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# Codes of Fair Competition: The National Recovery Act, 1933-1935, and the Women's Dress Manufacturing Industry

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# Codes of Fair Competition: The National Recovery Act, 1933-1935, and the Women's Dress Manufacturing Industry

## **Abstract**

Controversial issues prevalent in today's ready-to-wear apparel industry include the right of workers to join unions, the proliferation of sweatshops and sweatshop conditions, and design piracy. The idea of forming codes of conduct to establish criteria of ethical business practices is not new to the apparel industry. Indeed, the women's dress manufacturing industry discussed and debated codes of fair competition under the New Deal Policies of the National Recovery Act (NRA) of 1933 to 1935. Primary sources for this study included governmental hearings in the establishment of the NRA Dress Code, The New York Times, Women's Wear Daily, and the Journal of the Patent Office Society. The history of the NRA codes implemented in the U.S. women's ready-to-wear apparel industry provides an important case study highlighting the difficulties and complexities of creating and achieving industry-wide standard practices through self-regulation. The failure of the NRA demonstrates that even with the joint cooperation of industry, labor, and consumer groups and the backing of the force of law, codes of fair competition proved impossible to enforce.

## **Keywords**

apparel industry, historic clothing, codes of conduct

## **Disciplines**

American Material Culture | Fashion Business | Fashion Design

## **Comments**

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1 **Codes of Fair Competition: The National Recovery Act, 1933-1935, and the Women's Dress**  
2 **Manufacturing Industry**

3  
4 **Sara B. Marcketti<sup>1</sup>**  
5

6 Controversial issues prevalent in today's ready-to-wear apparel industry include the right  
7 of workers to join unions, the proliferation of sweatshops and sweatshop conditions, and design  
8 piracy (Ballinger, 2009; Tan, 2007; "Unions Seek Wal-Mart," 2008). To establish ethical  
9 practices in the apparel industry, codes of conduct have been created by the U.S. Department of  
10 Labor, the Fair Labor Association, and the Worldwide Responsible Apparel Production (Kunz &  
11 Garner, 2007). While these codes, which span both domestic and international borders, have  
12 improved the awareness of social responsibility, or the "practices for conducting business in  
13 which [firms] make decisions based on how their actions affect others within the marketplace"  
14 (Littrell & Dickson, 1999, p. 6), unethical business activities continue into the 21<sup>st</sup> century.

15 The idea of forming codes of conduct to establish criteria of ethical practices is not new  
16 to the apparel industry. Indeed, the women's dress manufacturing industry discussed and debated  
17 codes of fair practices and competition under the New Deal Policies of the National Recovery  
18 Act (NRA) of 1933 to 1935. An understanding of the controversial issues debated during this  
19 time and the ultimate failure of the NRA reveals the complexities of the ready-to-wear apparel  
20 industry and the often conflicting aims of industry interests in creating standard practices. The  
21 purpose of this study was to investigate the apparel industry's code making process and results  
22 during the NRA. Because little research on this topic has been published in the textiles and

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23 clothing literature, this study provides an important historical case study for better understanding  
24 the more recent industry-wide codes of fair competition.

25 To study this topic, the researcher accessed the governmental hearings on the codes  
26 discussed by apparel industry executives during the NRA. *The New York Times*, *Women's Wear*  
27 *Daily* and the *Journal of the Patent Office Society* (which discussed the establishment of the  
28 codes) were systematically searched for reference to the codes and the women's apparel industry.  
29 The databases JSTOR and America History and Life facilitated the researcher's search for  
30 relevant secondary information. Financial support was received from The Pasold Research Fund.

### 31 **The National Recovery Act and Industrial Codes of Conduct**

32 The National Industrial Recovery Act (NIRA) was passed by Congress and approved by  
33 President Franklin D. Roosevelt on June 16, 1933. It was the centerpiece of Roosevelt's first 100  
34 days in office and was a deliberate attempt to restore industrial prosperity by positive  
35 governmental intervention. Title I of the NIRA, known as the National Recovery Act (NRA),  
36 suspended antitrust laws and called for industries to create codes of industrial production in order  
37 to guard against the dangers of competition. Title II of the NIRA called for the creation of a  
38 Federal Emergency Agency for Public Works that would benefit Americans through direct  
39 government expenditure on public works projects ("National Recovery," 1935; Romasco, 1983).

40 The purposes of Title I of the NIRA were plural and related to the immediate national  
41 emergency of the Great Depression: reemployment and industrial recovery (Clark, Davis,  
42 Harrison & Mead, 1937; Taylor, 2008). The Act was touted as "a new deal for demoralized  
43 industry on a new philosophy of governmental cooperation" (Cates, 1934, p. 130). According to  
44 the Brookings Institute study, which investigated the procedures of the NRA, Washington  
45 became "the industrial as well as the political capital of the nation" (Dearing, Homan, Lorwin, &

46 Lyon, 1934, p. xi). The very heart of the program, as stated by NRA administrator General Hugh  
47 Johnson, was “the concerted action in industry *under government supervision* looking to a  
48 balanced economy as opposed to the murderous doctrine of savage and wolfish individualism,  
49 looking to dog-eat-dog and devil take the hindmost” (Brand, 1988, p. 99-100).

