couldn't participate at all in an investigation process unless the attorneys who sued the company on behalf of SINALTRAINAL, several of its members and survivors of murdered union leaders, agreed that any evidence of Coke's abuses could not be added to their lawsuits. In a letter dated August 31, 2005, Ed Potter wrote to Glen Fichman, a campus counsel at University of California and a member of the Commission: "The parties in the litigation in U.S. court must agree in writing that no aspect of the assessment is discoverable or admissible or used in any way in the litigation."

The lawyers refused, pointing out that compliance would require them to violate the rules of legal ethics, something Mr. Potter knew. Why has Mr. Potter never asked SINALTRAINAL's lawyers to agree that any ILO findings of Coke's abuses be inadmissible in court as he demanded regarding any such findings by the Commission? What do Ed Potter and Coca-Cola know that we don't?

At least 48 colleges and universities have removed Coke products from their campuses and that list is still growing. It should be noted that in July 2006, The Coca-Cola Co. was dropped from the Broad Market Social Index (BMSI) list of "socially responsible" companies prepared by KLD Research & Analytics, an independent investment research firm that is considered a world leader in defining corporate

responsibility standards. The *Atlanta Journal-Constitution* (7/19/06) reported that “KLD based its decision on a number of issues – [including] labor and human rights in Colombia ...”

The Teachers Insurance and Annuity Assn. – College Retirement Equities Fund (TIAA-CREF) divested 1.25 million shares of Coca-Cola Co. stock and has banned further investments in the company by its \$9 billion CREF Social Choice Account, the nation’s largest socially screened fund for individual investors, because Coke does not meet TIAA-CREF’s standards as a socially responsible company. Coca-Cola Enterprises, which supplies Coca-Cola beverages to campuses throughout New York and which shares directors with The Coca-Cola Co. and Colombia’s largest bottler Coca-Cola FEMSA, was also dropped from the BMSI and the CREF Social Choice Account. Coca-Cola FEMSA is a defendant in the human rights abuse lawsuits previously cited.

Finally, Mr. Tannenbaum, I am sending you a DVD containing three videos:

Dispatches: Mark Thomas on Coca-Cola, a 48-minute documentary, was produced in England by Mark Thomas, a well-known investigative journalist, and award-winning film producer-director Sarah MacDonald. It was broadcast in prime time throughout Great Britain on November 19, 2007. It highlights Coke’s human rights and environmental abuses in Colombia and India as well as its ugly history of racial discrimination and collaboration with the Nazis during World War II. Footage taken in El Salvador shows child laborers cutting sugar cane and shows trucks taking the cane from the fields to Coke’s sugar supplier. There are interviews with Salvadoran political leaders who are familiar with and critical of Coke’s child labor and environmental abuses.

The Cost of a Coke by University of Montana student Matt Beard was released in Nov. 2007. The 20-minute documentary covers Coke’s human rights abuses in Colombia and the questionable role of a Miami judge in key cases brought against Coke.

Coca-Cola Faces Human Rights Violations is a six-minute special news feature aired on New York City’s WB11 in 2005. It emphasizes efforts within the academic community to hold Coke accountable and New York City Council Member Hiram Monserrate’s scathing comments on what his fact-finding mission to Colombia uncovered.

In the spirit of seeking justice, rather than consider returning Coke products to the campus, I would instead suggest that NYU demand some answers from NYU trustee and Coca-Cola Board of Directors member Barry Diller, who has ignored all of the issues cited in this letter.

I would welcome an opportunity to meet with you and other members of the Public Affairs Committee, or to make a presentation to the University Senate and respond to any questions.

Sincerely,

Ray Rogers
Director