50         The NRA called on industries to form trade associations and negotiate and submit for  
51 government approval so-called “codes of fair practices and competition” (Galambos, 1966).  
52 Forty-three industrial groups including, but not limited to, automobile manufacturing, the lumber  
53 industry, the motion picture industry, the wholesale automotive trade, and the dress  
54 manufacturing industry participated in forming codes of conduct under the auspices of the NRA  
55 (“Codes to be Heard,” 1933; Fenning, 1934).<sup>2</sup> Industries as specialized as “pickle packers and  
56 powder makers” and manufacturers of everything “from anti-hog cholera serum to wood cased  
57 lead pencils” discussed and applied for the approval of their codes (Wilson, 1962, p. 96).

58         Industry members were instructed to work together to form consensus regarding  
59 controversial practices in the best interests of industry, labor, and consumers. The codes were  
60 expected to restrict harmful competition, raise wages and reduce hours, encourage the united  
61 action of labor and management, and eliminate “piratical methods and practices which harassed  
62 honest business and contributed to the ills of labor” (Dearing et al., 1934, p.1; Hapke, 2004).  
63 Objectives for the codes related to the goals suggested by the International Ladies’ Garment  
64 Workers’ Union (ILGWU) to help stabilize the industry (Tyler, 1995). The voluntary codes were  
65 discussed openly by spokespeople in each industry and, once approved, would be administered  
66 by the individual industries with minimal governmental control (*Hearing on the Code of Fair*  
67 *Practices and Competition*, 1933). According to General Hugh Johnson, “[The] whole thing

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<sup>2</sup> Other textiles related groups that considered codes included corset and brassieres, men’s wear, millinery, and retailers, among others. A single code for all of the apparel industry was proposed, but rejected. The cotton textile code was the first code approved by President Roosevelt on 9 July 1933.

68 simmered down to keeping the purchasing power of workers in step with the price and quantity  
69 of the things they make. Wages, prices, and production, these are the three causes of good or bad  
70 times” (“Johnson says Recovery,” 1933, p.1).

71 Government representatives stated that the initiative in preparing codes of fair conduct  
72 would be undertaken by the trade associations of each industry. It was mandated that these  
73 organizations would not create codes designed to promote monopolies or to eliminate or  
74 “oppress” small enterprises, but the creation of the codes themselves were left to the discretion of  
75 the industrial groups (“Dress Code Called,” 1933). Enforcement of the rules was assigned to  
76 each individual industry’s code authorities, supported by the Federal Trade Commission and the  
77 federal courts. Violations of provisions of the codes were to be treated as “unfair methods of  
78 competition” and violators faced misdemeanor charges and a \$500 penalty for each offense each  
79 day the violation occurred (Fenning, 1934; “Five hundred in City,” 1933). President Roosevelt  
80 was granted an open ended authority to abolish the codes at any time (Connery, 1938).

81 Beyond the elaborate code-making procedures within each industry, the NRA authorized  
82 the president to formulate a Re-Employment Agreement or “blanket code” with individual  
83 businesses. This simplified procedure avoided the time-consuming process of negotiation  
84 required for the codes for an entire industry. Individual employers pledged to abide by certain  
85 specified conditions, namely maximum hour and minimum wage provisions (a minimum wage  
86 of \$12 to \$13 a week for forty hours of work), a guarantee of the workers’ rights to organize and  
87 to join unions of their own choice, and the elimination of child labor (“Reemployment Drive,”  
88 1933; “Roosevelt gets Cloak,” 1933). Further, the president implored the nation’s managers to  
89 raise wages without increasing prices, “even at the expense of full initial profits” (Jacobs, 1999,  
90 p. 35). Employees who signed the blanket agreement were entitled to display the Blue Eagle

91 insignia of the NRA with the words, “Member N.R.A., We Do Our Part” (Figure 1). Consumers  
92 were urged by the government and by industry to patronize retailers that displayed the  
93 government-issued label, symbolizing goods produced in humane working conditions (McKellar,  
94 2002; “Miss Perkins Sews,” 1934).

95 “Insert Figure 1 About Here”

96 Theoretical underpinnings of the NRA were that increased employment and hourly wages  
97 would expand the purchasing power of wage earners. Larger payrolls in turn would circulate  
98 through the entire economic system, benefiting retailers, wholesalers, manufacturers, and  
99 producers, inducing each to take on more workers. Secondly, the positive economic effects of  
100 restricting unfair trade practices would lessen risk and encourage expanded business operations.  
101 Business reform would encourage national economic recovery (Dearing et al., 1934).

102 In reality, many industries raised prices in anticipation of the increased operating costs of  
103 conducting business under the NRA (Johnson, 1935). The Brookings Institute found that the  
104 positive incentives for business cooperation were relief from anti-trust laws, authoritative  
105 enforcement of price control measures, and release from competitive practices. In essence, the  
106 central motivating force for businesses’ willingness to cooperate with the codes was the hope of  
107 raising prices by collective action among competitors through control of the market (Lyon,  
108 Howman, Lorwin, Terborgh, Dearing, & Marshall, 1935).

### 109 **Administration of a Code**

110 The first steps in the negotiation of a code were under-taken at pre-hearing conferences  
111 between a committee and the deputy NRA administrator recruited from the industries which  
112 were to be regulated. These pre-hearing conferences provided the first opportunity of the  
113 negotiators to flesh out the different conflicts of interest. The pre-hearing conferences were

114 informal and not recorded. The public hearings were formally conducted, usually by the Deputy  
115 Administrator and were publicized through the press, trade and industrial journals, and the  
116 posting of bulletins in post offices throughout the country. Nearly all of the hearings were held in  
117 Washington and complete stenographic records were available to the public (Clark et al., 1937).

118         During the first six months of the NRA, negotiated and approved codes of fair  
119 competition encompassed the major portions of American industry and trade. By the end of three  
120 years, 578 code authorities were developed, 567 codes were approved and 201 supplementary  
121 codes covering some 22 million workers in 3 million businesses were established (“Questions  
122 and Answers,” 1935). In addition there were 2.3 million blanket codes involving another 16  
123 million workers. From beginning to end, the code making process and the resulting code  
124 authorities which were to administer and enforce the codes were dominated by trade  
125 associations, aided by the government’s deputy administrators.

126         Code making was not a simple process, and most of the conflicts which punctuated the  
127 method occurred among competing businesses within the same industries. These disputes were  
128 resolved through a bargaining procedure that put a premium on competitor size and strength.  
129 Other problems resulting from institution of the codes were the nearly 5000 petitions for  
130 exemptions which companies requested from the NRA and challenges with interpretation of the  
131 code provisions. Further, violations of the codes granted some firms advantages over rivals who  
132 continued to bear the financial burdens associated with adherence to the provisions. Efforts to  
133 enforce the codes were inherently self-defeating as these altered the program from one of  
134 voluntary cooperation to one of forced adherence (Clark et al., 1937).

135 **The Dress Manufacturing Industry during the Great Depression**

136           The Great Depression had tremendous impact upon consumption practices and the  
137 operations of the dress manufacturing industry. Although as much as 25% of the American  
138 workforce was unemployed during periods of the Depression, people continued to consume  
139 goods (Farrell-Beck & Parsons, 2007). Shopping habits changed as women of all income levels  
140 needed to maximize their clothing purchases. They achieved this through comparative shopping,  
141 evaluating similar clothing styles sold by different stores and purchasing based on price in order  
142 to get the most for their money (Barber & Lobel, 1952).

143           The increased specialization of garments available from the lowest dollar amounts to  
144 several thousand dollars meant women could shop in departments that fit their economic means  
145 and social status (Leach, 1993). Generally speaking, consumers chose to buy less-expensive  
146 clothing rather than cease buying altogether. As stated by Richards (1951), “Women accustomed  
147 to paying \$16.95 for their dresses shopped around for one at \$10.95, while the \$10.95 customer  
148 settled for a \$6.95 number” (p. 25). While the number of dresses produced by the manufacturing  
149 industry remained the same, the cost and quality of these dresses decreased significantly  
150 (Kolchin, 1933). According to published records of the U.S. Census of Manufacturers, the  
151 average wholesale value per dress decreased from \$5.39 in 1927 to \$5.11 in 1929 to \$3.74 in  
152 1931 to \$2.60 in 1933 to \$2.95 in 1935 and to \$2.62 in 1937 (Drake & Glaser, 1942).

153           The 50% reduction in ten years from dresses wholesaling at \$5.39 to \$2.62 caused a  
154 fundamental shift in the competitive relationship of the industry. The demand for inexpensive  
155 dresses was strong, stimulating manufacturers to produce increasingly lower-cost creations.  
156 According to a report of the ILGWU, this had a demoralizing influence upon the entirety of the  
157 garment business, “The crisis...has practically revolutionized the main lines of dress merchandise

158 to meet a growing demand for cheaper garments...The production slogan in the New York dress  
159 industry has now become not quality but cheapness" ("Dress Trade's Growth," 1932).

160 One of the ways in which manufacturers achieved lower prices was through the  
161 contracting system. This method of production proliferated during the 1930s due to the  
162 efficiencies of smaller economies of scale. Contractors were more able than large companies to  
163 respond quickly to fashion and price changes. As opposed to inside shops in which dresses were  
164 manufactured from fabric to sewn-garments in one factory location, contractors or sub-  
165 manufacturers created clothing out of materials consigned to them by the manufacturer. The  
166 manufacturers often supplied designs, piece goods, materials, and credit. The contractors rented  
167 factory space and machinery, found and hired a labor force, and directed the production process.  
168 The garments were then distributed by jobbers to the retailers (Meiklejohn, 1938). Because  
169 fluctuations in fashion were so great and occurred so quickly, many manufacturers and retailers  
170 were reluctant to assume the risk of purchasing materials and stock long in advance of actual  
171 production or the start of a season. Due to this, on average, the manufacturing workshops, as  
172 distinct from the designing rooms, were busy only 30 to 32 full weeks of the year (Larson, 1963).

173 To achieve the lowest costs possible and receive agreements for work, contractors bid  
174 minimal amounts, competing solely on the basis of labor costs. Manufacturers paid contractors  
175 by the piece. Contractors deducted dollar amounts for employees' use of sewing machines,  
176 needles, and threads from workers' pay. In the period 1929 to 1933, the average per capita  
177 weekly earnings in all of the manufacturing industry ranged from \$17 to \$27 (Wolman, 1935). In  
178 the apparel industry, many unskilled employees worked 60 to 70 hours a week for \$1 to \$3  
179 (Richards, 1951). In addition to long hours and low wages, workers often contended with unsafe  
180 and unsanitary conditions (Richards, 1951). David Dabinsky, labor leader and ILGWU

181 President, stated the contracting system was “a chain of exploitation” in which contractors  
182 “hack[ed] away at the wages and conditions of the workers” (Dubinsky & Raskin, 1977, p. 123).  
183 Dubinsky described the shift from inside shops to outside shops “from just being miserable to  
184 being in hell” (Dubinsky & Raskin, 1977, p. 122). Labor supporters maintained the system was  
185 “sick” and “parasitic” and that “employees paid the bill for the chaos of the industry” (*Hearing*  
186 *on the Code*, 1933, p. 83).

187         Due to the nature of the apparel industry, manufacturers often used multiple sub-  
188 manufacturers to create one style of dress. Some of the larger manufacturers required the  
189 services of 25 to 30 contractors to maintain production levels (Richards, 1951). Manufacturers  
190 often used multiple contractors to eliminate the possibility of total, sudden work stoppages.  
191 Strikes within the industry were commonplace even during the Depression (“Seventy Strikers,”  
192 1933; “Sixty Thousand Quit,” 1933; “Garment Workers,” 1933; “General Johnson Ends,” 1934).

193         Explaining the necessity of the strikes, Grover Whalen, chairman of the New York City  
194 NRA and “honorary member” of the apparel profession, stated, “...the periods of recovery from  
195 depressions have always brought with them struggles between capital and labor, with labor  
196 seeking by strikes to regain ground in wages, hours, and working conditions lost during the  
197 period of depression” (“Whalen Reports,” 1933, p. 26). Strikes were used during the 1930s by  
198 labor supporters to “uplift the unbelievably low sweatshop standards” in the industry (“Strikes  
199 are Voted,” 1933, p. 8). According to Dubinsky, the strikes helped in “civilizing our industry”  
200 and ensured greater respect for labor (Barbash, 1968, p.102; Parmet, 2005).

201         In the 1930s, the dress industry was highly concentrated in and around New York City,  
202 with about 73% of the dress manufacturing establishments in New York employing over 50% of  
203 workers and producing 76% of the total value of goods produced (Drake & Glaser, 1942). The

204 predominance of New York as a leading style center was largely due to the adequate supply of  
205 skilled and unskilled labor, transportation facilities, and the proximity to fabric markets.  
206 According to some reports, contractors produced 80 to 85% of all dresses manufactured in the  
207 New York area (“Howard,” 1933; Trowbridge, 1936).

208 Partly due to the contracting system, coupled with the cutthroat nature and seasonality of  
209 the business, the apparel industry was besieged with bankruptcies. Studies undertaken by the  
210 New York Dress Joint Board of the Dress and Waist Makers Union revealed that 83% of  
211 businesses formed in 1925 were discontinued by 1933. Further, while customarily about 20% of  
212 apparel firms went out of business annually, this percentage doubled in 1932 (Richards, 1951;  
213 Tepere, 1937). Workers themselves had little security, as employer bankruptcies disrupted  
214 employment (Dubinsky & Raskin, 1977). In describing the dress industry in 1933, C. Robbins, a  
215 dress manufacturer stated, “The dress industry is troubled by an utter absence of security or ease  
216 of mind. Every man in it has had a justifiable fear...as to what dire developments the next  
217 month or week or day might bring forth” (“Plan Organization,” 1933, p. 35).

#### 218 **Formulation of the Dress Manufacturing Industry Code of Conduct**

219 It was within these conditions that the women’s dress manufacturing industry discussed  
220 and debated codes of fair practice and competition, negotiating specific terms acceptable to the  
221 diverse business groups. The initial code hearings focused on the overall structure of the  
222 industry, namely the relationship between manufacturers and contractors. Specific problems such  
223 as design piracy were discussed at the hearings, but industry members failed to reach consensus  
224 to include these provisions into the code submitted to the president (*Hearing on the Code*, 1933).

225 As defined in the NRA dress manufacturing code, the dress industry included the sale of  
226 women’s, misses’, and junior’s dresses and dressmaker ensembles, with the exclusion of cotton

227 house dresses (Gill, 1935).<sup>3</sup> The concentration of the major branches of the apparel industry in  
228 the New York metropolitan area gave this region preponderant majority on the code.  
229 Negotiations on the provisions to be contained in the dress code were commenced immediately  
230 following the passage of the NIRA. The first public hearing was held August 23, 1933 with  
231 subsequent amendment hearings in March, October, November and December 1934 and  
232 February 1935 (Trowbridge, 1936).

233 Earl Dean Howard, Professor of Economics at Northwestern University was selected by  
234 NRA Administrator General Johnson to bring together the diverse groups of the wearing apparel  
235 industry to discuss the codes under the NRA ("Johnson Aide Asks," 1933). In an address to the  
236 Association of Dress Manufacturers, Professor Howard stressed the necessity of creating  
237 straightforward codes "to quickly beat this depression" ("To Seek Clothing," 1933, p. 37).  
238 Members of the steering committee to frame the code for the women's wear group included  
239 Howard, General Johnson, David Dubinsky - the Labor Advisory Board representative, a  
240 representative of the Industrial Advisory Board, and representatives from the Consumer  
241 Advisory Board and Legal Division of the NRA (*Hearing on the Code*, 1933).<sup>4</sup> Presenters at the  
242 hearings included presidents, chairmen, and representatives from small, medium, and large firms  
243 from around the nation, most notably, representatives from the National Dress Manufacturers'  
244 Association (NDMA), Industrial Council of Cloak, Suit, and Skirt Manufacturers, and Fashion  
245 Originators' Guild of America (FOGA) (Call, 1933; "Garment Leaders Draft," 1933).

246 Because the codes were to be instituted by trade groups of each industry, the NDMA was  
247 created to form a single, representative organization "to foster the stability of the industry and to

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<sup>3</sup> Cotton house dress manufacturers successfully fought to have their own code. This was largely because of the cotton house dress manufacturers' reliance on less fashion-forward garments ("Fight Dress Code," 1935).

<sup>4</sup> The apparel industry was unique in having members of both labor and consumer groups-less than 10% of code authorities included labor members and less than 2% incorporated consumer representatives (Hawley, 1966).

248 give to this trade an authoritative voice in the formulation and operation of economic  
249 reconstruction” (“For Organization,” 1933, p. 26). The group was comprised of 650  
250 manufacturers and wholesalers, responsible for more than 80 percent of the dress output of the  
251 New York market (“The National,” 1935). The NDMA emerged as the chief proponent of the  
252 trade practice provisions (Call, 1933). Despite the large number of companies represented by the  
253 national group, members of the Popular Price Dress Manufacturers Association argued that they,  
254 the lower-end manufacturers, were not adequately represented (“Popular Price,” 1935).

255         Some within the apparel industry stressed the importance of the codes, stating that the  
256 partnership with government “would act as ladders on which crippled business could climb out  
257 of the bag which it is holding” (“Says NRA Realized,” 1934, p. 8). Sylvan Gotshal, counsel to  
258 the NDMA, stated the NRA was a revolution and “a power of peace, which is going to mean  
259 prosperity for this industry for many years to come” (*Hearing on the Code*, 1933, p. 20). Percy  
260 Straus, President of R. H. Macy & Co., Inc stressed the momentous importance of the NRA in an  
261 address to the National Retail Dry Goods Association (NRDGA).

262         [On the] uncharted sea in which we are now sailing, we must steer between the rocks of  
263 inflation, the shoals of higher prices, and the breakers of unsettled foreign exchange. All  
264 must quickly realize the implications of the NRA and its possibilities for overcoming  
265 most of the difficulties that stand in the way of the return of prosperity... There is urgent  
266 need for whole-hearted cooperation by large and small businesses if industrial recovery is  
267 to be achieved. We are at war against depression. There is no place for slacker industry  
268 (“Text of Percy,” 1933, p. 8).

269 In discussing the necessity of the New Deal policies’ attempts to “make capitalism work in terms  
270 of industrial democracy,” Dubinsky stated, “nobody but a lunatic could believe in a system-or

271 rather a lack of system-that produces violent business cycles, mass unemployment and misery for  
272 millions of people” (Stolberg, 1944, p. 198).

273

274

### 275 **Results of the Code Making Process**

276         The agreed-upon code, variously called a “treaty of peace” and a “document of fair play,”  
277 was based on a previous agreement between the NDMA, the ILGWU, and the Joint Board of  
278 Dress and Waist Makers Unions of Greater New York (“Dress Code Put Forward,” 1933). It was  
279 to provide an opportunity to “control” and eliminate “some of the most destructive aspects of  
280 competition” in the apparel industry (Dubinsky & Raskin, 1977, p. 125). By putting into place  
281 rules and restrictions, enforceable by the federal government, the playing field would be leveled  
282 for manufacturers. It was argued that with trade practices standardized, competition could be  
283 predicated upon knowledge, skill, and experiences, rather than cheapness of production (Lasher,  
284 1933). This standardization would reinvigorate employment and strengthen the impaired  
285 purchasing power of the public (Barbash, 1968).

286         While agreements between employers and union organizations were formulated before  
287 the NRA, the dress industry code became the force of law when it was authorized and made  
288 effective by President Roosevelt on November 13, 1933 (Dubinsky, 1933). In an industry with a  
289 myriad of differences, ambitions, and personalities, the code was a compromise resulting in one  
290 basic and generic law (Lasher, 1933).

291         The code provided provisions for the length of the work week and wage scale for  
292 employees, the registration of contractors by manufacturers, and other labor and trade practices.

293 It divided the major production centers into the five boroughs of New York City; the Eastern

294 Metropolitan area encompassing Philadelphia, Boston, and Baltimore; the Eastern area including  
295 the New England States, New York State, Pennsylvania, New Jersey, Delaware, and Maryland;  
296 and the Western area including all regions not previously mentioned. The regions maintained  
297 specified wage scales; all outside of the New York City area were paid not less than 85 to 90%  
298 of the minimum wages established in the City.<sup>5</sup> Employees were to receive the minimum  
299 compensation regardless of time or piece rate ("Text of Code," 1933). Those employees  
300 manufacturing garments could not work more than 35 hours in any five-day work week. Other  
301 employees, including salesman and designers, could not work more than 40-hour weeks; an  
302 exception of six weeks in any one season was granted, provided that the employer paid an  
303 overtime rate of one and a half times the normal wage ("Text of Code," 1933).

304         Manufacturers were ordered to pay contractors such a rate so that they could pay their  
305 employees the wages and earnings provided in the code's wage scale and cover their own  
306 overhead expenses. Contractors were no longer able to undersell fellow sub-manufacturers by  
307 lowering labor costs. Manufacturers were also to designate and register with the NRA the  
308 number of contractors that they would use to meet their business requirements ("Text of Code,"  
309 1933). This was to avoid the cut-throat competition stimulated by manufacturers forcing  
310 contractors into bidding wars at the expense of labor (Zahn, 1933).

311         The code provided for other labor and trade standards. No person under the age of 16  
312 could be employed in the dress manufacturing industry. Employees had the right to organize and  
313 bargain collectively, free from the interference or coercion of their employers. No work was to  
314 be carried out in tenement homes, basements, or unsanitary or unsafe buildings. Trade practices  
315 included provisions for the returning of merchandise and selling practices. Manufacturers were

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<sup>5</sup> The minimum wage scale for a full week's work: cutters \$45, sample-makers \$30, drapers \$27, examiners \$21, and cleaners and pinkers \$15. Un-skilled workers were to be paid a minimum of \$14 a week ("Text of Code," 1933).

316 called upon to sell under uniform terms including standard 8% end of month discounts. This  
317 stipulation forbade secret rebates, refunds, and allowances to retailers. Further, only defective or  
318 delayed merchandise could be returned to manufacturers, preventing retailers from returning  
319 garments that were no longer saleable due to shifting consumer demands. To indicate to  
320 consumers that garments were created according to the requirements of the code, garments were  
321 to bear the NRA Blue Eagle insignia and label (“Text of Code,” 1933). Provisions such as the  
322 abolition of all forms of discrimination and “jim-crowism” (or the systematic practice of  
323 discrimination and segregation of African Americans) were discussed, but not included in the  
324 final code presented to and approved by the president (*Hearing on the Code*, 1933, p. 367).

325         To administer and enforce the provisions of the code, the Dress Code Authority was  
326 created. It was comprised of sixteen individuals with representatives from the NDMA, the  
327 United Association of Dress Manufacturers, Inc., the ILGWU, and members from the eastern  
328 metropolitan area and the western region. Financing for the operation of the code was  
329 apportioned to the apparel industry and paid for by NRA label fees purchased by companies. The  
330 price of the labels ranged from \$8.00 per thousand for the city of New York to \$10.00 per  
331 thousand beyond city boundaries; the higher price outside of the city defrayed additional  
332 administrative costs (*Hearing on the dress manufacturing industry: Amendment Proposal*, 1934).

333         As published in *Women’s Wear Daily*, many individuals stated pleasure with the passage  
334 of the NRA code. It was believed that with unfair competition curbed, manufacturers would have  
335 more time to concentrate on the development of the aesthetic elements and the promotion of their  
336 products, rather than cost-cutting measures (Rentner, 1933; “Zahn Predicts,” 1933). Companies  
337 that had been paying living wages to workers and maintaining high conditions in their factories  
338 would no longer be penalized by cut-throat competition (“Leveling,” 1933). According to

339 Dubinsky, the minimum wage, “would not only check the merciless competition” of the  
340 sweatshop employer but also “protect the better paid, organized worker from the demoralization  
341 of wage-scales emanating from the sub-standard shop” (Parmet, 2005, p. 85). The restriction of  
342 total work week hours was said to give designers, in particular, more leisure time to think; before  
343 the adoption of the code, the apparel industry was so concerned with “speed, speed, speed” and  
344 “chasing money” that it was believed that the forced “downtime” would encourage creative  
345 talent (“Urges Aid,” 1933, p. 2). The NDMA viewed the code as a “declaration of independence  
346 from unfair competition” (Lasher, 1933, p.1).

347         After approval, ideas to expand the original code were suggested. While the more  
348 pressing problems of wages and the limitations of hours were decided in the code, other  
349 problems such as design piracy were noticeably absent. In the article, “Big Bad Wolf ‘Style  
350 Piracy’ Has Little to Fear in Apparel Codes,” Crawford, prominent *Women’s Wear Daily* writer  
351 and editor, wondered, “If the apparel industry wants design protection or just wants to talk about  
352 it...unless regulation, supervision, and penalties are provided, the recovery act will have passed  
353 into history without the slightest benefit to the fundamental development of the apparel  
354 industries” (1933).<sup>6</sup> Additional ideas submitted by the Dress Code Authority to the NRA  
355 included the barring of false advertising (*Hearing: Modification*, 1934).

356         Not everyone in the dress industry was pleased with the code. In amendment hearings,  
357 modification proposals, and the popular press, industry members suggested changes to  
358 everything approved in the original code, from the smallest details of end of month discounting  
359 to the larger matter of the geographical divisions of the industry (*Hearing: Amendment*, 1934).  
360 Maurice Rentner, chairman of the FOGA and a frequent speaker at the hearings, argued that

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<sup>6</sup> See Marcketti and Parsons (2006) for analysis of the arguments for regulating design piracy during the NRA.

361 work-week restrictions were unfair to fashion “creators” as they could not be bound by hard and  
362 fixed hours of labor. Rentner continued that the restricted work week and limit on overtime  
363 “throttled creative activity and resulted in a disastrous impairment of the orderly functioning of a  
364 quality apparel manufacturing business” (Rentner Urges,” 1933, p.11).

365         Some argued that it was incredibly difficult to enforce the work week standards in an  
366 industry that included a large piece work system, in which workers were paid by the garment that  
367 they sewed, rather than their weekly schedules. The wage scale also forced some manufacturers  
368 to increase their prices, therefore providing advantage to larger companies that were able to  
369 absorb higher production costs (“Leveling,” 1933). Strikes based on misunderstandings and  
370 misuses of the recovery act were commonplace and caused great antagonism between employers,  
371 workers, and labor unions (“Four Thousand,” 1935; “Garment Industry,” 1935; “Peace Parleys,”  
372 1934). Ultimately, the only changes to the original code approved by President Roosevelt were  
373 the allowance of the Code Authority to incorporate in any state of the United States and the  
374 prohibition of bribery to gain trade secrets (*Amendment to code of fair competition*, 1934).

375         Besides specific problems with code rules, the simple act of enforcement was nearly  
376 impossible in an industry as large and diverse as the women’s ready-to-wear manufacturing  
377 business. The codes were intended to be regulated by the industries in which they were  
378 developed, yet enforcement was lax and violations flagrant (“Industry Must Regulate Self,”  
379 1933). Byres Gitchell, chairman of the Dress Code Authority, cited the lack of adequate  
380 recordkeeping by individual dress manufacturers as a handicap in the enforcement of the  
381 standards (“Says Lack of Records,” 1935). The lack of uniformity among codes in all textiles  
382 and apparel organizations caused further damage to success in the women’s dress industry. For  
383 instance, the cotton garment trade codes, among others, overlapped but did not uniformly

384 conform to the dress code. This negatively impacted on the number and volume of dresses  
385 created and the possible number of workers employed (“Greater Code Flexibility,” 1935).

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### 388 **The End of the N.I.R.A. and the Codes**

389         On May 26, 1935, the Supreme Court unanimously ruled in *Schechter Poultry V. U.S.* that  
390 the NIRA was unconstitutional; Congress had overstepped its constitutional authority by  
391 improperly delegating power to the President to approve codes of conduct and give them the  
392 force of law. Further, the Federal Government had no power to regulate hours and wages in  
393 transactions affecting interstate commerce (“Code-making Authority,” 1935; “Justices Cardozo,”  
394 1935; “NRA Remnants,” 1935). The experiment in fostering economic recovery through  
395 industrial self-government was decisively ended. Roosevelt claimed the NRA was economically  
396 and socially successful in that it employed four million workers, added about \$3,000,000,000 to  
397 the annual purchasing power of working people, eliminated child labor and sweatshops, and  
398 inaugurated a “pattern of a new order of industrial regulations” (*The New York Times*, 1935, p.  
399 2). The Brookings Institute took issue with Roosevelt’s claims and estimated that only 500,000  
400 were added to the employed work force (Dearing, et al., 1934). They argued that increased  
401 employment was achieved primarily because employed workers reduced their hours and received  
402 less pay in order to provide work for the unemployed.

403         Immediately following the court’s decision, those within the apparel industry discussed  
404 finding a way to make the codes constitutional or to continue self-regulation in the spirit of the  
405 codes but without government supervision (“First of Bills,” 1935; Fraser, 1991; “NRA begins,”  
406 1935; “Richberg would extend,” 1935; “Voluntary NRA,” 1935). The NRDGA, the NDMA, the

407 ILGWU, and various medium to large size individual companies stated in *Women's Wear Daily*  
408 and *The New York Times* that they would continue to conduct business under the fair trade  
409 provisions of the code (figure 2) (“Business to Fight,” 1935; Call, 1935a; “Dress Association  
410 Move,” 1935; “Industry Moves,” 1935; “Industries Speed NRA,” 1935). Echoing sentiments of  
411 dress trade leaders, Emil Rieve, President of the American Federation of Hosiery Workers,  
412 issued a blanket order stating, “We will close down the entire industry if need be in order to  
413 maintain wages, hours, and conditions of work” (“Garment Industry,” 1935, p. 17). Mortimer  
414 Lanzit, Executive Director of the NDMA, even suggested replacing the former NRA insignia  
415 that signified humane production standards with a nationwide “Buy-by-label” campaign, with  
416 garments carrying a “consumer protection label” (“Labor Label Drive,” 1935).

417 “Insert Figure 2 About Here”

418 Despite these enthusiastic endorsements, some industry members were not angry or upset  
419 about the discontinuation of the NRA. Some manufacturers felt that the codes were too stringent  
420 and impossible to enforce (Zelomek, 1935). The high wages and production costs resulting from  
421 the regulations of the NRA meant that few firms experienced profits (Call, 1935b). Many  
422 believed that the NRA supported big business at the expense of small companies, which suffered  
423 under the strict rules of the codes. The elimination of the codes allowed for greater latitude in  
424 wage schedules and hours, and manufacturers and contractors could once again compete on price  
425 (“Darrow Denounces,” 1935). Some retailers even argued that the code restrictions took “all of  
426 the sport out of the industry” because buyers could not “haggle with manufacturers” over  
427 discounts (“Codes a Bulwart, 1935, p. 2).

428 Even before the *Schechter* decision, the large number of amendments and protestations  
429 against the women’s apparel industry codes indicated how unwieldy and ultimately

430 unenforceable the codes of conduct were. No longer backed by the power of government, the  
431 apparel industry continued to endure the economic and business practices which gave rise to the  
432 NRA. The apparel industry slipped back to the methods of production which favored lower labor  
433 costs, rather than quality of production (“Garment Industry,” 1935; Richards, 1951).

#### 434 **Conclusions**

435         While the NRA may be viewed as a failure, the codes ultimately ushered in great changes  
436 in the apparel industry. Legislation succeeding the Blue Eagle supported many of the NRA’s  
437 more tangible ideas. The 1935 National Labor Relations Act declared employees had the right to  
438 organize and bargain collectively, and the 1938 Fair Labor Standards Act standardized a  
439 minimum wage (Fitzpatrick, 2009). Further, the NRA contributed to the revival of the union.  
440 According to Dubinsky, in 1932 the ILGWU was an organization of “inactivity, pessimism, and  
441 apathy, bankrupt in every respect, financially, morally, [and] organizationally” (Parmet, 2005, p.  
442 82). During Roosevelt’s presidency and under Dubinsky’s dynamic leadership, the ILGWU more  
443 than quadrupled in membership and gained unprecedented importance and power (Eisner, 1969).  
444 As stated by Dubinsky, “because of the NRA we are not hated any more. The word ‘union’ is not  
445 a curse. The government said that labor has a right to organize” (Parmet, 2005, p. 101).

446         Some other ideas supported by the dress manufacturing industry during the NRA, such as  
447 a label to promote humane working conditions, were adapted by the ILGWU label campaign of  
448 1959 to 1975 (Ulrich, 1995). Led by Dubinsky until 1966, the ILGWU used advertisements in  
449 newspapers, magazines, pamphlets, films, and other media to ask retailers and consumers to  
450 purchase union-made American apparel (Ulrich, 1995). The ILGWU also participated in the  
451 1984 creation of the Crafted with Pride in U.S.A. Council, a group that marketed textiles and  
452 apparel made in the United States through television ads, newsletters, and clothing labels and

453 hangtags (Burns & Bryant, 2002). Although these later campaigns were focused on promoting  
454 American union-made clothing in an increasingly global environment, the underlying concepts  
455 of encouraging fair labor and business practices were similar to the ideas of the dress  
456 manufacturing codes created under the NRA.

457         In the 1990s, organizations such as the American Apparel and Footwear Association and  
458 the American Apparel Manufacturers Association implemented industry-wide, global codes of  
459 conduct (Wolfe & Dickson, 2002). By this time, the American apparel industry faced increased  
460 and intense global competition from overseas imports. Facing diminished membership, the  
461 ILGWU merged with the Amalgamated Clothing and Textile Workers' Union to form the Union  
462 of Needletrades, Industrial and Textile Employees (UNITE!). In the 2000s, UNITE! launched  
463 Global Justice for Garment Workers and Behind the Label - campaigns that continue the  
464 traditions and ideals of the ILGWU to provide support for the worker (Vance & Paik, 2006).

465         Despite these and other attempts to form codes of fair business practices, abuses  
466 including child labor, specifically in developing countries, violation of wage and safety laws,  
467 design piracy, and sweatshop conditions remain unresolved even into the 21<sup>st</sup> century (Kunz &  
468 Garner, 2007). The history of the NRA codes implemented in the United States women's ready-  
469 to-wear apparel industry provides an important early case study highlighting the difficulties and  
470 complexities of creating and achieving industry-wide standard practices through self-regulation.  
471 The failure of the NRA demonstrates that even with the joint cooperation of industry, labor, and  
472 consumer groups and the backing of the force of law, codes of fair competition proved difficult  
473 to enforce. To broaden our understanding of apparel manufacturing, future researchers may  
474 explore the similarities and differences in the various codes of fair competition created by the  
475 diverse branches of the garment industry.

476

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